

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

1.1 **Department of Health**

1.2 **Proposed Expedited Permanent Rules Governing Submerged Closed Loop Heat**
1.3 **Exchange System**

1.4 **4725.0100 DEFINITIONS.**

1.5 *[For text of subparts 1 to 41f, see Minnesota Rules]*

1.6 Subp. 41g. **Screen.** "Screen" means a wire-wrapped, gauze, shutter, slotted, or
1.7 engineered perforated pipe ~~at the bottom of a casing~~ designed to allow water to enter a well
1.8 or boring and to prevent sediment from entering the well or boring.

1.9 *[For text of subparts 41h to 47e, see Minnesota Rules]*

1.10 Subp. 47f. **Submerged closed loop heat exchanger system.** "Submerged closed loop
1.11 heat exchanger system" or "SCLHE system" means one or more SCLHE ~~connected by~~
1.12 SCLHE lateral piping and the SCLHE lateral piping connecting to a building or a network
1.13 of buildings exchanging thermal energy.

1.14 *[For text of subparts 47g to 48b, see Minnesota Rules]*

1.15 Subp. 48c. **Third-party testing agency.** "Third-party testing agency" means an
1.16 independent organization that tests a product to specific safety, quality, or performance
1.17 standards and is not involved in the product's creation or sale.

1.18 *[For text of subparts 49 to 54, see Minnesota Rules]*

1.19 **4725.1834 SUBMERGED CLOSED LOOP HEAT EXCHANGER SYSTEM PERMIT.**

1.20 Subpart 1. **General requirements.** A person must not install or operate a SCLHE
1.21 system until the commissioner issues a permit to the well contractor installing the SCLHE
1.22 system, the system owner, and the property owner where a SCLHE is located, if different
1.23 than the system owner.

1.24 *[For text of item A, see Minnesota Rules]*

2.1 B. If a SCLHE system permit has been issued and includes proposed wells, a
2.2 system owner must provide the commissioner with a Minnesota unique well numbers number
2.3 for each proposed wells on a SCLHE system permit well before construction of the wells.

2.4 *[For text of items C and D, see Minnesota Rules]*

2.5 Subp. 2. **Permit application.**

2.6 *[For text of item A, see Minnesota Rules]*

2.7 B. A SCLHE system permit application must include:

2.8 *[For text of subitems (1) to (5), see Minnesota Rules]*

2.9 (6) proposed SCLHE system specifications, including:

2.10 *[For text of unit (a), see Minnesota Rules]*

2.11 (b) SCLHE in-well piping and SCLHE lateral piping specifications,
2.12 including:

2.13 i. diameters;

2.14 ii. material types and corresponding standards or information
2.15 demonstrating that a proposed alternative material satisfies the requirements of part
2.16 4725.7075, subpart 3;

2.17 iii. wall thicknesses; and

2.18 iv. pressure ratings;

2.19 *[For text of units (c) to (f), see Minnesota Rules]*

2.20 *[For text of subitems (7) and (8), see Minnesota Rules]*

3.1 (9) a cross-sectional diagram of each well in a proposed SCLHE system. One
3.2 diagram may be submitted if well construction, SCLHE in-well piping, SCLHE lateral
3.3 piping, and SCLHE unit installation is the same. A diagram must include:

3.4 *[For text of units (a) and (b), see Minnesota Rules]*

3.5 (c) the existing or anticipated static water level; and

3.6 *[For text of unit (d), see Minnesota Rules]*

3.7 (10) an inventory of known groundwater contamination sites and plumes
3.8 within one-half mile of the proposed SCLHE system wells. The inventory must include:

3.9 (a) a list of mapped groundwater contamination sites and plumes
3.10 generated from publicly available information on local, state, and federal websites. The list
3.11 must include:

