

## **Board Adopts Final Rule to “Sunset” ERMS**

On December 6, 2018, the Board adopted a final amendment to its Emissions Reduction Market System (ERMS) rules. The amendment “sunsets” ERMS as of April 30, 2018. The Board agreed with the Illinois Environmental Protection Agency (IEPA), the rulemaking’s proponent, that ERMS no longer provides emissions reductions beyond those achieved by more recent “command and control” regulations required by the federal Clean Air Act. At its November 13, 2018 meeting, the Joint Committee on Administrative Rules (JCAR) responded to the Board’s proposal by issuing an objection and recommendation. In its December 6, 2018 opinion and order, the Board responded to JCAR, respectfully declining to withdraw or modify the Board’s proposal or seek repeal of Section 9.8 of the Illinois Environmental Protection Act (415 ILCS 5/9.8 (2016)). The Board also adopted the ERMS sunset amendment as a final rule, rendering the ERMS program inapplicable after April 29, 2018. The rulemaking is captioned Amendments to 35 Ill. Adm. Code 205, Emissions Reduction Market System, docket R18-22. Here is a link to the Board’s [final opinion and order](#), which includes the adopted rule text. The rule amendment became effective on December 26, 2018, upon filing with the Secretary of State. For more information, please contact Tim Fox at 312-814-6085 or [Tim.Fox@Illinois.Gov](mailto:Tim.Fox@Illinois.Gov).