

§2173. Municipal jurisdiction over regional association disposal facilities

A municipality may adopt a local ordinance authorizing the municipal officers to issue a local permit containing the same findings, conclusions and conditions contained in the license issued by the department for a solid waste disposal facility located within the municipality's jurisdiction. The municipal officers may also attach to the permit additional conditions for the operation of the solid waste disposal facility on any issues not specifically addressed in any condition of the department's license. These conditions may not unreasonably restrict the operation of the facility and must be attached to the local permit by the municipal officers within 90 days of issuance of the department's license or within 30 days of a final decision by the department to relicense the facility. [PL 1993, c. 310, Pt. B, §7 (AMD).]

An enforcement action brought by the municipality to enforce local permit conditions does not preclude the State from bringing an action to enforce the conditions of any license issued by the State or any other provision of law. In addition, the State has a right to intervene in any enforcement action brought by a municipality under this section. A municipality that has adopted local permit conditions described in this section shall employ an inspector certified under section 2174 to enforce permit conditions. [PL 2011, c. 655, Pt. GG, §54 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

SECTION HISTORY

PL 1989, c. 585, §A7 (NEW). PL 1993, c. 310, §B7 (AMD). PL 1995, c. 656, §A53 (AMD). PL 2011, c. 655, Pt. GG, §54 (AMD). PL 2011, c. 655, Pt. GG, §70 (AFF).

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