



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

October 31, 2024

SUBJECT FAP Route 342 (IL 53)  
Project NHPP-BRWL(799)  
Section (531) BR 23  
Cook County  
Contract No. 62W38  
Item No. 142, November 8, 2024 Letting  
Addendum A

## NOTICE TO PROSPECTIVE BIDDERS:

Attached is an addendum to the plans or proposal. This addendum involves revised and/or added material.

1. Revised the Schedule of Prices
2. Revised the Table of Contents to the Special Provisions
3. Revised page 1-3, 19, 20, 234-236, 286, 287 & 459 of the Special Provisions
4. Deleted pages 337-374, 428-430 & 460-465 of the Special Provisions
5. Added pages 3A & 559-619 to the Special Provisions
6. Revised sheets 1, 3-13, 16-25, 27-31, 33, 34, 42, 47-61, 91-96, 98, 99, 101-104, 106, 115-131, 148-152, 155, 156, 158-160, 175, 179, 181-214, 333-343, 396-409, 415, 481, 484, 503, 505-507, 509-511, 513-515, 519, 521-523, 590, 605 646, 664, 665, 668, 676, 686, 687, 712, 720, 728-731, 742-747, 749A, 758-762, 764, 765, 770-776, 779-784, 786-794, 801, 802, 819, 820, 822, 823, 838, 840, 843, 846-848, 850, 851, 853, 873, 885, 886, 898, & 914 of the Plans
7. Added sheets 75A, 343A, 505A, 509A, 513A, 646A, 813A-813G, 959A, & 966A to the Plans

Prime contractors must utilize the enclosed material when preparing their bid and must include any changes to the Schedule of Prices in their bid.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jack A. Elston'.

Jack A. Elston, P.E.  
Bureau Chief, Design and Environment

MTS

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## STATE OF ILLINOIS

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### SPECIAL PROVISIONS

The following Special Provisions supplement the "Standard Specifications for Road and Bridge Construction," adopted January 1 2022, the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways," and the "Manual of Test Procedures for Materials" in effect on the date of invitation for bids, and the Supplemental Specifications and Recurring Special Provisions indicated on the Check Sheet included herein which apply to and govern the construction of FAP Route 342 (IL 53), Project NHPP-BRWL(799), Section (531) BR 23, Cook County, Contract No. 62W38 and in case of conflict with any part or parts of said Specifications, the said Special Provisions shall take precedence and shall govern.

FAP Route 342 (IL 53)  
Project NHPP-BRWL(799)  
Section (531) BR 23  
Cook County  
Contract No. 62W38

### LOCATION OF PROJECT

This project begins at a point on the reference centerline of FAP 342 (IL Route 53) north of Salt Creek and extends along the centerline to a point south US 12 (Rand Road). This project includes improvements and construction along IL Route 53 in this range, which is being carried over multiple sideroads (Kirchoff Road, Industrial Avenue, US 14 (Northwest Highway), Palatine Road, and Anderson Road. The gross length of the project is 33,819 feet (6.41 miles). The project takes place in the City of Rolling Meadows, Village of Schaumburg, Village of Palatine, and Village of Arlington Heights.

### DESCRIPTION OF PROJECT

Improvements on this project include full superstructure replacement and semi-integral abutment conversions of Structure Numbers (SN) 016-0376 and 016-1121 carrying IL 53 over Kirchoff Road. Also included are a deck replacement of SN 016-0375 and SN 016-1120 carrying IL 53 over Industrial Avenue;

culvert repairs of SN 016-0200; full superstructure replacement with galvanized steel beams and semi-integral abutment conversions of SN 016-0373 and SN 016-0970 carrying IL 53 over Palatine Road; and full superstructure replacement and substructure concrete repairs of SN 016-0372 carrying IL 53 over Anderson Drive. Finally, the project includes various roadway items associated with construction of these structures, and all incidental and collateral work necessary to complete the improvement as shown in the drawings and as described herein.

Revised 10/31/2024

## **MAINTENANCE OF ROADWAYS (D1)**

Effective: September 30, 1985

Revised: November 1, 1996

Beginning on the date that work begins on this project, the Contractor shall assume responsibility for normal maintenance of all existing roadways within the limits of the improvement. This normal maintenance shall include all repair work deemed necessary by the Engineer, but shall not include snow removal operations. Traffic control and protection for maintenance of roadways will be provided by the Contractor as required by the Engineer.

If items of work have not been provided in the contract, or otherwise specified for payment, such items, including the accompanying traffic control and protection required by the Engineer, will be paid for in accordance with Article 109.04 of the Standard Specifications.

## **STATUS OF UTILITIES (D1)**

Effective: June 1, 2016

Revised: January 1, 2020

Utility companies and/or municipal owners located within the construction limits of this project have provided the following information regarding their facilities and the proposed improvements. The tables below contain a description of specific conflicts to be resolved and/or facilities which will require some action on the part of the Department's contractor to proceed with work. Each table entry includes an identification of the action necessary and, if applicable, the estimated duration required for the resolution.

### **UTILITIES TO BE ADJUSTED**

Conflicts noted below have been identified by following the suggested staging plan included in the contract. The company has been notified of all conflicts and will be required to obtain the necessary permits to complete their work; in some instances, resolution will be a function of the construction staging. The responsible agency must relocate, or complete new installations as noted below; this work has been deemed necessary to be complete for the Department's contractor to then work in the stage under which the item has been listed.

### **Pre-Stage**

<b>STAGE / LOCATION</b>	<b>TYPE</b>	<b>DESCRIPTION</b>	<b>RESPONSIBLE AGENCY</b>	<b>DURATION OF TIME</b>
IL 53 1256+09, 36' LT, 0' RT, 35' RT	Underground Cable	Existing underground cable in conflict with temporary retaining walls		
US 14 605+95, 66' LT to 607+37, 66' LT	Underground Electric	Existing electric in conflict with proposed IDOT electric and traffic signal pole foundations		
US 14 616+51, 65' LT to 618+20, 65' LT	Underground Electric	Existing electric in conflict with proposed IDOT electric and traffic signal pole foundations		

Revised 10/31/2024

The following contact information is what was used during the preparation of the plans as provided by the Agency/Company responsible for resolution of the conflict.

Agency/Company Responsible to Resolve Conflict	Name of contact	Phone	E-mail address
Comcast	Robert Stoll	224-229-5849	Robert_Stoll2@comcast.com
ComEd	Vincent Mazzaferro		Vincent.MazzaferroPE@comed.com

### **UTILITIES TO BE WATCHED AND PROTECTED**

The areas of concern noted below have been identified by following the suggested staging plan included for the contract. The information provided is not a comprehensive list of all remaining utilities, but those which during coordination were identified as ones which might require the Department's contractor to take into consideration when making the determination of the means and methods that would be required to construct the proposed improvement. In some instances, the contractor will be responsible to notify the owner in advance of the work to take place so necessary staffing on the owner's part can be secured.

STAGE / LOCATION	TYPE	DESCRIPTION	OWNER
US 14 605+77, 55' LT to 607+63, 51' LT	Fiber Optic	Existing fiber optic near proposed IDOT electric and traffic signal pole foundations	AT&T
IL 53 1206+50, 65' LT	Underground Electric	Existing underground electric near proposed IDOT fiber optic line and handhole	ComEd
IL 53 1251+12, 101' LT	Underground Electric	Existing underground electric crossing proposed IDOT fiber optic line	ComEd
IL 53 1369+03, 113' LT	Underground Electric	Existing underground electric crossing proposed IDOT fiber optic line	ComEd
IL 53 1373+23, 81' LT	Underground Electric	Existing underground electric crossing proposed IDOT fiber optic line	ComEd
Industrial Avenue 503+00, 60' LT and 20' RT	Gas Line	Existing underground gas line near proposed curb and gutter and signal equipment	Nicor

Revised 10/31/2024

The following contact information is what was used during the preparation of the plans as provided by the owner of the facility.

