

(iii) Affect the authority of the Department to take any action against a responsible person concerning previously undiscovered contamination at an eligible property after a no further requirements notice has been issued by the Department; or

(iv) Affect the authority of the Department to require additional cleanup for future activities at the site that result in contamination by hazardous substances.

(4) THE NO FURTHER REQUIREMENTS NOTICE SHALL PROVIDE THE SAME LIABILITY PROTECTIONS AS PROVIDED IN § 7-513(B)(3) AND (4) OF THIS SUBTITLE.

(5) THE PARTICIPANT AND ANY SUCCESSORS IN INTEREST IN A PROPERTY SUBJECT TO A NO FURTHER REQUIREMENTS NOTICE SHALL CONTINUE TO BE PROTECTED FROM LIABILITY IN THE EVENT OF ANY VIOLATION OF THE CONDITIONS PLACED ON THE USE OF THE PROPERTY, PROVIDED THAT THE PARTICIPANT AND ANY SUCCESSORS IN INTEREST DID NOT CAUSE OR CONTRIBUTE TO THE VIOLATION.

[(c)] (F) (1) The Department shall deny an application if:

(i) The applicant is not an eligible applicant;

(ii) The property is not an eligible property; or

(iii) The property was initially contaminated by a release of hazardous substances after October 1, 1997 unless:

1. The property is acquired by an inculpable person; or

2. The contamination was caused by an act of God.

(2) For the purposes of paragraph (1) (iii) of this subsection, any property identified in the Comprehensive Environmental Response, Compensation, and Liability Information System in accordance with the federal act as of October 1, 1997 is presumed to have been initially contaminated on or before October 1, 1997.

[(d)] (1) If the direct costs of review of the application and administration and oversight of the response action plan exceed the application fee, the Department shall require an applicant or participant to pay to the Department the additional costs incurred by the Department.

(2) If the direct costs of review of the application and administration and oversight of the response action plan are less than the application fee, the Department shall refund to the applicant or participant the difference between the costs incurred and the application fee.

(e)] (G) (1) Within 30 days after receiving notification of approval of an application, a participant shall inform the Department in writing whether the participant intends to proceed or withdraw from the Program.