

#### **455H.205 Variances.**

1. A participant may apply to the department for a variance from any applicable provision of this chapter.
2. The department may issue a variance from applicable standards only if the participant demonstrates all of the following:
  - a. The participant demonstrates either of the following:
    - (1) It is technically infeasible to comply with the applicable standards.
    - (2) The cost of complying with the applicable standards exceeds the benefits.
  - b. The proposed alternative standard or set of standards in the terms and conditions set forth in the application will result in an improvement of environmental conditions in the affected area and ensure that the public health and safety will be protected.
  - c. The establishment of and compliance with the alternative standard or set of standards in the terms and conditions is necessary to promote, protect, preserve, or enhance employment opportunities or the reuse of the enrolled site.
3. If requested by a participant, the department may issue a variance from any other provision of this chapter if the department determines that the variance would be consistent with the declaration of policy of this chapter and is reasonable under the circumstances.

97 Acts, ch 127, §12