

Notice of Intent to Adopt Expedited Rules

Minnesota Department of Health

Environmental Health Division

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Relating to Submerged Closed Loop Heat Exchangers, *Minnesota Rules*, chapter 4725; Revisor's ID Number R-4953; CAH docket number: 25-9000-41378

Introduction. The Minnesota Department of Health (MDH) intends to adopt rules under the expedited rulemaking process under the Administrative Procedure Act, *Minnesota Statutes*, section 14.389, and according to the rules of the Court of Administrative Hearings, *Minnesota Rules*, part 1400.2410. You may submit written comments on the proposed expedited rules until **4:30 p.m. on Friday, January 30, 2026**.

Subject of the Expedited Rules. Minnesota Statutes, section 103I.208, subdivision 3, directs the MDH to promulgate permanent rules for the permitting and installation of Submerged Loop Heat Exchangers (SCLHE). The adoption of these rules was published in the State Register on May 19, 2025. Minnesota Statutes, section 103I.208, subdivision 3, further authorizes MDH to use an expedited rulemaking process to amend these rules. MDH was directed to consider possible revisions to well screen configurations, isolation distances, and other requirements as needed for SCLHE systems.

MDH proposes to revise Minnesota Rules, chapter 4725, through an expedited process to:

- establish exemptions allowing wells used in SCLHE systems to be constructed with multiple screens separated by casing;
- clarify reporting requirements for SCLHE systems; and
- provide a path for use of alternative materials, joints, fittings, and connections, in addition to the existing SCLHE in-well piping requirements incorporated by reference from the International Mechanical Code; and
- expand the list of individuals authorized to witness a SCLHE system pressure test.

Statutory Authority. The statutory authority to adopt these rules under the expedited rulemaking process is Minnesota Statutes, section 103I.208, subdivision 3.

Publication of proposed rules. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed expedited rules may be viewed at: <https://www.health.state.mn.us/communities/environment/water/wells/rules/sclheruleexp.html>.

Agency Contact Person. The agency contact person is John Olson at Minnesota Department of Health, Environmental Health Division, PO Box 64975, St. Paul, Minnesota 55164-0975, 651-201-4614, john.d.olson@state.mn.us. You may contact the agency contact person with questions about the rules.

Public Comment. You have until **4:30 p.m. on Friday, January 30, 2026**, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules.

Your comment must be in writing and received by the agency contact person by the due date. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Submit written comments via the [Court of Administrative Hearings Rulemaking eComments website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/), by U.S. Mail delivered to the Court of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, or by fax (651) 539-0310.

All comments or responses received are public data and will be available for review on the eComments website.

Request for Hearing. In addition to submitting comments, you may also request that the agency hold a public hearing on the rules. You must make your request for a public hearing in writing by **4:30 p.m. on Friday, January 30, 2026**. You must include your name and address in your written request for hearing. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules. Any request that does not comply with these requirements is not valid and the agency cannot count it for determining whether it must hold a public hearing.

Withdrawal of Requests. If 50 or more persons submit a valid written request for a hearing, the agency will hold a public hearing unless a sufficient number of persons withdraw their requests

in writing. If enough requests for hearing are withdrawn to reduce the number below 50, the agency must give written notice of this to all persons who requested a hearing, explain the action the agency took to bring about the withdrawal, and ask for written comments on this action. If the agency is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*.

Adoption and Review of Expedited Rules. If no hearing is required, the agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Court of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

12/15/2025

Date

/s/ Wendy Underwood

Wendy Underwood

Deputy Commissioner