



TEXAS DEPARTMENT OF LICENSING & REGULATION

Regulatory Program Management Division • PO Box 12157 • Austin, Texas 78711 • (512) 463-6599

www.tdlr.texas.gov

AIA Procedure 4

Rev7

VARIANCE

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a. Purpose

0. *The purpose of this procedure is to describe the information which must be submitted to request a variance.*

b. Scope

0. *A variance from any Texas Boiler rule may only be requested by the boiler owner or operator.*

c. General

1. *A variance request may be submitted:*
 - A. *on TDLR form 010BLR (Exhibit 1) signed by the owner or his agent; or*
 - B. *by a letter from the owner/operator.*

d. Description

1. *The request must include the following information:*
 - A. *Texas boiler number.*
 - B. *the rule the request applies to.*
 - C. *a statement specifying how equivalent safety is to be maintained, including supporting documentation, photographs, sketches including dimensions, etc., which might be helpful.*
 - D. *the requestor's name and phone number.*
2. *The inspector must submit the appropriate inspection report clearly providing a recommendation concerning the requested variance. This recommendation may be shown on the variance request form or in the comments section of the Boiler Equipment Report of Inspection.*
3. *All fees must be received. Other violations not covered by the variance request must be cleared on a Repair Requirement Form prior to processing.*



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e. Processing and Distribution

- 1. Upon receipt of the variance request, inspection report, and Repair Requirements Form, the Chief Inspector shall:**
 - A. review the information provided.**
 - B. if necessary, request more specific information such as sketches including dimensions, photos, etc.**
 - C. render a decision on the variance request.**
- 2. If the variance request is approved, the department shall:**
 - A. send a Letter of Variance to the owner or operator, which must be placed under glass in a conspicuous place on or near the boiler.**
 - B. send a copy of the Letter of Variance to the cognizant inspecting organization.**
 - C. file one copy with the boiler's inspection records, which will become part of the permanent files and the boiler database.**
- 3. If the variance request is denied, the department shall:**
 - A. send a letter notification to the owner or operator stating the reason for denial.**
 - B. send a copy of the notification to the cognizant inspecting organization (Note: The violation referred to in the variance request denial will not be cleared and a Certificate of Operation will not be issued until notification of the corrected Violation has been submitted by the Inspector.**
 - C. file one copy with the boiler's inspection records, which will become part of the permanent files.**



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4. *All decisions become effective upon the dates they are rendered.*

5. *All decisions will be rendered in writing.*

Approved by:

Rob D. Troutt, Chief Inspector

A handwritten signature in blue ink, appearing to read "Rob D. Troutt".

October 2019



TEXAS DEPARTMENT OF LICENSING AND REGULATION

Regulatory Program Management Division/Boiler Program
P. O. Box 12157 • Austin, Texas 78711 • (512) 539-5716 • Fax (512) 539-5687
Email Address: boilers@tdlr.texas.gov Web site: www.tdlr.texas.gov

For Chief Inspector
Use Only

Approved _____

Not Approved _____

Date _____

VARIANCE REQUEST

Upon TDLR receipt of this application, an invoice for the \$50.00 Variance fee will be generated. This fee, plus any other outstanding fees, must be paid before a Variance can be granted.

TO: Chief Inspector
Boiler Program
Texas Department of Licensing and Regulation
PO Box 12157
Austin TX 78711

Date _____

TEXAS BOILER NUMBER _____

FROM: _____

Owner/Operator Name _____

ADDRESS: _____

Street _____

City/State/Zip Code _____

Phone Number _____

E-Mail: _____

Location of Boiler

Business Name _____

Street Address _____

City/State/ZIP Code _____

Requesting Variance to Code:

§65.15(b) ☐

National Board number

§65.156(e) ☐

Exit door

Other ☐

Enter applicable reference _____

What provisions have been made to assure equivalent safety is maintained and that all required operation, maintenance, and inspection tasks can be accomplished?

Diagram of Installation:

(Provide actual dimensions as necessary to illustrate condition.)

Owner/Operator or Agent Signature AND Printed Name _____

Date _____

Submit completed form: 1) to boilers@tdlr.texas.gov; 2) via fax to 512-539-5687; or 3) to TDLR, ATTN: Boiler Program, PO Box 12157, Austin, TX

78711.