

4717.7010 CRITERIA FOR DECISION; CONDITIONS.

Subpart 1. **Criteria for granting a variance.** The commissioner may grant a variance if:

- A. the variance was requested in a manner prescribed by part 4717.7000;
- 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 in the rule;
- D. strict compliance with the rule will impose an undue burden on the applicant; and
- E. the variance does not vary a statutory standard.

Subp. 2. **Conditions for variance.** In granting a variance the commissioner may attach conditions the commissioner determines are needed to protect public health, safety, or the environment.

Subp. 3. **Future effect.** A variance shall have only future effect.

Statutory Authority: *MS s 14.05*

History: *15 SR 1597*

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