<b>Agency/Company Responsible to Resolve Conflict</b>	<b>Name of contact</b>	<b>Phone</b>	<b>E-mail address</b>
AT&T Distribution	Jennifer Wilson		Jw304b@att.com
ComEd	Vincent Mazzaferro		Vincent.MazzaferroPE@comed.com
Nicor	Michael Ann Beyke	630-388-2761	mbeyke@southernco.com

The above represents the best information available to the Department and is included for the convenience of the bidder. The days required for conflict resolution should be considered in the bid as this information has also been factored into the timeline identified for the project when setting the completion date. The applicable portions of the Standard Specifications for Road and Bridge Construction shall apply.

Estimated duration of time provided above for the first conflicts identified will begin on the date of the executed contract regardless of the status of the utility relocations. The responsible agencies will be working toward resolving subsequent conflicts in conjunction with contractor activities in the number of days noted.

The estimated relocation duration must be part of the progress schedule submitted by the contractor. A utility kickoff meeting will be scheduled between the Department, the Department's contractor and the utility companies when necessary. The Department's contractor is responsible for contacting J.U.L.I.E. prior to all excavation work.

Revised 10/31/2024



## **TRAFFIC CONTROL PLAN (D1)**

Effective: September 30, 1985

Revised: January 1, 2007

Traffic Control shall be according to the applicable sections of the Standard Specifications, the Supplemental Specifications, the "Illinois Manual on Uniform Traffic Control Devices for Streets and Highways", any special details and Highway Standards contained in the plans, and the Special Provisions contained herein.

Special attention is called to Article 107.09 of the Standard Specifications and the following Highway Standards, Details, Quality Standard for Work Zone Traffic Control Devices, Recurring Special Provisions and Special Provisions contained herein, relating to traffic control.

The Contractor shall contact the District One Bureau of Traffic at least 72 hours in advance of beginning work.

### **STANDARDS:**

701001	Off-Rd Operations, 2L, 2W, More than 15' (4.5 m) Away
701006	Off-Road Operations, 2L, 2W, 15' (4.5m) to 24" (600 mm) From Pavement Edge
701101	Off-Road Operations, Multilane, 15' (4.5m) to 24" (600 mm) From Pavement Edge
701106	Off -Road Operations, Multilane, More than 15' (4.5m) Away
701311	Lane Closure, 2L, 2W Moving Operations Day Only
701400	Approach to Lane Closure, Freeway/Expressway
701401	Lane Closure Freeway/Expressway
701411	Lane Closure, Multilane at Entrance or Exit Ramp for Speeds $\geq$ 45 MPH
701427	Lane Closure, Multilane, Intermittent or Moving Oper., for Speeds $\leq$ 40 MPH
701428	Traffic Control, Setup and Removal, Freeway/Expressway
701501	Urban Lane Closure, 2L, 2W, Undivided
701601	Urban Lane Closure, Multilane, 1W or 2W with Nontraversable Median
701701	Urban Lane Closure, Multilane Intersection
701801	Sidewalk, Corner, or Crosswalk Closure
701901	Traffic Control Devices
704001	Temporary Concrete Barrier
782006	Guardrail and Barrier Wall Reflector Mounting Details

Revised 10/31/2024

DETAILS:

TC-08	Entrance and Exit Ramp Closure Details
TC-09	Traffic Control Details for Freeway Single Lane Weave & Multi-Lane Weave
TC-10	Traffic Control and Protection for Side Roads, Intersections, And Driveways
TC-11	Typical Applications Raised Reflective Pavement Markers (Snow-Plow Resistant)
TC-12	Multi-Lane Freeway Pavement Marking Details
TC-13	District one Typical Pavement Markings
TC-14	Traffic Control and Protection at Turn Bays (To Remain Open to Traffic)
TC-16	Short Term Pavement Marking Letters and Symbols
TC-17	Traffic Control Details for Freeway Shoulder Closures and Partial Ramp Closures
TC-18	Freeway/Expressway Signing for Flagging Operations at Work Zone Openings on Freeways/Expressways
TC-21	Detour Signing for Closing State Highways
TC-22	Arterial Road Information Sign
TC-25	Traffic Control Details for Freeway Center Lane Closure Shoulder Lane

SPECIAL PROVISIONS:

KEEPING ARTERIAL ROADWAYS OPEN TO TRAFFIC (WITH 15 MIN FULL STOPS)  
KEEPING THE EXPRESSWAY OPEN TO TRAFFIC  
FAILURE TO OPEN TRAFFIC LANES TO TRAFFIC  
MAINTENANCE OF ROADWAYS (D1)  
PUBLIC CONVENIENCE AND SAFETY (D1)  
SPEED DISPLAY TRAILER (D1)  
TEMPORARY INFORMATION SIGNING (D1)  
TRAFFIC CONTROL AND PROTECTION (ARTERIALS)  
TRAFFIC CONTROL AND PROTECTION (EXPRESSWAYS)  
TRAFFIC CONTROL FOR WORK ZONE AREAS  
TRAFFIC CONTROL SURVEILLANCE (EXPRESSWAYS) (D1)  
SHORT TERM AND TEMPORARY PAVEMENT MARKINGS (BDE)  
TRAFFIC SPOTTERS (BDE)  
VEHICLE AND EQUIPMENT WARNING LIGHTS (BDE)  
WORK ZONE TRAFFIC CONTROL DEVICES (BDE)

Revised 10/31/2021

### **CONCRETE BARRIER WALL (SPECIAL)**

Description. This Work consists of constructing a concrete barrier and shall be performed in compliance with Section 637 of the Standard Specifications. The cost will include parapet sliding plates, embedded plates, and anchorage studs as detailed in the Drawings.

Method of Measurement. This Work shall be measured for payment per foot at the locations shown on the Drawings.

Basis of Payment. This Work shall be paid for at the Contract unit price per foot for CONCRETE BARRIER WALL (SPECIAL), and shall include all labor, equipment, and other materials necessary for construction as specified herein.

### **CONCRETE COLOR ADDITIVE**

Description. This Work consists of furnishing all aspects necessary for integrally colored concrete including, but not limited to, pigment material purchase and acquisition, delivery of pigment material to redi-mix concrete plant, batch mixing of pigment material, and delivery of integrally colored concrete to the jobsite. Concrete for the parapet walls on the bridge deck superstructure and bridge approach pavement shall be integrally colored concrete. Work shall conform to applicable portions of Section 503 of the Standard Specifications, except as herein modified.

Submittals. Color samples for pigment selection shall be submitted to the Engineer for approval as coordinated with the City of Rolling Meadows. The exact pigment selected shall be approved by the Engineer prior to purchasing, mixing, and installation. The integrally colored concrete parapet walls shall match, to the extent possible, the following color (R-G-B): 232-226-217.

Requirements. Cast concrete mockup wall shall be comprised of the selected integrally colored concrete. It shall be the responsibility of Contractor to protect the adjacent concrete items from any discoloration as a result of contact with the coloring agent or integrally colored concrete.

Method of Measurement and Basis of Payment. This Work shall be paid for at the Contract unit price per cubic yard for CONCRETE COLOR ADDITIVE, which price shall include all labor, materials, and equipment necessary to color the concrete.

Revised 10/31/2024

### **CONCRETE GUTTER, TYPE B (SPECIAL)**

Description. This Work shall consist of the constructing concrete gutter with dimensions and orientation differing from the standard and shall be according to Section 606 of the Standard Specifications, as detailed in the Drawings and as directed by the engineer.

Construction Requirements. Excavation necessary to construct the concrete gutter shall be according to Section 202 of the Standard Specifications.

Reinforcement bars of the type and size shown on the Drawings shall be according to Section 508 of the Standard Specifications.

Portland Cement Concrete shall adhere to Section 1020 of the Standard Specifications. Concrete used shall be class SL.

Method of Measurement. This Work will be measured for payment in feet (meters) along the face of the curb.

Basis of Payment. This Work will be paid for at the contract unit price per foot for CONCRETE GUTTER, TYPE B (SPECIAL)

### **CONCRETE FOUNDATION, SURVEILLANCE CABINET MODEL 334**

Description. This Work shall consist of constructing a concrete foundation to support ITS equipment cabinets at locations as indicated in the Drawings. This Work shall include reinforcement, aggregate subbase, and any necessary hardware (entering conduits, bolts, anchor rods, grounding, etc.) as shown in the Drawings. This Work shall also include any topsoil, fertilizing, seeding, and mulching of the disturbed areas in accordance with Sections 211, 250, and 251 of the Standard Specifications.

