**10:09:03:02.  Procedures for granting waivers.** An agency may request a waiver by submitting a written request to the OSE prior to the construction documents phase of the project. OSE will provide a written response to the waiver request within 30 days of receipt. The written waiver request must include:

 (1)  Justification why a high performance building standard cannot be met; and

 (2)  Steps the owner will take to meet as many energy points as possible under the rating system; and

 (3)  If the request is based on the inability to recoup costs in 15 years, the calculations as defined in § 10:09:04:01; or

 (4)  If the square footage of the renovation project is less than fifty percent of the total square footage of the building being renovated, a three year building use plan.

 **Source:** 34 SDR 323, effective July 3, 2008.

 **General Authority:** SDCL 5-14-38.

 **Law Implemented:** SDCL 5-14-38.