

February 5, 2021

**VIA EFILING ONLY**

Nancy Jo La Plante  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164  
[nancyjo.laplant@state.mn.us](mailto:nancyjo.laplant@state.mn.us)

**Re: In the Matter of the Bored Geothermal Heat Exchanger Rules  
OAH 21-9000-36766; Revisor RD4192**

Dear Ms. La Plante:

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 Denise Collins at (651) 361-7875, [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us) or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Lisa Armstrong". The signature is written in a cursive, flowing style.

LISA ARMSTRONG  
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission  
Revisor of Statutes

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Bored Geothermal  
Heat Exchanger Rules

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

The Minnesota Department of Health (Department) is seeking review and approval of the above-entitled rules, which were adopted by the agency pursuant to Minn. Stat. § 14.26 (2020). On January 27, 2021, the Office of Administrative Hearings (OAH) received the documents that must be filed by the Department under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2019). Based upon a review of the written submissions and filings, Minnesota Statutes, and Minnesota Rules,

**IT IS HEREBY DETERMINED:**

1. The Department has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2020), and Minnesota Rules, Chapter 1400 (2019).
3. The record demonstrates the rules are needed and reasonable.

**IT IS HEREBY ORDERED THAT:**

The rules are **APPROVED**.

Dated: February 5, 2021

  
KIMBERLY MIDDENDORF  
Administrative Law Judge