

7083.0040 ADMINISTRATION BY AGENCY.

Subpart 1. **Agency to administer.** This chapter is administered by the agency.

Subp. 2. **Variance procedures.**

A. In certain cases, the commissioner may grant a variance from the standards in this chapter. This variance provision is not intended to provide relief for licensed businesses or certified individuals from missed expiration dates or enforcement actions.

B. Before granting a requested variance, the commissioner or agency must find that, by reason of exceptional circumstances, the strict enforcement or strict conformity with this chapter would be unreasonable, impractical, or not feasible under the circumstances. The agency may permit a variance under part 7000.7000 in harmony with the requirements of part 7000.7000, the general purpose of this chapter, and the intent of applicable state laws. The variance request must contain, as applicable:

(1) the specific provision in the rule or rules from which the variance is requested;

(2) the reasons why the rule is unreasonable, impractical, or not feasible under the circumstances and state the underlying circumstances;

(3) a description of the hardship that compliance with the rule presents;

(4) the alternative measures that will be taken to ensure a comparable degree of compliance with the intention of the chapter;

(5) the length of time for which the variance is requested;

(6) a statement that the party applying for the variance will comply with the terms of the variance, if granted; and

(7) economic considerations.

C. In addition to the variance information required in item B, the commissioner has the authority to also require the requesting party to submit other relevant information for the specific purpose of properly evaluating the variance request.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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