

**10A NCAC 27G .0805 PROCEDURE FOR WAIVERS BY DIVISION DIRECTOR**

If the rule for which a waiver is requested was adopted pursuant to the rule-making authority delegated by the Secretary, the procedures set forth in this Rule shall be followed:

- (1) Decisions regarding waiver requests shall be based upon, but not limited to, the criteria in Item (2) of Rule .0803 of this Section.
- (2) A decision regarding the waiver request shall be issued in writing by the Division Director within 60 days from the date of receipt of the waiver request and shall state:
  - (a) the factual situation giving rise to the waiver request;
  - (b) the reasons why the request was granted, granted subject to certain conditions, or denied; and
  - (c) if granted, the time frame for which the waiver is granted.
- (3) The waiver may be granted retroactively to the date of the authorization of the governing body as described in Item (6) of Rule .0802 of this Section or to the time frame requested.

*History Note:* Authority G.S. 122C-112(a)(8);  
Eff. May 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.