

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

**333.13709 Compliance; disposal of waste; full agreement state status; waiver; acceptance of waste for disposal.**

Sec. 13709.

(1) A person shall not possess, generate, collect, process, package, store, transport, or dispose of waste in this state without complying with the requirements of this part.

(2) Except as otherwise provided in subsection (3), if this state has not obtained full agreement state status with the federal government, a person shall not dispose of waste in this state except in the disposal site licensed by the United States nuclear regulatory commission, or its successor agency, and by the director through the issuance of a construction and operating license under this part. Except as otherwise provided in subsection (3), if this state has full agreement state status, a person shall not dispose of waste in this state except at the disposal site licensed by the director through the issuance of a construction and operating license under this part.

(3) Prior to the issuance of a construction and operating license under this part, if a person obtains a waiver pursuant to 10 C.F.R. 20.302, the requirement that waste be disposed of only in the disposal site shall be waived by the director upon receipt of notice and evidence of such a waiver. Following the issuance of a construction and operating license under this part, the director with the written concurrence of the authority may grant or deny an application for a waiver of the requirement that waste be disposed of only in the disposal site if either of the following occurs:

(a) If this state has obtained full agreement state status with the federal government, the department approves the disposal of the waste in a location other than the disposal site and concludes that the waiver will not harm the public health, safety, or welfare, or the environment and will not substantially impact on the volume of waste available for disposal in the disposal site or the financial solvency of the disposal site.

(b) If this state has not obtained a full agreement state status with the federal government, the department concludes that any waiver granted by the nuclear regulatory commission will not harm the public health, safety, or welfare, or the environment and will not substantially impact on the volume of waste available for disposal in the disposal site or the financial solvency of the disposal site.

(4) The department shall assure that waste that is not generated in this state or in a state with which this state may elect to enter a compact shall not be accepted for disposal at the disposal site. In addition, if this state is a member of a compact the department shall assure that this state does not accept waste for disposal from any member of the compact that does either of the following:

(a) Is delinquent in paying dues or fees payable under the compact.

(b) Fails to establish or maintain a permitting and regulatory system, including penalties and remedies, that equals or exceeds the laws and rules of this state as they apply to generators, carriers, processors, and collectors.

(5) If this state is not a member of a compact, the department shall assure that the disposal site accepts only waste generated in this state.

**History:** Add. 1987, Act 203, Imd. Eff. Dec. 22, 1987 ;-- Am. 1994, Act 435, Imd. Eff. Jan. 6, 1995

**Compiler's Notes:** For transfer of powers and duties of radioactive materials program from department of health and human services to department of health and human services, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

**Popular Name:** Act 368