#### Materials.

Concrete foundations shall be according to materials defined in Article 836.02 of Section 836 of the Standard Specifications. All anchor bolts shall be in accordance with Section 1006.09 of the Standard Specifications except that all anchor bolts shall be hot-dipped galvanized the full length of the anchor bolt including the hooks. Anchor bolts shall provide bolt spacing as shown in the Drawings and as required by the cabinet manufacturer.

Concrete foundations shall also be fabricated in accordance with Section 1070 of the Standard Specifications. These concrete foundations shall be fabricated from material new and unused in any previous application. Manufacturer shall provide a Certificate of Compliance that the materials are new and meet the specified requirements in accordance with the Standard Specifications and as shown in the Drawings.

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**Construction Requirements.**

Engineer will determine the final placement of the concrete foundations. Concrete foundation dimensions shall be in accordance with those dimensions shown on the Drawings. Foundation shall be located as required to avoid existing and relocated utilities. Top of foundation shall be finished level. Shimming of the appurtenance to be attached will not be permitted.

Prior to pouring the foundation, Contractor shall check the Drawings for the specific number, size, and direction of conduit entrances required at the given location. All conduit in the foundation shall be installed rigidly in place before concrete is deposited in the form. Bushings shall be provided at the ends of the conduit. Anchor rods and ground rod shall be set in place before the concrete is deposited by means of a template constructed to space the anchor rods according to the pattern of the bolt holes in the base of the appurtenance to be attached. The appurtenance shall not be erected on the foundation until the bases have cured for at least 7 days. Concrete shall cure according to Article 1020.13 of the Standard Specifications. Contractor shall restore areas that have been disturbed or temporarily graded to their original condition. Cost of seeding restored areas, reinforcement, and aggregate subbase are included in this pay item.

**Measurement.** This Work will be paid for at the Contract unit price for each foundation installed.

**Basis of Payment.** This Work will be paid for at the contract unit price per each for CONCRETE FOUNDATION, SURVEILLANCE CABINET MODEL 334.

**CONCRETE MEDIAN SURFACE, 6 INCH**

**Description.** This Work shall consist of constructing a 6-inch-thick concrete median surface according to the locations and details shown on the Drawings. This Work shall be done in accordance with Section 606 of the Standard Specifications.

**Method of Measurement.** CONCRETE MEDIAN SURFACE, 6 INCH will be measured for payment in place per square foot.

**Basis of Payment.** The Work will be paid for at the Contract unit price per square foot for CONCRETE MEDIAN SURFACE, 6 INCH.

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8. Cover Crop shall be thoroughly mixed with the Class 4A (Modified) seed mix and seeded using a mechanical seeder that applies the seed uniformly at a depth of 1/4 inch. Seedbed shall be immediately covered as specified.

If specified seed material is unavailable, the Engineer shall approve the substitutes in writing. Adjustments will be made at no cost to the Contract. Approval of substitutes shall in no way waive any requirements of the contract.

Article 250.09—Add Seeding, Class 4A (Modified)

Article 250.10—Add Seeding, Class 4A (Modified)

### **SLOPE WALL CRACK SEALING**

Description. All open random cracks or existing joints in the existing concrete slope wall shall be cleaned and sealed. Hot Joint Sealer meeting the requirements of Article 1050.02 shall be used for slope wall repair. All cracks and joints shall be cleaned and filled with sealant according to Section 452 of the Standard Specifications. Routing of the cracks is not required.

Method of Measurement. Sealing existing cracks and joints in concrete slope wall shall be measured for payment along the linear distance of opening sealed. Cleaning existing cracks and joints prior to sealing will not be measured for payment but shall be considered included in the unit price per foot for SLOPE WALL CRACK SEALING.

Basis of Payment. Cleaning and sealing cracks shall be paid for at the Contract unit price per foot for SLOPE WALL CRACK SEALING.

### **SLOPE WALL REPAIR**

Description. This Work shall consist of the removal and repair of damaged concrete slope wall at locations shown on the Drawings and as directed by the Engineer. Damaged slope wall areas will be marked in the field by the Engineer. The perimeter of the repair areas shall be saw cut, and the damaged slope wall removed in accordance with applicable portions of Section 501 of the Standard Specifications. Void areas below and adjacent to the damaged slope wall shall be filled to the bottom of the slope wall elevation with granular backfill in accordance with the applicable portions of Section 586 of the Standard Specifications. New concrete slope wall shall be constructed to complete the repair to the details shown in the Drawings and in accordance with Section 511 of the Standard Specifications.

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Method of Measurement. This Work will be measured for payment in square yards, complete and in place.

Basis of Payment. This Work will be paid for at the Contract unit price per square yard for SLOPE WALL REPAIR, which price shall include removal, disposal, and construction of the new concrete slope wall.

Filling of voids with granular backfill will not be included with this pay item but will be measured and paid for separately as GRANULAR BACKFILL FOR STRUCTURES in accordance with the Standard Specifications.

## **SLOTTED DRAIN**

Description. This Work shall consist of furnishing and installing slotted drain pipe assemblies complete with all necessary fittings in the temporary pavement as indicated in the Drawings and directed by the Engineer. This Work shall be performed in accordance with the applicable portions of Sections 550, 601, and 602 of the Standard Specifications.

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Surface Preparation. Surface preparation shall be according to the joint seal manufacturer's written instructions.

After surface preparation is completed, the joint shall be cleaned of debris using compressed air with a minimum pressure of 90 psi (620 kPa). The air compressor shall be equipped with traps to prevent the inclusion of water and/or oil in the air line. The compressed air shall be according to the cleanliness requirements of ASTM D 4285.

When priming is required per the manufacturer's instruction, this operation shall immediately follow cleaning.

Joint Installation. The Joint installation shall be per the manufacturer's instructions; special attention shall be given to ensure the joint seal is properly recessed below the top of the riding surface as recommended by the manufacturer.

For bonded joint seals the seal shall be inserted into the joint and held tightly against both sides of the joint until sufficient bond strength has been developed to resist the expected expansion forces.

Opening to traffic. As these joint systems are supposed to be recessed below the top of the riding surface, there should be no restriction, based on the joint seal installation, on when these joints can be reopened to traffic.

Method of Measurement. The installed prefabricated joint seal will not be measured for payment.

Basis of Payment. The prefabricated joint seal will not be paid for separately but shall be considered included in the cost of the adjacent concrete work involved.

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### **KEEPING ARTERIAL ROADWAYS OPEN TO TRAFFIC (WITH 15 MIN FULL STOPS)**

Effective: January 22, 2003

Revised: August 10, 2017

The Contractor shall provide the necessary traffic control devices to warn the public and to delineate the work zone as required in these Special Provisions, the Standard Specifications, the State Standards, and the District Details.

Arterial lane closures shall be in accordance with the Standard Specifications, Highway Standards, District Details, and the direction of the Engineer. The Contractor shall request and gain approval from the Engineer seventy-two (72) hours in advance of all long-term (24 hrs. or longer) lane closures.

Arterial lane closures not shown in the staging plans will not be permitted during **peak traffic volume hours**.

Peak traffic volume hours are defined as weekdays (Monday through Friday) from 6:00 AM to 8:30 AM and 4:30 PM to 6:00 PM.

Full closure of all arterial lanes in one or both directions will only be permitted for a maximum of 15 minutes at a time Sunday through Thursday between the hours of 9:00 PM and 5:00 AM. During full roadway closures, the Contractor will be required to reduce the roadway to only one open traffic lane in the affected direction(s) of travel using the appropriate State Standard(s) and District Detail(s). Police forces shall be notified and requested to close the remaining lane to facilitate the necessary work activities, except that a flagger may be substituted for daytime closures with the approval of the Engineer. The Contractor shall notify the District One Arterial Traffic Control Supervisor at 847-705-4470 at least three (3) working days (weekends and holidays DO NOT count into this notification time) in advance of the proposed road closures.

