**Section 102.211 Proposal to Update Incorporations by Reference**

a) *Any person may file a proposal with the Board to update an incorporation by reference included in a Board rule. The Board or the Agency may also make such a proposal on its own initiative.* [415 ILCS 5/28.6(a)] The proposal must be filed with the Clerk in accordance with 35 Ill. Adm. Code 101.302(h) and served on the Agency, DNR, and the Attorney General in accordance with 35 Ill. Adm. Code 101.304(c).

b) *A rulemaking to update an incorporation by reference under this Section must*:

1) *Be for the sole purpose of replacing a reference to an older or obsolete version of a document with a reference to the current version of that document or its successor document*; and

2) *Comply with Sections 5-40 and 5-75 of the IAPA.* [415 ILCS 5/28.6(b), (c)]

c) *Sections 27 and 28 of the Act* *do not apply to rulemaking under this Section.* [415 ILCS 5/28.6(c)] Accordingly, for rulemaking under this Section, the Board will not hold any public hearings nor request that the Department of Commerce and Economic Opportunity conduct a study of the economic impact of the proposed amendment.

d) A proposal to update an incorporation by reference under this Section must:

1) Include a statement of the reasons supporting the proposal, including a statement of the facts that support the proposal, and a statement of the purpose and effect of the proposal;

2) Comply with subsections (a), (d), (e), (f), (i), and (j) of Section 102.202; and

3) When any information required under this subsection (d) is inapplicable or unavailable, the proposal must provide a complete justification for the inapplicability or unavailability.

e) *If an objection to the proposed amendment is filed during the public comment period required under Section 5-40 of the IAPA*, *then the proposed amendment cannot be adopted pursuant to this Section.* [415 ILCS 5/28.6(d)]

f) *Nothing in this Section precludes the adoption of a change to an incorporation by reference through other lawful rulemaking procedures.* [415 ILCS 5/28.6(d)]

(Source: Amended at 41 Ill. Reg. 10002, effective July 5, 2017)