

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**  
ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. KEITH WHEELER

EXECUTIVE DIRECTOR:  
VICKI THOMAS



700 STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706  
217/785-2254

SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. PAUL SCHIMPF  
SEN. IRA SILVERSTEIN  
SEN. CHUCK WEAVER  
REP. PETER BREEN  
REP. BARBARA FLYNN CURRIE  
REP. TOM DEMMER  
REP. GREG HARRIS  
REP. ANDRÉ THAPEDI

November 13, 2018

**RECEIVED**  
CLERK'S OFFICE

NOV 16 2018

Katie Papadimitriu, Chairman  
Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago IL 60601

STATE OF ILLINOIS  
Pollution Control Board

Re: Emissions Reduction Market System (35 Ill. Adm. Code 205; 42 Ill. Reg. 6572 - 4/13/18)

Dear Chairman Papadimitriu:

This is to notify you that JCAR considered the above-referenced rulemaking at its 11/13/18 meeting.

The Committee has voted an Objection and a Recommendation to the rulemaking. The Committee's Certification and Statement of Objection and Recommendation are enclosed.

If we can be of any assistance to your agency in responding to the Objection/Recommendation, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Thomas".

Vicki Thomas  
Executive Director

VT:JEcw

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF OBJECTION

I, Vicki Thomas, Executive Director of the Joint Committee on Administrative Rules, being first duly sworn on oath, depose and state that, pursuant to Section 5-110 of the Illinois Administrative Procedure Act, the Joint Committee on Administrative Rules, at its meeting on November 13, 2018, voted an Objection with respect to the Pollution Control Board's rulemaking titled Emissions Reduction Market System (35 Ill. Adm. Code 205; 42 Ill. Reg. 6572).

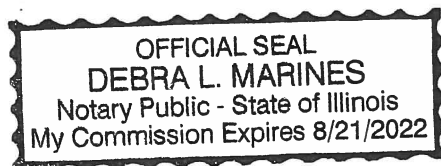
A statement of the Joint Committee's specific Objection accompanies this certification.

Failure to respond within 90 days after receipt of this Certification of Objection will constitute withdrawal of the proposed rulemaking in its entirety. The agency's response will be placed on the Committee's agenda for further consideration.

A handwritten signature in cursive script that reads "Vicki Thomas".

\_\_\_\_\_  
Vicki Thomas, Executive Director

Subscribed and sworn to before me this 13<sup>th</sup> day of November, 2018.



A handwritten signature in cursive script, likely belonging to the notary public.

\_\_\_\_\_  
Notary Public

Attachments: Statement of Objection  
Agreements

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Emissions Reduction Market System

Code Citation: 35 Ill. Adm. Code 205

Section Numbers: 205.115

Date Originally Published in the Illinois Register: 4/13/18  
42 Ill. Reg. 6572

At its meeting on 11/13/18, the Joint Committee on Administrative Rules objected to the above-referenced rulemaking because it sets a retroactive sunset date for the system that predates any possible adoption date for this rulemaking. Additionally, JCAR objected to EPA's implementation of the policy stated in this rulemaking prior to adoption of this rulemaking by PCB.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

## SECOND NOTICE CHANGES

**Agency:** Pollution Control Board

**Rulemaking:** Emissions Reduction Market System (35 Ill. Adm. Code 205; 42 Ill. Reg. 6572)

**Changes:**

1. In line 74, after "Adopted" add "in R1997-13".

*cw 11/17/18  
11:49 a.m.*

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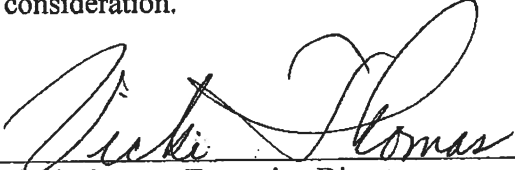
**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**CERTIFICATION OF RECOMMENDATION**

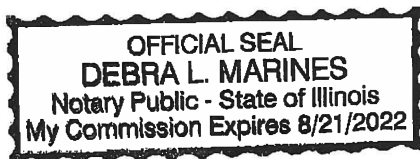
I, Vicki Thomas, Executive Director of the Joint Committee on Administrative Rules, being first duly sworn on oath, depose and state that, pursuant to Section 5-110 of the Illinois Administrative Procedure Act, the Joint Committee on Administrative Rules, at its meeting on November 13, 2018, voted an Recommendation with respect to the Pollution Control Board's rulemaking titled Emissions Reduction Market System (35 Ill. Adm. Code 205; 42 Ill. Reg. 6572).

A statement of the Joint Committee's specific Recommendation accompanies this certification.

Failure to respond within 90 days after receipt of this Certification of Recommendation will constitute withdrawal of the proposed rulemaking in its entirety. The agency's response will be placed on the Committee's agenda for further consideration.

  
Vicki Thomas, Executive Director

Subscribed and sworn to before me this 13<sup>th</sup> day of November, 2018.



  
Notary Public

Attachments: Statement of Recommendation

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

POLLUTION CONTROL BOARD

Heading of the Part: Emissions Reduction Market System

Code Citation: 35 Ill. Adm. Code 205

Section Numbers: 205.115

Date Originally Published in the Illinois Register: 4/13/18  
42 Ill. Reg. 6572

At its meeting on 11/13/18, the Joint Committee on Administrative Rules issued a Recommendation to the above-referenced rulemaking. The Committee recommends that, if PCB and EPA believe this program is no longer warranted, they should seek repeal of Section 9.8 of the Environmental Protection Act [425 ILCS 5], which requires EPA to design and carry out an emissions market program.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.