**Section 212.704 Implementation**

a) Following any exceedence of the 24-hour ambient air quality standard for PM-10, the Agency shall notify the source or sources the Agency has identified as likely to be causing or contributing to an exceedence detected by monitoring. Within ninety (90) days after receipt of such notification, each source so notified may implement Level I or Level II measures, as determined pursuant to subsection (d) below.

b) If there is a violation of the ambient air quality standard for PM-10 as determined in accordance with 40 CFR Part 50, Appendix K, incorporated by reference in Section 212.113 of this Part, the Agency shall notify the source or sources the Agency has identified as likely to be causing or contributing to one or more of the exceedences leading to such violation, and such source or sources shall implement Level I or Level II measures, as determined pursuant to subsection (e) below. The source or sources so identified shall implement such measures corresponding to fugitive emissions within ninety (90) days after receipt of such notification and shall implement such measures corresponding to any nonfugitive emissions according to the approved schedule set forth in such source's alternative control plan. Any source identified as causing or contributing to a violation of the ambient air quality standard for PM-10 may appeal any finding of culpability by the Agency to the Board pursuant to 35 Ill. Adm. Code 106, Subpart J.

c) Upon the finding of a failure to attain by the Administrator of USEPA, the Agency shall notify all sources in the applicable area required to submit contingency measure plans pursuant to Section 212.700 of this Subpart of such finding by the Administrator; however, the Agency's failure to notify a source of its requirement to implement its contingency measure plan because of the Administrator's finding of a failure to attain shall not be a defense to a violation of this Subpart and shall not relieve the source of its obligation to timely comply with this Section. All such sources subject to this Subpart shall, within sixty (60) days after receipt of such notification, implement any Level II measures corresponding to fugitive emissions subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 and shall implement any Level II measures corresponding to any nonfugitive emissions of PM-10 according to the approved schedule set forth in such source's alternative control plan, unless such corresponding Level II controls have been previously implemented by such source or sources pursuant to subsection (a) or (b) above.

d) The Agency shall request that sources comply with the Level I or Level II measures of their contingency measure plans, pursuant to subsection (a) above, as follows:

1) Level I measures shall be requested when the magnitude of the monitored exceedence at a given air quality monitor is less than or equal to 170 µg/m3.

2) Level II measures shall be requested when the magnitude of the monitored exceedence at a given air quality monitor exceeds 170 µg/m3.

e) The Agency shall require that sources comply with the Level I or Level II measures of their contingency measure plans, pursuant to subsection (b) above, as follows:

1) Level I measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to 40 CFR 50, Appendix K, incorporated by reference in Section 212.113 of this Part, is less than or equal to 170 µg/m3.

2) Level II measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to 40 CFR 50, Appendix K, incorporated by reference in Section 212.113 of this Part, exceeds 170 µg/m3.

(Source: Added at 18 Ill. Reg. 11587, effective July 11, 1994)