

4717.7000 VARIANCE REQUEST.

Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance from the following items:

- A. clean indoor air, parts 4620.0100 to 4620.1450;
- B. formaldehyde in housing, part 4620.1800;
- C. asbestos abatement, part 4620.3710, item A, and, where space limitations prevent compliance with the specified requirements or where compliance with the specified requirements would create a greater hazard, parts 4620.3566, 4620.3567, 4620.3568, subparts 1 to 4, 4620.3569, 4620.3571, subparts 1 and 2, and 4620.3575, subpart 3;
- D. lodging establishments, parts 4625.0400 to 4625.0600; 4625.0900; 4625.1200 to 4625.1600; 4625.2000, except the last sentence; and 4625.2200;
- E. manufactured home parks and recreational camping areas, parts 4630.0400; 4630.0600, subparts 2 to 4; and 4630.0900 to 4630.1700;
- F. children's camps, parts 4630.2300 to 4630.4700;
- G. enclosed sports arenas, parts 4620.3900 to 4620.4800, except part 4620.3950;
- H. public swimming pools, parts 4717.0150 to 4717.3975;
- I. [Repealed, L 2007 c 140 art 13 s 3]
- J. general requirements for construction of surface water and groundwater under the direct influence of surface water treatment facilities, parts 4720.3920 to 4720.3965;
- K. water haulers, parts 4720.4000 to 4720.4600;
- L. wellhead protection, parts 4720.5200 to 4720.5570;
- M. wells and borings, parts 4725.0100 to 4725.7450;
- N. explorers and exploratory borings, parts 4727.0100 to 4727.1250;
- O. explorers and exploratory borings, parts 4727.0100 to 4727.1250;
- P. ionizing radiation, parts 4732.0100 to 4732.1130, except parts 4732.0200 and 4732.0210;
- Q. lead poisoning prevention, parts 4761.2000 to 4761.2700, except parts 4761.2000, 4761.2100, 4761.2200, 4761.2220, and 4761.2510;
- R. radon licensing, parts 4620.7000 to 4620.7950; and
- S. radioactive materials, parts 4731.0100 to 4731.8140.

Subp. 2. **Procedures for requesting a variance.** The procedures in this subpart apply to a request for a variance of the rules specified in subpart 1. Additional procedures may be specified in the rules listed in subpart 1 which also must be complied with. The party requesting the variance

must submit the variance request in writing to the commissioner of health along with any applicable fee. A request must contain:

- A. the specific language in the rule or rules from which the variance is requested;
- B. the reasons why the rule cannot be met;
- C. the alternative measures that will be taken to assure a comparable degree of protection to health or the environment if a variance is granted;
- D. the length of time for which the variance is requested;
- E. a statement that the party applying for the variance will comply with the terms of the variance, if granted; and
- F. other relevant information the commissioner determines necessary to properly evaluate the request for the variance.

Subp. 3. **Applicant for a variance.** The applicant for a variance must be the party to whom the rule specified in subpart 1 applies.

Statutory Authority: *MS s 14.05; 14.388; 31.101; 31.11; 103I.101; 103I.221; 103I.301; 103I.621; 144.05; 144.08; 144.12; 144.1202; 144.1203; 144.123; 144.383; 144.4961; 144.9508; 145A.02; 157.01; 157.011; 157.04; 157.08; 157.09; 157.13; 326.70 to 326.81*

History: *15 SR 1597; 17 SR 2773; 19 SR 1419; 19 SR 1637; 20 SR 2765; 22 SR 314; 22 SR 668; 23 SR 519; 23 SR 1591; 26 SR 31; 28 SR 147; 29 SR 531; L 2007 c 140 art 13 s 3; 33 SR 1771; L 2015 c 21 art 1 s 109; 43 SR 687; 44 SR 239*

Published Electronically: *November 26, 2019*