**Section 1764.15 Initial Processing, Recordkeeping, and Notification Requirements**

a) Processing of Petitions

1) Within 60 days after receipt of a petition, the Department shall notify the petitioner by certified mail whether or not the petition is complete under Section 1764.13(b) or (c). Complete, for a designation or termination petition, means that the information required under Section 1764.13(b) or (c) has been provided.

2) The Department shall determine whether any identified coal resources exist in the area covered by the petition, without requiring any showing from the petitioner. If the Department finds there are not any identified coal resources in that area, it shall return the petition to the petitioner with a statement of the findings.

3) If the Department determines that the petition is incomplete, frivolous, or that the petitioner does not meet the requirements of Section 1764.13(a), it shall return the petition to the petitioner with a written statement of the reasons for the determination and the categories of information needed to make the petition complete. A frivolous petition is one in which the allegations of harm lack serious merit.

4) When considering a petition for an area which was previously and unsuccessfully proposed for designation, the Department shall determine if the new petition presents significant new allegations of facts with evidence which tends to establish the allegations. If the petition does not contain such material, the Department shall not consider the petition and shall return the petition to the petitioner, with a statement of its findings and a reference to the record of the previous designation proceedings where the facts were considered.

5) The Department shall notify the person who submits a petition of any application for a permit received which includes any area covered by the petition.

6) The Department shall not process any petition received insofar as it pertains to lands for which an administratively complete permit application has been filed and the first newspaper notice has been published. Based on such a determination, the Department may issue a decision on a complete and accurate permit application and shall inform the petitioner why the Department cannot consider the part of the petition pertaining to the proposed permit area.

b) Promptly after a petition is received, the Department shall notify the general public of the receipt of the petition by a newspaper advertisement placed in the locale of the area covered by the petition, in the newspaper providing broadest circulation in the region of the petitioned area and in any official State register of public notices. The Department shall make copies of the petition available to the public and shall provide copies of the petition to other interested governmental agencies, intervernors, persons with an ownership interest of record in the property, and other persons known to the Department to have an interest in the property.

c) Land Report and Public Comment

1) After the petition is determined to be complete the Department shall prepare a Land Report. Each Land Report shall evaluate whether mining operations on the land which is subject to the petition would have any or all of the effects described in 62 Ill. Adm. Code 1762.11. Each Land Report shall contain a detailed statement on:

A) The potential resources of the area,

B) The demand for coal resources, and

C) The impact of a designation of such lands as unsuitable for mining on the environment, the economy, and the supply of coal.

2) The Land Report shall state objectively the information which the Department has, but shall not contain a recommendation with respect to whether the petition should be granted or denied. Each Land Report shall be completed not later than eight months after the petitioner has been notified the petition is complete under subsection (a)(1).

3) The Department shall print 100 copies of each Land Report, which shall be distributed as follows: One copy to each petitioner; one copy to the operator or operators; two copies to the County Clerks of the counties included in the petition, one of which is to be forwarded to the county commission or board of supervisors; one copy to the Office of Surface Mining Reclamation and Enforcement, and one copy to each office of the Land Reclamation Division for public use. Remaining copies may be provided to persons who have filed requests in the proceeding for a copy of the report.

4) Within three weeks after the determination that a petition is complete, the Department shall request submissions from the general public of relevant information, by a newspaper advertisement placed once a week for two consecutive weeks in the locale of the area covered by the petition, in the newspaper providing broadest circulation in the region of the petitioned area, and in any official State register of public notices.

d) Until three days before the Department holds a hearing under Section 1764.17, any person may intervene in the proceeding by filing allegations of facts, supporting evidence, a short statement identifying the petition to which the allegations pertain, and the intervenor's name, address, and telephone number.

e) Beginning immediately after a complete petition is filed, the Department shall compile and maintain a record consisting of all documents relating to the petition filed with or prepared by the Department. The Department shall make the record available for public inspection, free of charge, during all normal business hours at a central location of the county or multi-county area in which the land petitioned is located, and make available for copying at reasonable cost at the Department's main and regional offices.

(Source: Amended at 22 Ill. Reg. 20137, effective November 5, 1998)