

STANDARDS AND PROCEDURES FOR VARIANCES OR EXEMPTIONS FROM THE MANDATORY WATER USE RESTRICTIONS

If compliance with the Level Two Water Use Restrictions would result in an extraordinary hardship upon a water user, the water user may apply to the Maryland Department of the Environment for an exemption or variance.

Standards:

1. Extraordinary hardship means permanent damage to property or other personal or economic loss that is substantially more severe than the sacrifices borne by other water users subject to the Level Two Water Use Restrictions.
2. An applicant for an exemption or variance must show extraordinary hardship by clear and convincing evidence.

Procedures:

1. The Secretary of the Maryland Department of the Environment shall designate Drought Coordinators to determine whether any water user has sufficiently demonstrated an extraordinary hardship thus entitling that water user to an exemption or variance. The Drought Coordinators shall serve at the will of the Secretary and may be removed from that designation at any time.
2. A water user seeking an exemption or variance shall submit a written application to: Drought Coordinator, c/o Maryland Department of the Environment, 2500 Broening Highway, Baltimore MD 21224. The application shall contain the following information: (a) the nature of the hardship and the reason for the requested exemption or variance; (b) the efforts taken by the water user to comply with the Level Two Water Use Restrictions; (c) the extent to which water use may be reduced by the applicant without extraordinary hardship; and (d) name, address and telephone number of the applicant.
3. The Drought Coordinator upon review of the application may request additional information from the applicant, either by telephone or in writing.
4. The Drought Coordinator shall issue decision within ten working days of the receipt of the application. The Drought Coordinator will provide the applicant a written notice of the decision and the reasons for the decision.

An applicant denied an exemption or variance may appeal the decision to the Water Use Restriction Appeal Panel within 10 days of the Drought Coordinator's decision.

STANDARDS AND PROCEDURES FOR THE WATER USE RESTRICTION APPEAL PANEL

A water user may appeal the decision of a Drought Coordinator denying an exemption or variance from the Level Two Mandatory Water Use Restrictions.

Standards:

3. The Panel shall conduct a de novo review of the application but shall give due regard to the reasoning of the Drought Coordinator.
4. The applicant must demonstrate that the denial of the exemption or variance will result in extraordinary hardship, which means permanent damage to property or other personal or economic loss that is substantially more severe than the sacrifices borne by other water users subject to the Level Two Water Use Restrictions.

Procedures:

5. An applicant denied an exemption or variance may appeal the decision to the Panel within 10 working days of the Drought Coordinator's decision.
6. The applicant shall submit a written appeal to: Water Use Restriction Appeal Panel, c/o Maryland Department of the Environment, 2500 Broening Highway, Baltimore MD 21224. The appeal shall contain the following information: (a) the nature of the hardship and the reason for the requested exemption or variance; (b) the efforts taken by the water user to comply with the Level Two Water Use Restrictions; (c) the extent to which water use may be reduced by the applicant without extraordinary hardship; (d) a copy of the Drought Coordinator's decision and (e) name, address and telephone number of the applicant.
7. The Panel will notify the applicant of the time and place for the hearing.
8. The Drought Coordinator may appear and testify at the hearing on his or her own accord or upon request of the Panel.
9. The Panel may consolidate like cases together for purposes of the hearing.
10. Whenever possible, the Panel shall issue its decision at the close of the hearing. If not, the Panel shall issue a written decision within 10 working days of the hearing.
11. The Panel has the discretion to grant a universal exemption or variance to any category of water users who are similarly situated and have shown extraordinary hardship.