

**WAC 246-260-201 Variance.** (1) An owner (or their authorized representative) may apply to the department or local health officer for a variance to the requirements of this chapter for a water recreation facility. If the application relates to construction permits, it must be made at least thirty days prior to development of final plans and specifications. If the application relates to issuance of an operation permit, the owner shall present their proposal for a variance with the department or local health officer at least thirty days before any consideration of implementing an operation change. An application may not be approved unless, notwithstanding a noncompliant design or construction or noncompliant operation, the health and safety purposes behind requirements of this chapter are met. An applicant shall provide adequate documentation to meet these requirements including, but not limited to:

(a) The variance is consistent with the intent of this chapter;

(b) Protection from drowning, diving injury, entrapment, impact or falling hazards, tripping or slipping hazards;

(c) Maintenance of water and air quality, including equivalent disinfection, filtration, control of pH, physical water conditions, water clarity and prevention of contamination to preclude illness;

(d) Upon receipt of a complete application, the department or local health officer shall provide a written approval or denial of the variance.

(2) The department and each local health officer shall provide the board a written summary of variances granted the previous year. This summary shall be submitted by January 31 of the following year or any time the board requests.

(3) The board may, at its discretion, require variance requests be submitted to it for review and approval.

[Statutory Authority: Chapters 70.90 and 43.20 RCW. WSR 04-18-096, § 246-260-201, filed 9/1/04, effective 10/31/04.]