

(iii) Subject to a controlled hazardous substances permit issued in accordance with Title 7 of this article:

(3) (I) "ELIGIBLE PROPERTY" ~~MAY INCLUDE~~ INCLUDES A SITE UNDER ACTIVE ENFORCEMENT IF:

1. ALL APPLICATIONS FILED IN CONNECTION WITH THE PROPERTY ARE FILED BY INCULPABLE PERSONS; AND

2. ANY RESPONSE ACTION PLAN AND CLEANUP CRITERIA APPROVED BY THE DEPARTMENT UNDER THIS SUBTITLE ~~ARE IS~~ IS AT LEAST AS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT AS THE REQUIREMENTS OF ANY OUTSTANDING ACTIVE ENFORCEMENT ACTION.

(II) "Eligible property" includes sites listed on the Comprehensive Environmental Response, Compensation, and Liability Information System.

(j) (1) "Inculpable person" means a person who:

(i) Has no prior or current ownership interest in an eligible property at the time of application to participate in the Voluntary Cleanup Program; and

(ii) Has not caused or contributed to contamination at the eligible property at the time of application to participate in the Voluntary Cleanup Program.

(2) "Inculpable person" includes:

(I) [a] A successor in interest in an eligible property acquired from an inculpable person, as defined in paragraph (1) of this subsection, if the successor in interest does not have a prior ownership interest in the eligible property and, other than by virtue of ownership of the eligible property, is not otherwise a responsible person at the eligible property; AND

(II) NOTWITHSTANDING PARAGRAPH (1)(I) OF THIS SUBSECTION, A PERSON WHO IS NOT CONSIDERED A RESPONSIBLE PERSON UNDER § 7-201(X)(2) OF THIS TITLE.

7-505.

(a) (1) If the Department approves ~~an applicant's~~ A PERSON'S status as an inculpable person under § [7-506(b)(1)(i)] ~~7-506(E)(1)(I) of~~ this subtitle, the ~~participant's~~ PERSON'S status as an inculpable person continues upon acquiring an interest in the eligible property.

(2) IF THE ~~APPLICANT~~ PERSON MEETS THE REQUIREMENTS OF § ~~7-506(A)~~ 7-506(A)(1)(I), (II), AND (III) OF THIS SUBTITLE, THE DEPARTMENT SHALL APPROVE OR DISAPPROVE ~~AN APPLICANT'S~~ THE PERSON'S STATUS AS AN INCULPABLE PERSON WITHIN 5 BUSINESS DAYS OF RECEIVING:

(I) A WRITTEN REQUEST FROM THE ~~APPLICANT~~ PERSON FOR AN EXPEDITED DETERMINATION OF THE ~~APPLICANT'S~~ PERSON'S STATUS AS AN INCULPABLE PERSON; AND