3.12 *[For text of subunits i to iv, see Minnesota Rules]*

3.13 v. the source of information; and

3.14 *[For text of unit (b), see Minnesota Rules]*

3.15 *[For text of subitem (11), see Minnesota Rules]*

3.16 *[For text of subparts 3 and 4, see Minnesota Rules]*

3.17 Subp. 5. **Permit modifications.** The system owner must obtain the commissioner's
3.18 written approval before making changes to permitted SCLHE system specifications,
3.19 including:

3.20 *[For text of item A, see Minnesota Rules]*

3.21 B. SCLHE in-well piping and SCLHE lateral piping specifications, including:

3.22 (1) material types and corresponding standards or information demonstrating
3.23 that a proposed alternative material satisfies the requirements of part 4725.7075, subpart 3;

4.1 (2) wall thicknesses; or

4.2 (3) pressure ratings;

4.3 [For text of items C to H, see Minnesota Rules]

4.4 Subp. 6. **Installation record.** The system owner must submit a SCLHE system
4.5 installation record to the commissioner within 60 days of the date of the first successful
4.6 SCLHE system pressure test. The installation record must be legible and completed on a
4.7 form provided by the commissioner.

4.8 A. The installation record for the SCLHE system must include:

4.9 [For text of subitems (1) to (9), see Minnesota Rules]

4.10 (10) the pitless unit make and model; ~~and~~

4.11 (11) a plan diagram of the SCLHE system, including:

4.12 (a) all well locations where a SCLHE was installed; and

4.13 (b) distances of wells to:

4.14 i. property lines;

4.15 ii. structures;

4.16 iii. utilities listed in part 4725.2150;

4.17 iv. water bodies listed in part 4725.4350, subpart 1;

4.18 v. all other wells on the property, if applicable; and

4.19 vi. contamination sources listed in part 4725.4450; and

4.20 ~~(11)~~ (12) the cross-sectional diagrams of each well in the SCLHE system.

4.21 One diagram may be submitted if the well construction, SCLHE piping, and SCLHE unit
4.22 installation are the same.

5.1 [For text of item B, see Minnesota Rules]

5.2 Subp. 7. **SCLHE system maintenance.**

5.3 [For text of items A to G, see Minnesota Rules]

5.4 H. The system owner must notify the commissioner electronically ~~within 24 hours~~
5.5 of:

5.6 (1) pressure loss or leakage from the SCLHE system piping that causes an
5.7 alert or shut-off; within 24 hours of the event; and

5.8 (2) the product or component responsible for the pressure loss or leakage
5.9 within 30 days of the event reported in subitem 1.

5.10 [For text of items I and J, see Minnesota Rules]

5.11 [For text of subparts 8 and 9, see Minnesota Rules]

5.12 **4725.2750 SCREENS; SCREEN LEADERS, RISERS, AND SUMPS.**

5.13 A. If a screen is attached or connected to the casing, the connection must be made
5.14 by a threaded, solvent-welded, or welded joint, or by a nontoxic packer. Lead packers must
5.15 not be used.

5.16 B. A screen riser or leader must not extend more than 21 feet above the screen.
5.17 A screen sump must not extend more than ten feet below the screen. The total combined
5.18 length of screen riser or leader and screen sump must not exceed 21 feet.

5.19 C. A screen riser, leader, or screen sump must comply with the confining layer
5.20 requirements of part 4725.2020, subpart 1a.

5.21 D. Multiple screens separated by a screen riser, leader, or sump are not permitted.

5.22 E. A well is exempt from item D if the well:

5.23 (1) is used in a SCLHE system; and

6.1 (2) complies with part 4725.2020, subpart 1.

6.2 F. If a well constructed according to item E is completed in unconsolidated
6.3 material, the well contractor must:

6.4 (1) obtain a geologic log of the bore hole from a third-party licensed
6.5 professional geologist reporting geologic material in accordance with part 4725.1851, subpart
6.6 4; and

6.7 (2) submit the geologic log with the record of well construction in accordance
6.8 with part 4725.1851, subpart 1.

