

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Fox, Tim](#)
Subject: PC for R18-22
Date: Wednesday, April 4, 2018 11:09:57 AM

Good morning, Mr. Clerk:

Please add this email correspondence—between me and Jonathan Eastvold of JCAR—to the R18-22 record as a public comment.

If you have any questions, please let me know. Thank you.

From: McGill, Richard
Sent: Wednesday, April 4, 2018 11:06 AM
To: 'Eastvold, Jonathan C.' <JonathanE@ilga.gov>
Subject: RE: 35 IAC 205/R18-22

Good morning, Jonathan:

The Board received IEPA’s rulemaking proposal on Feb. 22, 2018. To expedite the rulemaking, the Board, on Mar. 22, 2018, adopted IEPA’s proposed amendments for first notice, without commenting on their substantive merits. The Board expects the proposed amendments to appear in the *Illinois Register* on April 13, 2018.

By hearing officer order of Mar. 22, 2018, the Board scheduled hearings on IEPA’s rulemaking proposal for May 10 and June 7, 2018. The deadline to file testimony for the first hearing is April 26, 2018. The Board has not submitted written questions to IEPA. Before or at hearing, the Board will ask IEPA to explain its reasoning behind proposing the April 30 “sunset date.”

In the meantime, I draw your attention to the Statement of Reasons (SR) and the Technical Support Document (TSD) in IEPA’s rulemaking proposal. IEPA states that, “[a]s ozone typically forms in the hotter, sunnier days of the year, ERMS addresses the period May 1 through September 30, known as the seasonal allotment period or season. The ERMS program is a cap and trade market system in which sources must hold allowances, known as Allotment Trading Units (‘ATUs’), for their actual VOM emissions during the ERMS season.” SR at 2. IEPA also

states that the ERMS program “no longer effectively provides any environmental benefit beyond existing state and federal measures promulgated since the adoption of the ERMS program.” TSD at 1; *see also* SR at 3-4. IEPA proposes to “sunset the provisions of Part 205 on April 30, 2018, so ERMS participants will no longer have to address ERMS requirements in and after the 2018 season.” TSD at 5.

If I can assist in any other way, please let me know. Thank you.

Best regards,

Richard

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From: Eastvold, Jonathan C. [<mailto:JonathanE@ilga.gov>]

Sent: Tuesday, April 3, 2018 12:41 PM

To: McGill, Richard <Richard.McGill@illinois.gov>

Subject: [External] 35 IAC 205/R18-22

Vicki wanted me to ask why PCB is proceeding with an April 30 sunset date when that won't even get us through the public notice period (and thus the change to the law will be retroactive). Does the situation require emergency rulemaking, or is a later date required?

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