Private vehicles shall not be parked in the work zone. Contractor's equipment and/or vehicles shall not be parked on the shoulders or in the median during non-working hours. The parking of equipment and/or vehicles on State right-of-way will only be permitted at locations approved by the Engineer in accordance with Articles 701.08 and 701.11 of the Standard Specifications.

Should the Contractor fail to completely open and keep open all the traffic lanes to traffic in accordance with the limitations specified above, the Contractor shall be liable to the Department for the amount of:

One lane or ramp blocked = \$1,000

Two lanes blocked = \$2,500

Not as a penalty but as liquidated and ascertained damages for each and every 15 minute interval or a portion thereof that a lane is blocked outside the allowable time limitations. Such damages may be deducted by the Department from any monies due the Contractor. These damages shall apply during the contract time and during any extensions of the contract time.



## **REMOVAL AND DISPOSAL OF REGULATED SUBSTANCES (PROJECT SPECIFIC)**

**Description.** This work shall consist of the removal and disposal of regulated substances according to Section 669 of the Standard Specifications as revised below.

**Contract Specific Sites.** The excavated soil and groundwater within the areas listed below shall be managed as either “uncontaminated soil”, hazardous waste, special waste or non-special waste. For stationing, the lateral distance is measured from centerline and the farthest distance is the offset distance or construction limit, whichever is less.

**Soil Disposal Analysis.** When the waste material requires sampling for landfill disposal acceptance, the Contractor shall secure a written list of the specific analytical parameters and analytical methods required by the landfill. The Contractor shall collect and analyze the required number of samples for the parameters required by the landfill using the appropriate analytical procedures. A copy of the required parameters and analytical methods (from landfill email or on landfill letterhead) shall be provided as Attachment 4A of the BDE 2733 (Regulated Substances Final Construction Report). The price shall include all sampling materials and effort necessary for collection and management of the samples, including transportation of samples from the job site to the laboratory. The Contractor shall be responsible for determining the specific disposal facilities to be utilized; and collect and analyze any samples required for disposal facility acceptance using a NELAP certified analytical laboratory registered with the State of Illinois.

### Site 3752B-8 – ROW, IL 53 Between Mile Markers 74 and 77, Arlington Heights and Palatine, Cook County

- Station 1358+30 to Station 1362+65 (CL IL 53), 0 to 170 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1358+30 to Station 1361+20 (CL IL 53), 0 to 230 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminant of concern sampling parameter: Manganese.
- Station 1361+20 to Station 1362+65 (CL IL 53), 0 to 230 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Lead and Manganese.

### Site 3752-16 – ROW, 1600 Block of Anderson Drive, Palatine, Cook County

- Station 1362+65 to Station 1366+35 (CL IL 53), 0 to 160 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1362+65 to Station 1365+30 (CL IL 53), 0 to 220 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameters: Lead and Manganese.
- Station 1365+30 to Station 1369+10 (CL IL 53), 0 to 180 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminant of concern sampling parameter: Manganese.

Site 3752-21 – ROW, 1300 Block of W. Palatine Road, Palatine, Cook County

- Station 1327+10 to Station 1329+30 (CL IL 53), 0 to 150 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameter: Manganese.
- Station 1338+00 to Station 1342+70 (CL IL 53), 0 to 150 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(3). Contaminants of concern sampling parameters: Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenzo(a,h)anthracene, and Manganese.
- Station 1342+70 to Station 1347+00 (CL IL 53), 0 to 150 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1338+00 to Station 1342+35 (CL IL 53), 0 to 150 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1342+35 to Station 1347+00 (CL IL 53), 0 to 150 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(5). Contaminants of concern sampling parameters: Arsenic and Manganese.
- Station 1265+00 to Station 1272+80 (BL NE Ramp), 40 LT to 40 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1352+75 to Station 1356+90 (CL IL 53), 0 to 240 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1356+75 to Station 1358+30 (CL IL 53), 0 to 240 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminant of concern sampling parameter: Manganese.
- Station 1350+70 to Station 1358+30 (CL IL 53), 0 to 210 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1232+30 to Station 1238+00 (BL NW Ramp), 40 feet LT to 40 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(3). Contaminants of concern sampling parameters: Benzo(a)pyrene and Manganese.

Site 3752-29 – ROW, 1000 Block of E. Northwest Highway, Palatine, Cook County

- Station 1275+00 to Station 1289+00 (CL IL 53), 0 to 150 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 993+00 to Station 996+20 (BL NW Ramp), 40 feet LT to 40 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 996+20 to Station 1001+00 (BL NW Ramp), 40 feet RT to 110 feet LT to 40 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(3). Contaminants of concern sampling parameters: Benzo(a)pyrene and Manganese.

- Station 1275+00 to Station 1289+00 (CL IL 53), 0 to 200 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1297+00 to Station 1301+00 (CL IL 53), 0 to 220 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1301+00 to Station 1304+00 (CL IL 53), 0 to 180 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(5). Contaminants of concern sampling parameters: Arsenic and Manganese.

Site 3752B-32 – ROW, IL 53 Between Mile Markers 73 and 74, Palatine, Cook County

- Station 1315+00 to Station 1318+00 (CL IL 53), 0 to 100 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1312+00 to Station 1315+00 (CL IL 53), 0 to 100 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1320+00 to Station 1324+80 (CL IL 53), 0 to 150 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Lead and Manganese.
- Station 1324+80 to Station 1327+10 (CL IL 53), 0 to 150 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.

Sites 3752-41 and 3752B-41 – ROW, 3800 Block of Industrial Avenue, Rolling Meadows, Cook County

- Station 1246+00 to Station 1249+30 (CL IL 53), 0 to 130 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(3). Contaminants of concern sampling parameters: Benzo(a)pyrene and Manganese.
- Station 1249+30 to Station 1253+30 (CL IL 53), 0 to 130 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Iron and Manganese.
- Station 1253+30 to Station 1256+90 (CL IL 53), 0 to 130 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1256+90 to Station 1260+55 (CL IL 53), 0 to 130 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(3). Contaminants of concern sampling parameters: Benzo(a)pyrene and Manganese.
- Station 1260+55 to Station 1268+60 (CL IL 53), 0 to 110 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.

- Station 1272+70 to Station 1275+00 (CL IL 53), 0 to 160 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1246+00 to Station 1249+90 (CL IL 53), 0 to 150 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1249+90 to Station 1253+80 (CL IL 53), 0 to 140 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Iron, Manganese, and Thallium.
- Station 1253+80 to Station 1257+55 (CL IL 53), 0 to 140 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameters: Arsenic, Lead, and Manganese.
- Station 1261+30 to Station 1265+35 (CL IL 53), 0 to 130 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminant of concern sampling parameter: Manganese.
- Station 1265+35 to Station 1269+35 (CL IL 53), 0 to 130 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameters: Lead and Manganese.
- Station 1273+50 to Station 1275+00 (CL IL 53), 0 to 150 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameter: Manganese.

Site 3752-47 – ROW, 3500-4000 Blocks of W. Euclid Avenue and 3800-4100 Blocks of W. Kirchoff Road, Rolling Meadows, Cook County

- Station 1195+15 to Station 1196+00 (CL IL 53), 0 to 140 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameter: Manganese.
- Station 1196+00 to Station 1200+10 (CL IL 53), 0 to 210 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameters: Arsenic and Manganese.
- Station 1200+10 to Station 1208+05 (CL IL 53), 0 to 105 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenzo(a,h)anthracene, Arsenic, Lead and Manganese.
- Station 1208+05 to Station 1216+05 (CL IL 53), 0 to 110 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1216+05 to Station 1218+50 (CL IL 53), 0 to 110 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(5). Contaminants of concern sampling parameters: Arsenic and Manganese.
- Station 1242+00 to Station 1244+00 (CL IL 53), 0 to 140 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.

- Station 1272+70 to Station 1275+00 (CL IL 53), 0 to 160 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1246+00 to Station 1249+90 (CL IL 53), 0 to 150 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1249+90 to Station 1253+80 (CL IL 53), 0 to 140 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Iron, Manganese, and Thallium.
- Station 1253+80 to Station 1257+55 (CL IL 53), 0 to 140 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameters: Arsenic, Lead, and Manganese.
- Station 1261+30 to Station 1265+35 (CL IL 53), 0 to 130 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminant of concern sampling parameter: Manganese.
- Station 1265+35 to Station 1269+35 (CL IL 53), 0 to 130 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameters: Lead and Manganese.
- Station 1273+50 to Station 1275+00 (CL IL 53), 0 to 150 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameter: Manganese.