6.9 **4725.3050 GROUTING.**

6.10 [For text of subparts 1 to 8, see Minnesota Rules]

6.11 Subp. 9. Alternative for wells used in SCLHE system with multiple screens. If a
6.12 well is used in a SCLHE system, the well contractor may fill the annular space separating
6.13 multiple screens by:

6.14 A. placing bentonite chips or bentonite pellets without voids or bridging in the
6.15 annular space; and

6.16 B. filling the annular space from the top of the gravel pack for the lower screen
6.17 to the bottom of the gravel pack for the upper screen.

6.18 **4725.7075 SUBMERGED CLOSED LOOP HEAT EXCHANGER SYSTEM**
6.19 **INSTALLATION.**

6.20 [For text of subparts 1 and 2, see Minnesota Rules]

6.21 **Subp. 3. Piping and fittings.**

6.22 [For text of items A and B, see Minnesota Rules]

6.23 **C. SCLHE in-well piping must comply with the:**

- 7.1 (1) standards listed in IMC table 1202.4 for piping₂;
- 7.2 ~~(2)~~ standards listed in IMC table 1202.5 for fittings₂ and
- 7.3 ~~(3)~~ requirements of IMC section 1203 for joints and connections; or
- 7.4 (2) an alternative material, joint, fitting, or connection, according to item E.

7.5 *[For text of item D, see Minnesota Rules]*

7.6 E. An alternative material, joint, fitting, or connection for SCLHE in-well piping

7.7 must:

7.8 (1) be proposed to the commissioner through a permit application according

7.9 to part 4725.1834, subpart 2, or permit modification according to part 4725.1834, subpart

7.10 5, and include:

7.11 (a) pressure and tensile strength testing results by a third-party testing

7.12 agency;

7.13 (b) an evaluation by a licensed professional engineer; and

7.14 (c) a recommendation from a licensed professional engineer that the

7.15 proposed alternative is satisfactory for the intended use and equivalent to materials that

7.16 meet the standards cited in item C, subitem (1), in quality, strength, effectiveness, durability,

7.17 and safety; and

7.18 (2) meet the requirements in item D.

7.19 F. The commissioner shall deny a permit application or permit modification under

7.20 part 4725.1845 and Minnesota Statutes, section 144.99, subdivision 8, if the application or

7.21 modification proposes the use of an alternative material, joint, fitting, or connection that

7.22 has been previously approved for use as part of a permit application and has demonstrated

7.23 a persistent pattern of pressure loss or leakage, as evidenced by event notifications under

7.24 part 4725.1834, subpart 7.

8.1 Subp. 4. **Pressure test.**

8.2 [For text of items A to E, see Minnesota Rules]

8.3 F. A pressure test must:

8.4 (1) be conducted by a well contractor, bonded mechanical contractor, or
8.5 licensed plumber;

8.6 (2) be witnessed by a third party who is a ~~Department of Health inspector,~~
8.7 ~~licensed professional engineer, licensed plumber, or bonded mechanical contractor;~~

8.8 (a) Department of Health inspector;

8.9 (b) licensed professional engineer;

8.10 (c) licensed plumber;

8.11 (d) well contractor;

8.12 (e) certified building official;

8.13 (f) bonded mechanical contractor;

8.14 (g) accredited installer or certified geothermal inspector certified by the
8.15 International Ground Source Heat Pump Association; or

8.16 (h) ground source heat pump system verification and inspection
8.17 professional certified by the CSA Group;

8.18 [For text of subitems (3) to (5), see Minnesota Rules]

8.19 [For text of items G and H, see Minnesota Rules]

8.20 I. A pressure test record must include:

8.21 [For text of subitems (1) to (4), see Minnesota Rules]

9.1 (5) the hydrostatic pressure ~~on the SCLHE unit~~ of the SCLHE system as
9.2 measured at or above the ground surface; and

9.3 *[For text of subitem (6), see Minnesota Rules]*

9.4 *[For text of item J, see Minnesota Rules]*

9.5 *[For text of subpart 5, see Minnesota Rules]*