

Merced County Code							
Up	Previous	Next	Main		Search	Print	No Frames
Title 9 GENERAL HEALTH AND SAFETY							
Chapter 9.27 GROUNDWATER MINING AND EXPORT							

9.27.060 Implementation.

A. The Merced County Department of Public Health, Division of Environmental Health shall be responsible for implementation of this chapter and regulations adopted by the board of supervisors.

B. The Merced County Department of Public Health, Division of Environmental Health shall establish a permitting system to authorize wells, groundwater exports, and other groundwater management practices (practices listed in Section 9.27.050(B) of this chapter) that are consistent with other procedures and practices already utilized by Merced County, but otherwise prohibited by this chapter. The Merced County Department of Public Health, Division of Environmental Health may issue a permit for wells delivering more than two acre-feet of groundwater per year for domestic use to the extent that such practice is consistent with the statements of county policy set forth in Section 9.27.020. The Merced County Department of Public Health, Division of Environmental Health may also issue a permit for groundwater exports or groundwater management practices to the extent that such practice is consistent with the statements of county policy set forth in Section 9.27.020. Merced County Department of Public Health, Division of Environmental Health shall coordinate with the Merced County Community and Economic Development Department for review and determination including any discretionary approval that is necessary under the California Environmental Quality Act or any other applicable statute. The issuance of the determination, discretionary approval, or other findings under the California Environmental Quality Act including public hearing or processing shall be administered through the Merced County Community and Economic Development Department.

C. The Merced County Department of Public Health, Division of Environmental Health shall have authority to investigate any activity subject to this chapter. Compliance with this chapter will be determined based on the submission of a technical report to the Merced County Department of Public Health, Division of Environmental Health. The Merced County Department of Public Health, Division of Environmental Health is authorized to enforce the prohibition of any activity that is determined to be in violation of this chapter or regulations adopted by the board of supervisors.

D. The applicant, permit holder or other interested person or entity may appeal an administrative determination made by the department under this chapter which: (1) finds that an application is complete or incomplete; (2) establishes or modifies operating conditions; (3) grants or denies a permit; or (4) suspends or revokes a permit. Administrative appeals under this section must be made in writing, must clearly set forth the reasons why the appeal ought to be granted, and must be received by the clerk of the board within fifteen (15) calendar days of the postmark date on the envelope that transmits the administrative determination. Any appeal that is not timely filed, or that is not accompanied by the required fee, will be deemed ineffective and the administrative determination that is being appealed will become final. The board of supervisors shall fix a reasonable time for the hearing of an appeal of an administrative determination at a regularly scheduled meeting of the board of supervisors. The board of supervisors shall provide written notice of the appeal hearing to the appellant and all interested parties and to all landowners within one-quarter mile of the parcel where operations will occur. The board of supervisors shall hear the appeal and issue a decision within thirty (30) days after the hearing. The board of supervisors may take any appropriate action upon the original administrative action that was appealed, including granting or denying the appeal in whole or in part, or imposing, deleting or modifying operating conditions of the permit. The decision of the board of supervisors shall be final forthwith. (Ord. 1930 § 1, 2015).