Frank -

No, EPA does not have an authority to allow the City to withhold building permits. We are not asking the City to do that, merely to notify EPA when someone applies for one.

Regarding your second question about actions that would need to be cleared by EPA, it would be excavation greater than 18 inches below ground surface.

-Dante

Good day Dante,

After speaking with you last night I spoke with Jeri Burge, our City Attorney. At this point she wanted further clarification on the authority of the City and EPA to withhold building permits. I understand that planning is delegated to the local authority, but does EPA have some overriding authority to protect health and safety relative to superfund sites? We can direct our departments to withhold the permit, but Jeri believes this action wouldn't hold legally. I mentioned that our DBS refers applicants to County Health and OSHA, but I believe there is state law that outlines the procedure. So again, if you can find out from your attorney on what legal nexus exist that would ease Jeri's concerns.

Another issue is what are the specific actions/results applicants need to clear from EPA. In other words, when an applicant is referred to your agency, are there specific items/conditions that need to be cleared that can be applied to all applicants.

~Frank