

(I) THE DEPARTMENT AFFIRMATIVELY FINDS THAT THE APPLICANT IS QUALIFIED TO AND CAPABLE OF MEETING THE REQUIREMENTS OF THIS SECTION.

(II) THE HAULER AGREES TO NOTIFY BEFORE ANY SHIPMENT THE FACILITY TO WHICH THE LOW-LEVEL NUCLEAR WASTE WILL BE TAKEN, AND NOT TO SHIP THE LOW-LEVEL NUCLEAR WASTE UNLESS THE RECEIVING FACILITY HAS INDICATED ITS ABILITY AND WILLINGNESS TO TAKE THE LOW-LEVEL NUCLEAR WASTE.

(m) Every person who produces a designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE that is transported away from the place of generation to a facility:

(1) Shall attach a label approved by the Department of Health and Mental Hygiene to any designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE container, except as may be in conflict with other State and federal law;

(2) Shall provide a manifest to a certified designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE hauler for any vehicle he uses to transport the substance, that describes the volume and chemical, physical, and biological characteristics of the substance;

(3) Shall permit only a designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE hauler, who supplies to the generator copies of its current required certificates, and represents in writing to the generator that the hauler is fully certified under subsection (l) of this section, to transport a designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE from its place of generation;

(4) Shall report periodically, on a form prescribed by the Department, on the source, hauler, facility destination intended by the hauler at the time of receipt from the generator, volume and nature of the designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE transported; and

(5) May contract for the treatment, storage related to treatment or disposal, or disposal of designated hazardous substances OR LOW-LEVEL NUCLEAR WASTE only with an operator of a currently authorized facility or with a designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE hauler who operates a currently authorized facility or who has a valid contract for the treatment, storage related to treatment or disposal, or disposal of designated hazardous substances OR LOW-LEVEL NUCLEAR WASTE with an operator of a currently authorized facility.

(n) The Department of Health and Mental Hygiene, pursuant to the applicable provisions of the Real Property Article, may condemn any land or facility used for disposal of designated hazardous substances OR LOW-LEVEL NUCLEAR WASTE if it determines that: