Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management—Part 1. Definitions and Administration Procedures.

28-29-2. Variances.

(a) General Procedure. If exceptional circumstances make strict conformity with these regulations impractical or not feasible, a person may submit a written request for a variance from these regulations. The department may grant a variance from these regulations and stipulate conditions and time limitations as necessary to comply with the intent of all applicable state and federal laws. The department shall review the variance request and notify the person within ninety (90) days of receipt that the application is approved, denied, or requires modification.

(b) *Experimental operations.* Variances may be granted to facilitate experimental operations intended to develop new methods or technology. Variances for experimental operations shall be considered only where significant health, safety, environmental hazards, or nuisances will not be created, and when a detailed proposal is submitted and accepted which sets forth the objectives, procedures, controls, monitoring, reporting, time frame, and other data regarding the experiment.

(c) *Restrictions.* Variances for experimental operations shall be limited to a maximum of two (2) years; however, the department may renew the variance for one or more additional two-year periods upon a showing by the person that the need for a variance continues to be valid.

(Authorized by and implementing K.S.A. 1981 Supp. 65-3406; effective Jan. 1, 1972; amended, E-79-22, Sept. 1, 1978; amended May 1, 1979; amended, E-82-8, April 10, 1981; amended May 1, 1982.)

***** Authenticated Kansas Administrative Regulation *****