Site 3752-47 – ROW, 3500-4000 Blocks of W. Euclid Avenue and 3800-4100 Blocks of W. Kirchoff Road, Rolling Meadows, Cook County

- Station 1195+15 to Station 1196+00 (CL IL 53), 0 to 140 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameter: Manganese.
- Station 1196+00 to Station 1200+10 (CL IL 53), 0 to 210 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminants of concern sampling parameters: Arsenic and Manganese.
- Station 1200+10 to Station 1208+05 (CL IL 53), 0 to 105 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenzo(a,h)anthracene, Arsenic, Lead and Manganese.
- Station 1208+05 to Station 1216+05 (CL IL 53), 0 to 110 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1216+05 to Station 1218+50 (CL IL 53), 0 to 110 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(5). Contaminants of concern sampling parameters: Arsenic and Manganese.
- Station 1242+00 to Station 1244+00 (CL IL 53), 0 to 140 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1204+30 to Station 1208+05 (CL IL 53), 105 to 300 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(3). Contaminants of concern sampling parameters: Benzo(a)pyrene, Arsenic and Manganese.

- Station 1200+10 to Station 1204+30 (CL IL 53), 105 to 300 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(5). Contaminants of concern sampling parameters: Arsenic and Manganese.
- Station 1195+15 to Station 1197+95 (CL IL 53), 0 to 160 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameter: Manganese.
- Station 1201+95 to Station 1206+05 (CL IL 53), 120 to 250 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1201+95 to Station 1206+05 (CL IL 53), 0 to 120 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(5). Contaminants of concern sampling parameters: Arsenic and Manganese.
- Station 1206+05 to Station 1213+95 (CL IL 53), 0 to 120 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenzo(a,h)anthracene, Indeno(1,2,3-cd)pyrene and Manganese.
- Station 1213+95 to Station 1218+50 (CL IL 53), 0 to 145 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.

Site 3752B-133 – ROW, IL 53 Between Mile Markers 70 and 71, Rolling Meadows, Cook County

- Station 1185+00 to Station 1195+15 (CL IL 53), 0 to 140 feet LT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminants of concern sampling parameters: Lead, Manganese and Nickel.
- Station 1185+00 to Station 1189+90 (CL IL 53), 0 to 160 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(2). Contaminant of concern sampling parameter: Manganese.
- Station 1189+90 to Station 1193+95 (CL IL 53), 0 to 160 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(5). Contaminants of concern sampling parameters: Arsenic, Lead, and Manganese.
- Station 1193+95 to Station 1195+15 (CL IL 53), 0 to 160 feet RT. The Engineer has determined this material meets the criteria of and shall be managed in accordance with Article 669.05(a)(1). Contaminant of concern sampling parameter: Manganese.

**Work Zones**

Three distinct OSHA HAZWOPER work zones (exclusion, decontamination, and support) shall apply to projects adjacent to or within sites with documented leaking underground storage tank (LUST) incidents, or sites under management in accordance with the requirements of the Site Remediation Program (SRP), Resource Conservation and Recovery Act (RCRA), or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or as deemed necessary. For this project, the work zones apply for the following ISGS PESA Sites:

**None**

## **DECK SLAB REPAIR**

Effective: May 15, 1995

Revised: February 2, 2024

This work shall consist of hot-mix asphalt surface removal, when required, the removal and disposal of all loose and deteriorated concrete from bridge deck and the replacement with new concrete to the original top of deck. The work shall be done according to the applicable requirements of Sections 501, 503 and 1020 of the Standard Specifications and this Special Provision.

Deck slab repairs will be classified as follows:

- (a) Partial-Depth. Partial-depth repairs shall consist of removing the loose and unsound deck concrete, disposing of the concrete removed and replacing with new concrete. The removal may be performed by chipping with power driven hand tools or by hydro-scarification equipment. The depth shall be measured from the top of the concrete deck surface, at least 3/4 in. (20 mm) but not more than 1/2 the concrete deck thickness.
- (b) Full-Depth. Full-depth repairs shall consist of removing concrete full-depth of the deck, disposing of the concrete removed, and replacing with new concrete to the original concrete deck surface. The removal may be performed with power driven hand tools, hydraulic impact equipment, or by hydro-scarification equipment. Full-depth repairs shall be classified for payment as Full-Depth, Type I and Full-Depth, Type II according to the following:

Type I                      Full-depth patches less than or equal to 5 sq. ft. (0.5 sq m) in area. The minimum dimensions for a patch shall be 1 ft. x 1 ft. (300 mm x 300 mm).

Type II                     Full-depth patches greater than 5 sq. ft. (0.5 sq. m) in area.

### Materials.

Materials shall be according to Article 1020.02.

Portland cement concrete for partial and full-depth repairs shall be according to Section 1020. Class PP-1, PP-2, PP-3, PP-4, PP-5 or BS concrete shall be used at the Contractor's option unless noted otherwise on the contract plans.

Equipment:

The equipment used shall be subject to the approval of the Engineer and shall meet the following requirements:

- (a) Surface Preparation Equipment. Surface preparation and concrete removal equipment shall be according to the applicable portions of Section 1100 and the following:
  - (1) Sawing Equipment. Sawing equipment shall be a concrete saw capable of sawing concrete to the specified depth.
  - (2) Blast Cleaning Equipment. The blast cleaning may be performed by wet sandblasting, high-pressure waterblasting, shotblasting or abrasive blasting. Blast cleaning equipment shall be capable of removing rust and old concrete from exposed reinforcement bars, and shall have oil traps.
  - (3) Power-Driven Hand Tools. Power-driven hand tools will be permitted including jackhammers less than or equal to the nominal 45 lb. (20 kg) class. Chipping hammers heavier than a nominal 15 lb. (6.8 kg) class shall not be used for removing concrete from below any reinforcing bar for partial depth repairs, or for removal within 1 ft (300 mm) of existing beams, girders or other supporting structural members that are to remain in service or within 1 ft (300 mm) of the boundaries of full-depth repairs. Jackhammers or chipping hammers shall not be operated at an angle in excess of 45 degrees measured from the surface of the slab.
  - (4) Hydraulic Impact Equipment. Hydraulic impact equipment with a maximum rated striking energy of 360 ft-lbs (270 J) may be permitted only in areas of full depth removal more than 1 ft (300 mm) away from existing beams, girders or other supporting structural members that are to remain in service or more than 1 ft (300 mm) from the boundaries of full-depth repairs.
  - (5) Hydro-Demolition Equipment. The hydro-demolition equipment shall consist of filtering and pumping units operating with a remote-controlled robotic device. The equipment shall use water according to Section 1002. The equipment shall be capable of being controlled to remove only unsound concrete.
- (b) Concrete Equipment: Equipment for proportioning and mixing the concrete shall be according to Article 1020.03.
- (c) Finishing Equipment: Finishing equipment shall be according to Article 1103.17. Adequate hand tools will be permitted for placing and consolidating concrete in the patch areas and for finishing small patches.



Construction Requirements: Sidewalks, curbs, drains, reinforcement and/or existing transverse and longitudinal joints which are to remain in place shall be protected from damage during removal and cleaning operations.

The Contractor shall control the runoff water generated by the various construction activities in such a manner as to minimize, to the maximum extent practicable, the discharge of untreated effluent into adjacent waters, and shall properly dispose of the solids generated according to Article 202.03. The Contractor shall submit a water management plan to the Engineer specifying the control measures to be used. The control measures shall be in place prior to the start of runoff water generating activities. Runoff water shall not be allowed to constitute a hazard to adjacent or underlying roadways, waterways, drainage areas or railroads nor be allowed to erode existing slopes.

(a) Hot-Mix Asphalt Surface Removal.

