



July 25, 2023

The Honorable Jenny Starr  
Chief Administrative Law Judge  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, Minnesota 55164-0620

**Re: In the Matter of the Proposed Amendments to Rules Governing Health Risk Limits for Groundwater, Minnesota Rules, Chapter 4717, Parts 7500 and 7860; Revisor's ID Number RD 4587; OAH Docket No. 22-9000-38941;**

Dear Chief Judge Starr:

In your Order dated July 20, 2023, you approved the above-referenced rule proposal in all respects with the exception of a procedural defect that you instructed the Minnesota Department of Health (Department) to cure by including a supplement to the Statement of Need and Reasonableness (SONAR) for this rule proposal. The Department has adopted your recommendation as provided herein and with no modifications to the rule as proposed. Please find for your review:

- A copy of the rule as originally proposed, and as adopted;
- A supplement to the SONAR (Appendix G), reflecting the Department's explicit determination pursuant to Minnesota Statutes, section 14.127;
- A copy of the SONAR; and
- A draft unsigned Order Adopting Rules.

We appreciate your attention to this matter and look forward to your response. Please feel free to contact me as provided below if you have any questions or concerns about this submission.

Regards,

*/s/ Josh Skaar*

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Josh Skaar  
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## APPENDIX G. SUPPLEMENT TO SONAR

In accordance with the Report of Chief Administrative Law Judge Starr, dated July 20, 2023, the Department of Health (Department) makes this supplement to its Statement of Need and Reasonableness (SONAR) regarding amendments to its Rules Governing Health Risk Limits for Groundwater, Minnesota Rules, Chapter 4717, Parts 7500 and 7860; Revisor's ID Number RD 4587.

Specifically, there are no enforcement provisions associated with the proposed amendments to Minnesota Rules, parts 4717.7500 and .7860, or those rule parts themselves; thus, there are necessarily no costs associated with compliance with the proposed rule. As required by the plain language of Minnesota Statutes, section 14.127, the Department has determined that the cost of complying with the proposed rule in the first year after the rule takes effect will not exceed \$25,000 for: (1) any one business that has less than 50 full-time employees; or (2) any one statutory or home rule charter city that has less than ten full-time employees.

## Minnesota Department of Health

### ORDER ADOPTING RULES

#### **Adoption of Amendments to Rules Governing Health Risk Limits for Groundwater, Minnesota Rules, Chapter 4717, Parts 7500 and 7860; Revisor's ID Number RD 4587; OAH Docket No. 22-9000-38941**

#### **BACKGROUND INFORMATION**

1. The Minnesota Department of Health (Department) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. No modifications were made to the proposed rule.

2. The Department adopts the Chief Administrative Law Judge's (Chief ALJ) Report dated July 20, 2023, and incorporates the Report into this Order.

3. In her Report, the Chief ALJ disapproved the proposed rule due to a procedural defect. Specifically, the Department did not explicitly communicate its determination regarding costs under section 14.127. The Chief ALJ approved the rule in all other respects and instructed the Department that it could cure the defect by supplementing its Statement of Need and Reasonableness (SONAR) with an explicit recital of its determination as to costs and noting this supplement to the SONAR in this Order Adopting the Rule. As indicated in the attached supplement to the SONAR, which is marked as Appendix G, the Department has determined that there are no costs as a direct result of these rule amendments. Accordingly, the cost of complying with a proposed rule in the first year after the rule takes effect will not exceed \$25,000 for: (1) any one business that has less than 50 full-time employees; or (2) any one statutory or home rule charter city that has less than ten full-time employees. Appendix G is now adopted as a supplement to the Department's SONAR and appended thereto.

4. The rules are needed and reasonable.

#### **ORDER**

The above-named rules, as proposed and reflected in the Revisor's draft, file number AR4587, dated November 1, 2022, are adopted under my authority in Statutes, section 103H.201.

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Date

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Dr. Brooke Cunningham MD, PhD  
Commissioner  
P.O. Box 64975  
St. Paul, MN 55164-0975