

718 VARIANCES

- 718.1 Any person engaged in solid waste storage, collection, or disposal activities at the time of the promulgation of this section shall be excused by the Director from the performance of any act required by the provisions of this chapter, either in whole or in part, upon a finding by the Director that the full performance of the act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability of bringing the activities into full compliance with the requirements of this chapter.
- 718.2 A variance shall be allowed only where and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which give adequate protection to the public health and public welfare, and only where and to the extent the variance can be granted without impairing the intent and purpose of this chapter.
- 718.3 A record, open to inspection by the public, shall be maintained, in the appropriate department, of each and every variance allowed under the terms of this section.
- 718.4 No variance shall be granted by the Director under this section for the operation of the facility known as Incinerator #5, or for any other District owned or operated or contracted facility.
- 718.5 Each request for a variance shall be published in the at least thirty (30) days before the Director shall consider the request on its merits.
- 718.6 The notice published in the D.C. Register shall contain a brief statement describing the variance sought and the reason the variance is necessary.
- 718.7 Opportunity for public comment within thirty (30) days of publication of the notice shall be granted.
- 718.8 The Director shall maintain a public record of all variances granted, and the record shall state the bases on which each variance was granted.
- 718.9 No variance shall be granted for the reasons other than those stated in the record.

SOURCE: Regulation No. 71-21, approved June 29, 1971, 18 DCR 16 (July 12, 1971). 8 DCRR §§8-3:614(a), (b), and (c).