The hot-mix asphalt surface course and all waterproofing membrane shall be removed and disposed of according to applicable portions of Articles 440.04 and 440.06, except milling equipment will not be allowed if the deck is to receive a waterproofing membrane system. If the overlay or waterproofing membrane contains asbestos fibers, removal shall be in accordance with the Special Provision for "Asbestos Waterproofing Membrane or Asbestos Hot-mix Asphalt Surface Removal". Removal of the hot-mix asphalt surface by the use of radiant or direct heat will not be permitted.

(b) Surface Preparation:

All loose, disintegrated and unsound concrete shall be removed from portions of the deck slab shown on the plans or as designated by the Engineer. The Engineer will determine the limits of removal as the work progresses.

The Contractor shall take care not to damage reinforcement bars or expansion joints which are to remain in place. Any damage to reinforcement bars or expansion joints shall be corrected at the Contractor's expense. All loose reinforcement bars, as determined by the Engineer, shall be retied at the Contractor's expense.

- (1) Partial-Depth. Areas to be repaired will be determined and marked by the Engineer. A concrete saw shall be used to provide vertical edges approximately 3/4 in. (20 mm) deep around the perimeter of the area to be patched when a concrete overlay is not specified. Where high steel is present, the depth may be reduced as directed by the Engineer. A saw cut will not be required on those boundaries along the face of the curb, parapet or joint or when sharp vertical edges are provided by hydro-demolition.

The loose and unsound concrete shall be removed by chipping, with power driven hand tools or by hydro-demolition equipment. All exposed reinforcing bars and newly exposed concrete shall be thoroughly blast cleaned. Where, in the judgment of the Engineer, the bond between existing concrete and reinforcement steel within the patch area has been destroyed, the concrete adjacent to the bar shall be removed to a depth that will permit new concrete to bond to the entire periphery of the exposed bar. A minimum of 1 in. (25 mm) clearance will be required. The Engineer may require enlarging a designated removal area should inspection indicate deterioration beyond the limits previously designated. In this event, a new saw cut shall be made around the extended area before additional removal is begun. The removal area shall not be enlarged solely to correct debonded reinforcement or deficient lap lengths.

- (2) Full-Depth. Concrete shall be removed as determined by the Engineer within all areas designated for full-depth repair and in all designated areas of partial depth repair in which unsound concrete is found to extend below half the concrete deck thickness. Full depth removal shall be performed according to Article 501.05 except that hydraulic impact equipment may be permitted in areas of full depth removal more than 1 ft (300 mm) away from the edges of existing beams, girders or other supporting structural members or more than 1 ft (300 mm) from the boundaries of full-depth repairs. Saw cuts shall be made on the top of the deck, except those boundaries along the face of curbs, parapets and joints or where hydro-demolition provided sharp vertical edges. The top saw cut may be omitted if the deck is to receive an overlay.

Forms for full-depth repair may be supported by hangers with adjustable bolts or by blocking from the beams below. When approved by the Engineer, forms for Type 1 patches may be supported by No. 9 wires or other devices attached to the reinforcement bars.

All form work shall be removed after the curing sequence is complete and prior to opening to traffic.

- (3) Reinforcement Treatment. Care shall be exercised during concrete removal to protect the reinforcement bars and structural steel from damage. Any damage to the reinforcement bars or structural steel to remain in place shall be repaired or replaced. All existing reinforcement bars shall remain in place except as herein provided for corroded bars. Tying of loose bars will be required. Reinforcing bars which have been cut or have lost 25 percent or more of their original cross sectional area shall be supplemented by new in kind reinforcement bars. New bars shall be lapped a minimum of 32 bar diameters to existing bars. An approved mechanical bar splice capable of developing in tension at least 125 percent of the yield strength of the existing bar shall be used when it is not feasible to provide the minimum bar lap. No welding of bars will be permitted.

- (4) Cleaning. Immediately after completion of the concrete removal and reinforcement repairs, the repair areas shall be cleaned of dust and debris. Once the initial cleaning is completed, the repair areas shall be thoroughly blast cleaned to a roughened appearance free from all foreign matter. Particular attention shall be given to removal of concrete fines. Any method of cleaning which does not consistently produce satisfactory results shall be discontinued and replaced by an acceptable method. All debris, including water, resulting from the blast cleaning shall be confined and shall be immediately and thoroughly removed from all areas of accumulation. If concrete placement does not follow immediately after the final cleaning, the area shall be carefully protected with well-anchored polyethylene sheeting.

Exposed reinforcement bars shall be free of dirt, detrimental scale, paint, oil, or other foreign substances which may reduce bond with the concrete. A tight non-scaling coating of rust is not considered objectionable. Loose, scaling rust shall be removed by rubbing with burlap, wire brushing, blast cleaning or other methods approved by the Engineer.

(c) Placement & Finishing of Concrete Repair:

- (1) Bonding Method. The patch area shall be cleaned to the satisfaction of the Engineer and shall be thoroughly wetted and maintained in a dampened condition with water for at least 12 hours before placement of the concrete. Any excess water shall be removed by compressed air or by vacuuming prior to the beginning of concrete placement. Water shall not be applied to the patch surface within one hour before or at any time during placement of the concrete.

(2) Concrete Placement.

The concrete shall be placed and consolidated according to Article 503.07 and as herein specified. Article 1020.14 shall apply.

When an overlay system is not specified, the patches shall be finished according to Article 503.16 (a), followed by a light brooming.

(d) Curing and Protection.

Concrete patches shall be cured by the Wetted Burlap or Wetted Cotton Mat Method according to Article 1020.13 (a)(3) or Article 1020.13 (a)(5). The curing period shall be 3 days for Class PP-1, PP-2, PP-3, PP-4, and PP-5 concrete. The curing period shall be 7 days for Class BS concrete. In addition to Article 1020.13, when the air temperature is less than 55° F (13° C), the Contractor shall cover the patch according to Article 1020.13 (d)(1) with minimum R12 insulation. Insulation is optional when the air temperature is 55°F. - 90° F (13° C - 32° C). Insulation shall not be placed when the air temperature is greater than 90° F (32° C). A 72-hour minimum drying period shall be required before placing waterproofing or hot-mix asphalt surfacing.

(e) Opening to Traffic.

No traffic will be permitted on a patch until after the specified cure period, and the concrete has obtained a minimum compressive strength of 4000 psi (27.6 MPa) or flexural strength of 675 psi (4.65 MPa).

Construction equipment will be permitted on a patch during the cure period if the concrete has obtained the minimum required strength. In this instance, the strength specimens shall be cured with the patch.

Method of Measurement.

When specified, hot-mix asphalt surface removal and full or partial depth repairs will be measured for payment and computed in square yards (square meters).

Basis of Payment.

The hot-mix asphalt surface removal will be paid for at the contract unit price per square yard (square meter) for HOT-MIX ASPHALT SURFACE REMOVAL (DECK). Areas removed and replaced up to and including a depth of half the concrete deck thickness will be paid for at the contract unit price per square yard (square meter) for DECK SLAB REPAIR (PARTIAL). Areas requiring removal greater than a depth of half the concrete deck thickness shall be removed and replaced full depth and will be paid for at the contract unit price per square yard (square meter) for DECK SLAB REPAIR (FULL DEPTH, TYPE I) and/or DECK SLAB REPAIR (FULL DEPTH, TYPE II).

When corroded reinforcement bars are encountered in the performance of this work and replacement is required, the Contractor will be paid according to Article 109.04.

No payment will be allowed for removal and replacement of reinforcement bars damaged by the Contractor in the performance of his/her work or for any increases in dimensions needed to provide splices for these replacement bars.

Removal and disposal of asbestos waterproofing and/or asbestos bituminous concrete will be paid for as specified in the Special Provision for "Asbestos Waterproofing Membrane or Asbestos Hot-Mix Asphalt Surface Removal".

# STORM WATER POLLUTION PREVENTION PLAN



## Storm Water Pollution Prevention Plan



Route	Marked Route	Section Number
FAP 342	IL 53	(531) BR 23
Project Number	County	Contract Number
C-91-136-24	Cook	62W38

This plan has been prepared to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10 (Permit ILR10), issued by the Illinois Environmental Protection Agency (IEPA) for storm water discharges from construction site activities.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature	Date	
	10.8.2024	
Print Name	Title	Agency
Jose Rios, P.E.	Regional Engineer	Illinois Department of Transportation

**Note:** Guidance on preparing each section of BDE 2342 can be found in Chapter 41 of the IDOT Bureau of Design and Environment (BDE) Manual. Chapter 41 and this form also reference the IDOT Drainage Manual which should be readily available.

