

4626.1695 VARIANCE REQUEST; CRITERIA FOR DECISION.

The regulatory authority shall grant a variance if:

- A. the variance was requested in the manner prescribed in part 4626.1690;
- B. the variance will have no potential adverse effect on public health, safety, or the environment;
- C. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed;
- D. strict compliance with the rule will impose an undue burden on the applicant;
- E. the variance does not vary a statutory standard or preempt federal law or rule; and
- F. the variance has only future effect.

Statutory Authority: *MS s 31.101; 31.11; 144.05; 144.07; 144.08; 144.12; 157.011*

History: *23 SR 519; 43 SR 295*

Published Electronically: *January 2, 2019*