**Section 352.200 Procedures for Establishing Permit Limitations for Discharges to Waters Not Currently Meeting Water Quality Standards, Criteria, or Values**

Discharges tributary to any water body segment within the Lake Michigan Basin that contains a parameter that is known to exceed the ambient water quality standards and resulting in that water body being identified and listed on the Agency's list of impaired waters required by Section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)) and 40 CFR 130.7(b)(6) shall have limitations and conditions established by the Agency as follows:

a) All specific provisions and limitations contained within the most recent adopted and USEPA approved Lake Michigan Lakewide Management Plan (LaMP) that apply to any discharge covered by the permit shall be considered for incorporation into the permit consistent with subsection (e) below.

b) All requirements of a Remedial Action Plan (RAP) for an Area of Concern (AOC) applicable to the subject discharge shall be considered for incorporation into the permit consistent with subsection (e) below.

c) Discharge limitations established through an approved Response Action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, shall be considered for incorporation into the permit consistent with subsection (e) below.

d) Total Maximum Daily Loads (TMDLs) and Waste Load Allocations (WLA) will be established through either the LaMP or a RAP for an Area of Concern. If a LaMP or RAP has not been completed and adopted, effluent limits shall be established consistent with the other provisions of this Part, including but not limited to Additivity, Intake Pollutants, Loading Limits, Level of Detection/Level of Quantification and Compliance Schedules. When calculation of TMDLs or a Waste Load Allocation is incomplete and it is expected that limits established though other provisions will be superseded upon completion of the TMDL or Waste Load Allocation process, said limits shall be identified as interim and the permit shall include a reopener clause triggered by completion of TMDL or WLA determination. Any new limits brought about through exercise of the reopener clause shall be eligible for delayed compliance dates and compliance schedules consistent with Subpart H of this Part.

e) Any provisions or limitations referred to in subsection (a), (b), (c), or (d) will be subject to public participation procedures under State and federal law for TMDLs, certified by the Agency as meeting the requirements of sections B through F of Procedure 3 of Appendix F to 40 CFR 132, and approved by USEPA before being incorporated into the permit. Appeal or judicial review procedures will be the same as with any other permit terms.