**Section 1773.19 Permit Issuance and Right of Renewal**

a) Final permit decision.

1) The Department shall make its final decision to approve, deny or modify the permit application on the basis of:

A) Complete applications for permits and revisions or renewals thereof;

B) Public participation, as provided by Sections 1773.13 and 1773.14; and

C) Compliance with all applicable provisions of 62 Ill. Adm. Code 1785.

2) The Department shall make its final permit decision within the following time limits:

A) Within sixty (60) days of an informal conference held pursuant to Section 1773.13(c), unless a public hearing has been requested pursuant to Section 1773.14;

B) Within sixty (60) days of a public hearing held pursuant to Section 1773.14; or

C) If no informal conference or public hearing is requested, within one hundred and twenty (120) days of filing of the application.

D) If final action on an application does not occur within the times prescribed in subsections (a)(2)(A), (B), or (C) above, whichever applies, the applicant may deem the application denied, and such denial shall constitute a final permit decision. The applicant may waive these time limits.

3) Notification.

The Department shall mail written notification of its final permit decision to the following persons and entities:

A) The applicant, each person who files comments or objections to the permit application, and each party to an informal conference or public hearing.

B) The local governmental officials in the local political subdivision in which the land to be affected is located within ten (10) days after the issuance of a permit, including a description of the location of the land.

C) The local OSMRE office.

b) The permit shall be deemed to be issued when:

1) The permit application, as originally submitted or as modified, is approved by the Department; and

2) Permit fees and reclamation bond, in the form and amounts set by 62 Ill. Adm. Code 1777.17 and 1800, have been received and accepted by the Department.

c) Permit term.

Each permit shall be issued for a fixed term of five (5) years or less, unless the requirements of 62 Ill. Adm. Code 1778.17 are met.

d) Right of renewal.

Permit application approval shall apply to those lands that are specifically designated as the permit area on the maps submitted with the application and for which the application is complete and accurate. Any valid permit issued in accordance with subsection (b) shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit, in accordance with 62 Ill. Adm. Code 1774.15.

e) Initiation of operations.

1) A permit shall terminate if the permittee has not begun the surface coal mining and reclamation operation covered by the permit within three (3) years of the issuance of the permit.

2) The Department shall grant a reasonable extension of time for commencement of these operations, upon receipt of a written statement showing that such an extension of time is necessary, if:

A) Litigation precludes the commencement or threatens substantial economic loss to the permittee; or

B) There are conditions beyond the control and without the fault or negligence of the permittee.

3) With respect to coal to be mined for use in a synthetic fuel facility or specified major electric generating facility, the permittee shall be deemed to have commenced surface mining operations at the time that the construction of the synthetic fuel or generating facility is initiated.

4) Extensions of time granted by the Department under this subsection (e) shall be specifically set forth in the permit, and notice of the extension shall be made public by the Department.

(Source: Amended at 15 Ill. Reg. 17998, effective January 1, 1992)