

3745-30-15

**Variances.**

- (A) Any person may request, in writing to the director, a variance of any provision of rules 3745-27-15, 3745-27-16, 3745-27-17, 3745-27-18, 3745-30-01, 3745-30-02, 3745-30-03, 3745-30-04, 3745-30-05, 3745-30-06, 3745-30-07, 3745-30-08, 3745-30-09, 3745-30-10, and 3745-30-14 of the Administrative Code. A request for a variance shall identify the provision(s) of the regulations for which the variance is requested and shall contain information regarding the reason and justification for the variance, and any other pertinent data regarding the request as the director may require for the demonstration specified in paragraph (D) of this rule.
- (B) If the director or his authorized representative determines that a request for a variance is incomplete, the applicant shall be notified, within sixty days, of the nature of any deficiency and of the director's refusal to consider the request until the deficiency is rectified and the request completed.
- (C) The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and/or operation and/or closure activities and/or post-closure activities of the residual waste facility in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a health hazard and is unlikely to result in a violation of any regulation adopted by the director pursuant to Chapters 3704. and 6111. of the Revised Code.
- (D) In granting a variance, the director shall identify the provision(s) of the regulations for which the variance is granted, and shall also state any terms and conditions imposed upon the applicant, and may also, if appropriate, specify the time period for which the variance is granted.
- (E) If a variance is requested as part of a permit to install application, the director shall issue a final or proposed action to grant or deny the variance concurrent to the final or proposed action to approve or deny the permit to install application. If a variance is requested, but not as part of a permit to install application, the director shall issue a final or proposed action to grant or deny the variance within ninety days of the date on which a complete request is received.