

**7050.0190 VARIANCE FROM STANDARDS.**

Subpart 1. **Variance.** In any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste, or other waste is necessary for the public health, safety, or welfare; and that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances; the agency in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and federal laws. The United States Environmental Protection Agency shall be advised of any variances that may be issued under this part together with information as to the need therefor.

Subp. 2. **Listing.** By October 1 each year, the commissioner shall prepare a list of the variances in effect granted by the agency under this part. The list must be available for public inspection and must be provided to the United States Environmental Protection Agency. The list must identify the person granted the variance, the rule from which the variance was granted, the water affected, the year granted, and any restrictions that apply in lieu of the rule requirement.

Subp. 3. **Review.** Variances from water quality standards granted by the agency under this part shall be subject to agency and public review at least every three years. Variances from discharge effluent limits and treatment requirements are granted by the agency under parts 7000.7000 and 7053.0195. Variances may be modified or suspended under the procedures in part 7000.7000.

**Statutory Authority:** *MS s 115.03; 115.44*

**History:** *9 SR 913; 12 SR 1810; 19 SR 1310; 32 SR 1699*

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