

### 13.18.270 – Appeals

- A. Any decision by the Director of Public Works under this Chapter may be appealed to the City Council.
- B. The City Council shall also hear petitions to grant an exemption to a Facility from the requirements of Section 13.18.160 of this Chapter as follows:
  - 1. The applicant may demonstrate that the 5-year capture zone area(s) map incorrectly identify the Facility as being within the Groundwater Protection Overlay Zone(s). The burden of proof shall rest upon the applicant to demonstrate that the Facility location is not within a delineated 5-year capture zone area. The applicant shall be required to present detailed hydrogeologic and hydrologic information to the City Council that the Facility location is, in fact, not within a 5-year capture zone area.
  - 2. The applicant may be required to present detailed technical information that a material(s) on the Regulated Substances List does not endanger the GWPA in the event of an Unauthorized Release. To continue the permit appeal process, the applicant shall provide funds to the City to pay for the technical review by the City's choice of consultant(s) of said hydrogeologic and hydrologic information and/or regulated substance information and shall base its recommendation, in part, on the report by said consultant(s).
  - 3. Appeals to the City Council take place by filing an appeal in writing with the City Clerk of the City within 14 days after receipt of a decision in writing from the Director of Public Works. Petitions to the City Council seeking an exemption for a Facility should also be filed with the City Clerk of the City. A hearing with the City Council will be held within 90 days of submission of the appeal or petition. A decision by the Groundwater Appeals Committee will be made in writing within 30 days of the hearing.