

7053.0195 VARIANCE FROM TREATMENT REQUIREMENTS.

Subpart 1. **Variance.** In any case when, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of this chapter 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 effluent limits would be unreasonable, impractical, or not feasible under the circumstances, the agency in its discretion may grant a variance upon conditions it prescribes for prevention, control, or abatement of pollution in harmony with the general purposes of this chapter and the intent of the applicable state and federal laws. The United States Environmental Protection Agency shall be advised of any permits that may be issued under this subpart, together with information as to the need for the variance.

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 discharge effluent limits or treatment requirements granted by the agency under this part are subject to agency and public review at least every five years. Variances from water quality standards are granted by the agency under parts 7000.7000 and 7050.0190. Variances may be modified or suspended under the procedures in part 7000.7000.

Statutory Authority: *MS s 115.03; 115.44*

History: *32 SR 1699*

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