

6130.5800 VARIANCES (SEE PART 6130.4900).

Subpart 1. **Granting of a variance.** The commissioner shall grant a variance from the requirements of these parts upon application by a permit applicant or permittee, if it is determined that:

A. a variance is consistent with the general welfare and general purposes of these parts;

B. by reason of exceptional circumstances, the strict enforcement of the reclamation requirements would cause undue hardship or strict conformity with the requirements of these rules would be unreasonable or not feasible; and

C. acceptable alternative means of accomplishing the goals, pursuant to parts 6130.1000 to 6130.4100, have been provided by the permit applicant or permittee.

Subp. 2. **Conditional granting.** The commissioner shall grant a variance upon such conditions as shall be necessary for the prevention, control, or correction of adverse environmental effects, consistent with the requirements of these parts and Minnesota Statutes.

Statutory Authority: *MS s 93.47*

Published Electronically: *June 11, 2008*