

4626.1690 8-103.10 VARIANCE REQUEST; PROCEDURES.*

Pursuant to Minnesota Statutes, section 14.05, subdivision 4, a party may ask the regulatory authority to grant a variance from the provisions of the Code according to parts 4626.1690 to 4626.1715.

A. A variance shall not be requested nor shall one be granted from:

- (1) part 4626.0020, subpart 35;
- (2) parts 4626.0040 to 4626.0060;
- (3) parts 4626.0065 to 4626.0100;
- (4) parts 4626.0105 to 4626.0120;
- (5) part 4626.1565;
- (6) parts 4626.1590 and 4626.1595; and
- (7) parts 4626.1600 to 4626.1675.

B. The applicant for a variance shall be the party to whom the rule applies.

C. The party requesting the variance shall submit the request in writing to the regulatory authority with the appropriate fee, if required. A request shall contain:

- (1) the specified language in the rule or rules from which the variance is requested;
- (2) the reasons why the rule cannot be met;
- (3) the alternative measures that will be taken to ensure a comparable degree of protection to health or the environment if a variance is granted;
- (4) the length of time for which the variance is requested;
- (5) a statement that the party applying for the variance will comply with the terms of the variance, if granted; and
- (6) other relevant information the regulatory authority determines necessary to properly evaluate the request for the variance.

Statutory Authority: *MS s 31.101; 31.11; 144.05; 144.08; 144.12; 157.011*

History: *23 SR 519*

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