

# Minnesota Department of Health

## Division of Environmental Health

### REQUEST FOR COMMENTS

#### **Possible Amendment to Rules Governing Wells and Borings, *Minnesota Rules*, Chapter 4725; Revisor's ID Number RD 04811**

**Subject of Rules.** The Minnesota Department of Health (Department) requests comments on its possible amendment to *Minnesota Rules*, Chapter 4725, Wells and Borings (Well Code). The Department is considering rule amendments to include requirements for the permitting and installation of submerged closed loop heat exchangers in water supply wells and other subjects that come up, but only as time permits.

**Note:** This amendment process is separate and in addition to the proposed amendments to the Well Code to add an additional allowable form of Portland Cement. (*See*, Proposed Amendments to Rules Governing Wells and Borings, *Minnesota Rules*, Chapter 4725; Revisor's ID, R4754; OAH Docket No. 22-9000-38392.)

**Persons Affected.** The amendment to the rules would likely affect licensed well contractors, water supply well owners, submerged closed loop heat exchanger system owners, public water suppliers, and property owners adjacent to possible submerged closed loop heat exchanger system installations.

**Statutory Authority.** *Minnesota Statutes*, section 103I.208, subdivision 3, requires the commissioner to adopt rules "to implement requirements for the permitting and installation of submerged closed loop heat exchangers according to chapter 14." Additional authority comes from section 103I.101, subdivision 5, which authorizes the Department to adopt rules governing the construction, design, repair, sealing, maintenance, monitoring, and safety of wells and borings.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the State Register that the Department intends to adopt or withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments.

The Department plans to appoint an advisory committee to comment on the possible rules. The advisory committee will consist of representatives of the likely affected parties and members of the general public. The committee will meet approximately four times during the next six to twelve months to discuss proposed revisions to the Well Code.

The Department is also interested in whether local governments might be required to adopt or amend an ordinance or other regulation to implement these rules and therefore requests that local governments provide us with relevant information about their ordinances.

The Department is seeking information about whether the cost of complying with the rule in the first year after the rule takes effect will cost will exceed \$25,000 for one small city or business under Minnesota Statutes, section 14.127 and are requesting comments about the “cumulative effect of the rule with other federal and state regulations,” as required by Minnesota Statutes, section 14.131(8).

**Rules Drafts.** The Department has not yet drafted the possible rule amendments. When a draft becomes available, the Department will post it to its webpage for this rulemaking project at <https://www.health.state.mn.us/communities/environment/water/wells/index.html>. You may review the most recently published version of [Minnesota Rules, Chapter 4725, Wells and Borings](https://www.revisor.mn.gov/rules/4725/) at <https://www.revisor.mn.gov/rules/4725/>.

**Agency Contact Persons.** Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to one of the following Contact Persons:

Avery Guertin Minnesota Department of Health Environmental Health Division PO Box 64975 St. Paul, Minnesota 55164-0975 Email: <a href="mailto:avery.guertin@state.mn.us">avery.guertin@state.mn.us</a> Phone: 651-201-5959	Corrie Floyd Minnesota Department of Health Environmental Health Division PO Box 64975 St. Paul, Minnesota 55164-0975 Email: <a href="mailto:corrie.floyd@state.mn.us">corrie.floyd@state.mn.us</a> Phone: 651-201-4586
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**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.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

July 10, 2023

Date

/s/ Brooke Cunningham

Brooke Cunningham MD, PhD  
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