### I. Site Description:

A. Provide a description of the project location; include latitude and longitude, section, town, and range:

The project is located in Cook County within the City of Rolling Meadows, the Village of Palatine, and the Village of Arlington Heights from 42° 4' 45.1308" N 88° 1' 45.7212" W to 42° 7' 0.6456" N 88° 0' 13.9104" W, in sections 35, 26, 23, 24, 19, 13 and 18, Township 42N, Ranges 10E and 11E.

The design, installation, and maintenance of BMPs at these locations are within an area where annual erosivity (R value) is less than or equal to 160. Erosivity is less than 5 in all two-week periods between October 12 and April 15, which would qualify for a construction rainfall erosivity waiver under the US Construction General permit requirements. At these locations, erosivity is highest in spring to autumn, April 16 to October 11.

B. Provide a description of the construction activity which is the subject of this plan. Include the number of construction stages, drainage improvements, in-stream work, installation, maintenance, removal of erosion measures, and permanent stabilization:

The project includes the rehabilitation of 5 bridges, along Illinois Route 53 (IL 53). The work to be performed under this contract consists of bridge deck and superstructure replacements, roadway reconstruction and resurfacing, earth excavation, box culvert repairs, retaining wall construction, erosion and sediment control, traffic control and protection, street lighting, traffic signals, and landscaping. Stormwater conveyance will be managed by existing roadside ditches and closed drainage systems, with minor proposed improvements to existing bridge deck and roadway approach pavement drainage. Construction will be performed in four main maintenance of traffic stages. All bridges will be constructed simultaneously under the same maintenance of traffic stages.

No in-stream work is proposed as part of this contract.

Erosion and sediment control measures for the project include the use of temporary seeding, temporary and erosion control blanket, heavy duty erosion control blanket, perimeter erosion barrier, temporary ditch checks, inlet filters, and inlet and pipe protection, and temporary fence to protect existing wetland areas.

Permanent stabilization measures for the project include the use of permanent seeding, regular and heavy duty permanent erosion control blanket, stone riprap for outlet protection and level spreaders, pipe underdrain for subsurface drainage, and protection of existing wetland and turf areas.

C. Provide the estimated duration of this project:

24 months

D. The total area of the construction site is estimated to be 215 acres.

The total area of the site estimated to be disturbed by excavation, grading or other activities is 75.5 acres.

E. The following are weighted averages of the runoff coefficient for this project before and after construction activities are completed; see Section 4-102 of the IDOT Drainage Manual:

Existing C = .50 , Proposed C = .50

F. List all soils found within project boundaries; include map unit name, slope information, and erosivity:

146A - Elliot silt loam, 0 to 2 percent slopes, K = .32  
223B - Varna silt loam, 2 to 4 percent slopes, K = .32  
232A - Ashkum silty clay loam, 0 to 2 percent slopes, K = .20  
293A - Andres silt loam, 0 to 2 percent slopes, K = .28  
298A - Beecher silt loam, 0 to 2 percent slopes, K = .37  
530B - Ozaukee silt loam, 2 to 4 percent slopes, K = .43  
531B - Markham silt loam, 2 to 4 percent slopes, K = .37  
805B - Orthents, clayey, undulating, 1 to 6 percent slopes, K = .32  
854B - Markham- Ashkum- Beecher complex, 1 to 6 percent slopes, K = .37

G. If wetlands were delineated for this project, provide an extent of wetland acreage at the site; see Phase I report:

See Attached Wetland Exhibit.

WOUS OSW 1: .03 acre / 0.005 acre of impact  
WOUS OSW 2: 0.02 acre / 0.00 acre of impact  
WOUS OSW 3: 1.00 acre / 0.007 acre of temporary impact  
WOUS OSW 4: 0.05 acre / 0.00 acre of impact  
WOUS OSW 5: 0.01 acre / 0.00 acre of impact  
WOUS OSW 6: 0.04 acre / 0.005 acre of impact  
WOUS OSW 7: 0.64 acre / 0.128 acre of impact  
Wetland 1: 0.06 acre / 0.00 acre of impact; Wetland 27: 0.17 acre / 0.00 acre of impact  
Wetland 2: 0.13 acre / 0.091 acre of impact; Wetland 28: 0.33 acre / 0.00 acre of impact  
Wetland 3: 0.18 acre / 0.004 acre of impact; Wetland 29: 0.01 acre / 0.00 acre of impact  
Wetland 4: 0.15 acre / 0.002 acre of impact; Wetland 30: 0.01 acre / 0.00 acre of impact  
Wetland 5: 0.08 acre / 0.00 acre of impact; Wetland 31: 2.09 acre / 0.00 acre of impact  
Wetland 6: 0.08 acre / 0.00 acre of impact; Wetland 32: 0.12 acre / 0.00 acre of impact  
Wetland 7: 0.01 acre / 0.00 acre of impact; Wetland 33: 0.02 acre / 0.00 acre of impact  
Wetland 8: 0.24 acre / 0.007 acre of impact; Wetland 34: 0.20 acre / 0.00 acre of impact  
Wetland 9: 0.13 acre / 0.009 acre of impact; Wetland 35: 0.10 acre / 0.018 acre of impact  
Wetland 10: 0.16 acre / 0.00 acre of impact; Wetland 36: 0.16 acre / 0.00 acre of impact  
Wetland 11: 0.02 acre / 0.00 acre of impact; Wetland 37: 0.01 acre / 0.00 acre of impact  
Wetland 12: 0.20 acre / 0.00 acre of impact; Wetland 38: 0.15 acre / 0.00 acre of impact  
Wetland 13: 0.02 acre / 0.00 acre of impact; Wetland 39: 0.58 acre / 0.00 acre of impact  
Wetland 14: 0.13 acre / 0.00 acre of impact; Wetland 40: 0.28 acre / 0.00 acre of impact  
Wetland 15: 0.20 acre / 0.00 acre of impact; Wetland 41: 0.26 acre / 0.00 acre of impact  
Wetland 16: 0.40 acre / 0.00 acre of impact; Wetland 42: 0.05 acre / 0.00 acre of impact  
Wetland 17: 0.12 acre / 0.00 acre of impact; Wetland 43: 0.07 acre / 0.00 acre of impact  
Wetland 18: 0.69 acre / 0.00 acre of impact; Wetland 44: 0.79 acre / 0.00 acre of impact  
Wetland 19: 0.02 acre / 0.00 acre of impact; Wetland 45: 0.06 acre / 0.00 acre of impact  
Wetland 20: 0.11 acre / 0.00 acre of impact; Wetland 46: 0.07 acre / 0.00 acre of impact  
Wetland 21: 0.13 acre / 0.00 acre of impact; Wetland 47: 0.19 acre / 0.06 acre of impact  
Wetland 22: 0.06 acre / 0.00 acre of impact; Wetland 48: 0.76 acre / 0.681 acre of impact  
Wetland 23: 0.48 acre / 0.034 acre of impact; Wetland 49: 0.08 acre / 0.00 acre of impact  
Wetland 24: 0.05 acre / 0.00 acre of impact; Wetland 50: 0.21 acre / 0.00 acre of impact  
Wetland 25: 0.03 acre / 0.00 acre of impact; Wetland 51: 0.93 acre / 0.00 acre of impact  
Wetland 26: 0.10 acre / 0.00 acre of impact; Wetland 52: 0.11 acre / 0.00 acre of impact

H. Provide a description of potentially erosive areas associated with this project:

Potentially erosive areas within the project area include all areas where existing ditches are disturbed, roadway foreslopes with slopes steeper than 1:3, where work is done within waterways at the Arlington Heights Branch and its unnamed tributaries, and all proposed pipe drain outlets serving shoulder inlets.

