

Adopt Part Ph 210 to read as follows:

PART Ph 210 WAIVER OF SUBSTANTIVE RULES

Ph 210.01 Petitions for Waiver.

(a) Any interested person may request the board to waive any rule not covered by Ph 203.06 by filing an original and 6 copies of a petition which identifies the rule in question and sets forth specific facts and arguments which support the requested waiver.

(b) Petitions for waivers of substantive rules shall address whether:

- (1) Adherence to the rule would cause the petitioner hardship;
- (2) The requested waiver is necessary because of any neglect or misfeasance on the part of the petitioner;
- (3) Waiver of the rule would be consistent with the statutes administered by the board; and
- (4) Waiver of the rule would injure third persons.

(c) If examination of the petition reveals that other persons would be substantially affected by the proposed relief, the board shall require service of the petition on each such persons and advise each that she or he may file a reply to the petition.

(d) The petitioner shall provide further information or participate in such evidentiary or other proceedings as ordered by the board as necessary to complete action on the petition.

(e) The board shall grant petitions for waiver of a rule upon finding that good cause exists to do so based on the information supplied by the petitioner pursuant to (b) above.

(f) The board shall, if good cause to do so exists, initiate waiver or suspension of a substantive rule upon its own motion by providing affected parties with notice and an opportunity to be heard, and issuing an order which finds that:

- (1) Adherence to the rule would cause the petitioner undue personal hardship;
- (2) There is no neglect or misfeasance on the part of the petitioner;
- (3) Waiver of the rule would be consistent with the statutes administered by the board; and
- (4) Waiver of the rule would not injure third persons.

Appendix

Rule	Statute
Ph 210.01	RSA 541-A:16, I(b) intro.