

**185—19.1(17A) Scope.** This chapter outlines a uniform process for the granting of waivers or variances from rules adopted by the division. The intent of this chapter is to allow persons to seek exception to the application of rules adopted by the division.

**19.1(1) Definition.** For purposes of this chapter, a “waiver or variance” means an action by the division that suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”

**19.1(2) Authority.**

- a.* A waiver from rules adopted by the division may be granted in accordance with this chapter if:
- (1) The division has the authority to promulgate the rule from which the waiver is requested or has final decision-making authority over a contested case in which a waiver is requested; and
  - (2) No statute or rule otherwise controls the granting of a waiver from the rule from which the waiver is requested.
- b.* No waiver may be granted from a requirement that is imposed by statute. All waivers must be consistent with statute.