

February 19, 2025

VIA EFILING ONLY

Justin Kwong
Attorney at Law
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164
justin.kwong@state.mn.us

**Re: *In the Matter of the Amendments to Rules Relating to Submerged Closed Loop Heat Exchangers, Minnesota Rules Chapter 4725*
OAH 65-9000-40335; Revisor 4811**

Dear Justin Kwong:

Enclosed herewith and served upon you is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.26** in the above-entitled matter. The Administrative Law Judge has determined there are no negative findings in these rules.

The Office of Administrative Hearings has closed this file and is returning the rule record so that the Minnesota Department of Health can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. Please ensure that the agency's signed order adopting the rules is filed with our office. The Office of Administrative Hearings will request the finalized rules from the Revisor's office following receipt of that order. Our office will then file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the agency for its rulemaking record. The Department will then receive from the Revisor's office three copies of the Notice of Adoption of the rules.

The Department's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the State Register for publication. A permanent rule without a hearing does not become effective until five working days after a Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

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If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink, reading "Nichole Sletten". The signature is written in a cursive, flowing style.

NICHOLE SLETTEN
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Revisor of Statutes

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Amendments to Rules
Relating to Submerged Closed Loop Heat
Exchangers, Minnesota Rules Chapter
4725

**ORDER ON REVIEW OF
RULES UNDER
MINN. STAT. § 14.26**

The Minnesota Department of Health (Department) seeks review and approval of the amendments to Minnesota Rules Chapter 4725, which the Department adopted pursuant to Minn. Stat. § 14.26 (2024).

On February 12, 2025, the Department filed with the Office of Administrative Hearings a letter requesting administrative review of the proposed rules under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2023).¹ The Department re-submitted the request and documents on February 18, 2025, to provide clarification regarding consultation with Minnesota Management and Budget (MMB), changes to the proposed rules after publication, and identification of exhibits. The record closed on February 18, 2025.

Based upon a review of the written submissions and filings, as well as Minnesota Statutes and Rules,

IT IS HEREBY DETERMINED:

1. The Department has the statutory authority to adopt the amendments to the rules under Minn. Stat. §§ 103I.208, 103I.101, subd. 5 (2024).
2. The Department received no requests for hearing and, therefore, no public hearing was required to be held.
3. The Department adopted the rule amendments in compliance with the procedural requirements of Minn. Stat. §§ 14.001-.69 (2024) and Minn. R. 1400.2000-.2310 (2023).
4. The Department made two modifications to the rule after the publication of the rules in the *State Register* on November 12, 2024. Those modifications changed “one mile” to “one-half mile” in Lines 11.21 and 12.1 of the proposed rule (see Exhibit C).

¹ The Department's original filing on February 12, 2025, was deficient and contained inaccurate exhibits. The Department refiled its documents on February 14, 2025.

The modifications did not render the rule substantially different from the rule as originally proposed, when analyzed under Minn. Stat. § 14.05, subd. 2 (2024).

5. The record demonstrates the rule amendments are needed and reasonable.

THEREFORE, IT IS ORDERED THAT:

The rules are **APPROVED**.

Dated: February 19, 2025

A handwritten signature in black ink, appearing to read 'A. O'Reilly', is positioned above a horizontal line.

ANN C. O'REILLY
Administrative Law Judge