**Section 820.150 Variances**

a) The Department may approve variances to this Part when the variance will provide appropriate protection of public health and safety. A request for a variance may be submitted to the Department only by a facility owner or licensee, by a project designer, or by a permit applicant. A variance request must state each specific code requirement from which a variance is sought and a complete description of the condition that does not or would not comply with this Part, the reason for the request, and an explanation of the manner in which the design will provide protection of public health and safety substantially equivalent to that provided by compliance with this Part. When requested by the Department, plans and specifications showing an existing condition or proposed construction or major alteration shall be submitted.

b) The Department will notify the applicant in writing of its decision whether to approve the variance. The Department will give consideration to difficulties in complying with this Part and to innovative designs.

c) When granting a variance request, the Department may attach conditions necessary to protect public health that the recipient of the variance must comply with as a condition of the variance. When determining whether to attach conditions to the variance, the Department shall consider the degree of risk to the public posed by the variance, the degree to which the risk can be safely mitigated, and other factors that affect public health and safety. Failure to comply with the conditions shall constitute a violation of this Part.

d) If, at any time, the Department finds that a variance has resulted in a compromise of public health or safety, or if the licensee or permit applicant has failed to comply with conditions attached to the variance, the Department will revoke the variance. The licensee or permit applicant shall then take action required to comply with this Part.

e) A person from whom a variance has been revoked shall have an opportunity for a hearing before the Department in accordance with the Department's Practice and Procedure in Administrative Hearings.

(Source: Amended at 37 Ill. Reg. 16539, effective October 4, 2013)