

COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
BUREAU OF AIR QUALITY CONTROL**

REGULATIONS FOR THE CONTROL OF AIR POLLUTION

REGULATION 50. VARIANCES

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50.1 The Department upon its own initiative or upon application to it by any person, after due notice and a public hearing, may vary application of any regulation as it relates to any person as the Department may deem necessary.

Variances may be granted when in the opinion of the Department efforts have been made in good faith by such person to comply with the regulations prior to the petition for a variance; and:

- 50.2 (a) when enforcement of the regulation is considered to be impractical due to lack of currently available technology or available conforming fuel, or
- (b) when compliance with the regulation is considered to be impossible due to unavoidable delays in obtaining control equipment, or
- (c) when compliance with the regulation is interfered with due to acts of nature, or
- (d) when the benefits expected to be derived from requiring such person to comply with such regulation would be substantially outweighed by the cost to such person and the loss to the public resulting from compliance, and that granting such a variance would have no significant deleterious effect on public health.

50.3 Variances where granted, shall:

- (a) be in writing,
- (b) not extend beyond May 31, 1975, or such later date as may be prescribed by Federal law,

- (c) be subject to the approval of the administrator of the Environmental Protection Agency.

The applicant shall assume all costs such as, but not limited to, the publishing of legal notices incidental to the application for and granting of a variance.