



ADMINISTRATIVE RULES OF MONTANA



37.111.1231 VARIANCES

- (1) The regulatory authority may grant a variance to a requirement of this subchapter if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the variance.
- (2) To apply for a variance, the applicant must submit the following information:
 - (a) a statement as to why the applicant is unable to comply with the rule to which the variance is requested;
 - (b) the nature and duration of the variance requested;
 - (c) a statement of how the intent of the rule will be met and the reasons why the public health or safety would not be jeopardized if the variance is granted; and
 - (d) other information deemed necessary by the regulatory authority to establish that a health hazard or nuisance will not result from granting the variance.
- (3) The regulatory authority must retain the variance application and decision in the establishment file as long as the variance is applicable.
- (4) Prior to issuing a variance, the local regulatory authority will contact, notify, and consult with the department about any similar variances to help ensure uniform and equitable application of the law.

Authorizing statute(s): 50-52-102, MCA

Implementing statute(s): 50-52-102, MCA

History: NEW, 2022 MAR p. 1748, Eff. 9/10/22.