**Section 1764.19 Decision**

a) In reaching its decision, the Department shall use:

1) The information contained in the data base and inventory system;

2) Information provided by other governmental agencies;

3) The Land Report prepared under Section 1764.15(c); and

4) Any other relevant information submitted during the comment period.

b) The Department may decide to designate the petitioned land areas in whole or in part, not to designate the petitioned land areas, or to place conditions on future operations in all or part of the petitioned area which would successfully mitigate the impacts of such operations.

c) A final written decision shall be issued by the Department, including a statement of reasons, within sixty (60) days of completion of the public hearing, or, if no public hearing is held, then within twelve (12) months after receipt of the complete petition. The Department shall simultaneously send this final administrative decision by certified mail to the petitioner and intervenors and by regular mail to all other persons involved in the proceeding.

d) The final administrative decision of the Department with respect to a petition, or the failure of the Department to act within the time limits set forth in this Section, shall be subject to judicial review by a court of competent jurisdiction in accordance with State law under Section 8.10 of the State Act and 62 Ill. Adm. Code 1847.3(l). All relevant portions of the data base, inventory system, and public comments received during the public comment period set by the Department shall be considered and included in the record of the administrative proceeding.

(Source: Amended at 17 Ill. Reg. 11114, effective July 1, 1993)