**Section 1700.12 Petitions to Initiate Rulemakings**

a) Any person may petition the Department to initiate a proceeding for the issuance, amendment, or repeal of any regulation under the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] (the State Act). The petition shall be submitted to the Department's Springfield office.

b) The petition shall be a concise statement of the facts, technical justification, and law which require issuance, amendment, or repeal of a regulation under the State Act and whether the petitioner wants a public hearing.

c) Upon receiving the petition, the Director shall determine if the petition sets forth facts, technical justification, and law which may provide a reasonable basis for issuance, amendment or repeal of a regulation. A reasonable basis is not facts, technical justification, or law previously considered in a petition for rulemaking. The Director shall hold a public hearing, if requested, to determine whether the petition shall be granted.

d) Within 90 days after receiving the petition, the Director shall issue a final written decision either granting or denying the petition. The Director's decision shall constitute the final decision for the Department.

1) If the Director grants the petition, the Director shall, at the time he issues the decision, submit the proposed rule to the Administrative Code Division of the Secretary of State with a notice and text of the proposed rulemaking; or

2) If the Director denies the petition, the Director shall notify the petitioner in writing, stating the reasons for denial.

(Source: Amended at 26 Ill. Reg. 4209, effective March 6, 2002)