**§ 40-0121. Preemption and delegation.**

1. Any local law or ordinance which is inconsistent with any provision of this article or any rule or regulation promulgated thereunder shall be preempted.

2. Notwithstanding subdivision one of this section, the department may approve and formally delegate the administration and enforcement of the provisions of this article to any county or to any city with a population of one million or more, provided that, upon written application from such county or city, the department determines that the local law or ordinance affords an equal or greater level of environmental protection than is afforded by the requirements of this article or of the rules and regulations promulgated thereunder. In approving and delegating the activities provided for under this article, the department shall set forth the terms and conditions of such approval and delegation necessary to meet its responsibility under this article, including the reservation of the right to take enforcement actions.

3. Notwithstanding any other provision of law, if a county, or a city with a population of one million or more, has a local law or ordinance which would be approvable under subdivision two of this section, except with respect to enforcement or penalties for violations, such county or city may, after being so notified in writing by the department, adopt a local law or ordinance authorizing enforcement authority and penalty provisions equivalent to those provided in title forty-three of article seventy-one of this chapter.

4. Upon formal delegation, the delegated county or city may directly assess and receive the fees authorized by section 40-0107 of this article, provided that any such fees so received are used for the purpose of administering and enforcing the provisions of the approved local law or ordinance. In no event shall duplicate fees be assessed by both the department and by any delegated county or city.