

7053.0195 VARIANCE FROM DISCHARGE EFFLUENT LIMITS OR TREATMENT REQUIREMENTS.

Subpart 1. **Applicability.** A variance under this part is a temporary change in a discharge effluent limit or treatment requirement for a specified pollutant that reflects the highest attainable conditions for a permittee during the term of the variance. This part applies to variance requests from individual point source discharges to surface waters of the state for any provision of this chapter that is included in a permit. To be eligible for a variance from a discharge effluent limit or treatment requirement, the permittee must demonstrate to the agency that the permittee has met the conditions specified in part 7050.0190, subpart 1, items A to C.

Subp. 2. **Listing.** The agency shall advise the United States Environmental Protection Agency of variances granted by the agency under this part, together with information as to the need for the variance. The agency must list all variances as required in part 7050.0190, subpart 2.

Subp. 3. [Repealed, 41 SR 463]

Subp. 4. **Conditions for approval.** To be eligible for a preliminary determination by the agency to grant the variance, the permittee must meet the conditions specified in part 7050.0190, subpart 4, items A to D.

Subp. 5. **Submittal and notice requirements.** Variance application submittal, public notice of the agency's preliminary determination to grant the variance, and notice requirements must conform to part 7000.7000.

Subp. 6. **Agency final decision; variance requirements.** The agency must make a final decision regarding the variance request that conforms to the procedural requirements in part 7000.7000. If the agency grants the variance, the permit issued by the agency must include and incorporate the terms and conditions of the variance specified in part 7050.0190, subpart 6.

Subp. 7. **Renewal.** To be eligible for renewal of a variance, the permittee is subject to the requirements of subparts 1 to 6.

Subp. 8. **Term and expiration.** The terms and conditions of a variance from a discharge effluent limit or treatment requirement are included and incorporated in the permit issued by the agency. The term of a variance must only be as long as necessary to achieve the highest attainable condition. For a variance with the term greater than five years, only if requested in writing by the permittee, the agency shall reevaluate the variance every five years in accordance with Code of Federal Regulations, title 40, section 131.14 (b)(1)(v) and (vi), as provided by the Federal Register, volume 80, page 51048. If the permittee does not request a reevaluation, the variance expires at the end of the five-year period.

Subp. 9. **Public notice and review.** The agency shall provide public notice and review all variances currently in effect as required in part 7050.0190, subpart 9. Variances from water quality standards are granted by the agency under parts 7000.7000, 7050.0190, and 7052.0280.

Statutory Authority: *MS s 115.03; 115.44; 116.07*

History: *32 SR 1699; 41 SR 463*

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