I. The following is a description of soil disturbing activities by stages, their locations, and their erosive factors (e.g., steepness of slopes, length of slopes, etc.):

The project includes 4 major construction stages

In Pre-Stage, IL-53 will consist of mill and resurfacing of the northbound and southbound lanes/shoulders, and installing temporary crossovers which will require temporary erosion control measures as shown in the plans. All proposed tree removal will occur during this pre-stage.

In Stage 1, the work to be completed includes the removal and reconstruction of the northbound outside lanes and shoulders of the Kirchoff Road, Industrial Avenue, US 14 & Union Pacific Railroad, Palatine Road, and Anderson Drive bridge decks and the pavement to the reconstruction limits. The northbound ramps at Kirchoff, Euclid Avenue, US 14, and Palatine Road will also be reconstructed. Once completed, the corridor will be resurfaced for these same reconstruction limits, and northbound guardrail will be installed according to the plans.

In Stage 2, the work to be completed includes the removal and reconstruction of the northbound inside lanes and shoulders of the Kirchoff Road, Industrial Avenue, US 14 & Union Pacific Railroad, Palatine Road, and Anderson Drive bridge decks and the pavement to the reconstruction limits. Once completed, the corridor will be resurfaced for these same reconstruction limits, and northbound guardrail will be installed according to the plans.

In Stage 3, the work to be completed includes the removal and reconstruction of the southbound outside lanes and shoulders of the Kirchoff Road, Industrial Avenue, US 14 & Union Pacific Railroad, Palatine Road, and Anderson Drive bridge decks and the pavement to the reconstruction limits. The southbound ramps at Kirchoff, Euclid Avenue, US 14, and Palatine Road will also be reconstructed. Once completed, the corridor will be resurfaced for these same reconstruction limits, and southbound guardrail will be installed according to the plans.

In Stage 4, the work to be completed includes the removal and reconstruction of the southbound inside lanes and shoulders of the Kirchoff Road, Industrial Avenue, US 14 & Union Pacific Railroad, Palatine Road, and Anderson Drive bridge decks and the pavement to the reconstruction limits. The southbound ramps at Kirchoff, Euclid Avenue, US 14, and Palatine Road will also be reconstructed. Once completed, the corridor will be resurfaced for these same reconstruction limits, and southbound guardrail will be installed according to the plans.

Temporary erosion control measures for all four stages include temporary erosion control seeding, temporary erosion control blanket, inlet filters and inlet pipe protection, temporary ditch checks, and perimeter erosion barrier. Permanent erosion control measures include permanent seeding and erosion control blanket and riprap installation at storm sewer and culvert outlets. Where possible, stabilization of the initial stage should be completed before work is moved to subsequent stages.

In a final post-stage, all temporary median barriers will be removed and permanent median barriers will be constructed at bridge approach slabs and at the crossover locations. Landscaping restoration, lighting, and overhead sign structures will be completed, along with permanent pavement markings and permanent rumble strips for the northbound and southbound lanes.

All 4 stages include significant ground disturbance and will include the following work:

1. Existing topsoil will be stripped and removed from the site.
2. Roadway embankments will be built up in steps with maximum 1:3 side slopes.
3. New ditches will be graded with installation of storm sewer and structures.
4. After installation of the subgrade, pavement, and shoulders, all disturbed areas will be permanently restored with topsoil that was previously stripped and stockpiled.

J. See the erosion control plans and/or drainage plans for this contract for information regarding drainage patterns, approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking (to be added after contractor identifies locations), areas of soil disturbance, the location of major structural and non-structural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to surface water including wetlands.



K. Identify who owns the drainage system (municipality or agency) this project will drain into:

Illinois Department of Transportation  
Village of Palatine  
Village of Arlington Heights  
City of Rolling Meadows

L. The following is a list of General NPDES ILR40 permittees within whose reporting jurisdiction this project is located:

Illinois Department of Transportation  
Village of Palatine  
Village of Arlington Heights  
City of Rolling Meadows

M. The following is a list of receiving water(s) and the ultimate receiving water(s) for this site. In addition, include receiving waters that are listed as Biologically Significant Streams by the Illinois Department of Natural Resources (IDNR). The location of the receiving waters can be found on the erosion and sediment control plans:

The receiving waters for the project location are the Arlington Heights Branch, and two unnamed tributaries to the Arlington Heights Branch, and the the ultimate receiving water is Salt Creek which drains to the Des Plaines River. The receiving waters are not listed as Biologically Significant Streams by IDNR

N. Describe areas of the site that are to be protected or remain undisturbed. These areas may include steep slopes (i.e., 1:3 or steeper), highly erodible soils, streams, stream buffers, specimen trees, natural vegetation, nature preserves, etc. Include any commitments or requirements to protect adjacent wetlands.

For any storm water discharges from construction activities within 50-feet of Waters of the U.S. (except for activities for water-dependent structures authorized by a Section 404 permit, describe: a) How a 50-foot undisturbed natural buffer will be provided between the construction activity and the Waters of the U.S. or b) How additional erosion and sediment controls will be provided within that area.

Areas of existing wetlands outside of but adjacent to the project limits or areas of existing wetlands within the project that do not need to be impacted will have perimeter erosion barrier and temporary fence with wetland signs. Onsite stormwater discharging into existing wetlands will pass through temporary ditch checks and perimeter erosion barrier before leaving the site. All disturbed areas will be restored with seeding and erosion control blanket.

O. Per the Phase I document, the following sensitive environmental resources are associated with this project and may have the potential to be impacted by the proposed development. Further guidance on these resources is available in Section 41-4 of the BDE Manual.

☐ 303(d) Listed receiving waters for suspended solids, turbidity, or siltation.

The name(s) of the listed water body, and identification of all pollutants causing impairment:

Provide a description of how erosion and sediment control practices will prevent a discharge of sediment resulting from a storm event equal to or greater than a twenty-five (25) year, twenty-four (24) hour rainfall event:

Temporary erosion control seeding, temporary ditch checks, and erosion contro blanket prevent the accumulation of sediment from the site, while temporary erosion barrier, inlet filters, and inlet and pipe protection will prevent the migration of any sediment from the site.

Provide a description of the location(s) of direct discharge from the project site to the 303(d) water body:

Provide a description of the location(s) of any dewatering discharges to the MS4 and/or water body:

☐ Applicable Federal, Tribal, State, or Local Programs

☒ Floodplain

Arlington Heights Branch

☐ Historic Preservation

☐ Receiving waters with Total Maximum Daily Load (TMDL) for sediment, total suspended solids, turbidity or siltation  
TMDL (fill out this section if checked above)

The name(s) of the listed water body:

Provide a description of the erosion and sediment control strategy that will be incorporated into the site design that is consistent with the assumptions and requirements of the TMDL:

If a specific numeric waste load allocation has been established that would apply to the project's discharges, provide a description of the necessary steps to meet that allocation:

☐ Threatened and Endangered Species/Illinois Natural Areas (INAI)/Nature Preserves

☐ Other

☒ Wetland

Disturbed wetlands to be mitigated via purchasing credits from wetland bank.

P. The following pollutants of concern will be associated with this construction project:

☒ Antifreeze / Coolants

☒ Concrete

☒ Concrete Curing Compounds

☒ Concrete Truck Waste

☒ Fertilizers / Pesticides

☒ Paints

☒ Petroleum (gas, diesel, oil, kerosene, hydraulic oil / fluids)

☒ Soil Sediment

☐ Solid Waste Debris

☐ Solvents

☒ Waste water from cleaning construction equipments

☐ Other (Specify)

☐ Other (Specify)

☐ Other (Specify)

☐ Other (Specify)

☐ Other (Specify)

II. Controls:

This section of the plan addresses the controls that will be implemented for each of the major construction activities described in Section I.C above and for all use areas, borrow sites, and waste sites. For each measure discussed, the Contractor will be responsible for its implementation as indicated. The Contractor shall provide to the Resident Engineer a plan for the implementation of the measures indicated. The Contractor, and subcontractors, will notify the Resident Engineer of any proposed changes, maintenance, or modifications to keep construction activities compliant with the Permit ILR10. Each such Contractor has signed the required certification on forms which are attached to, and are a part of, this plan:

A. **Erosion and Sediment Controls:** At a minimum, controls must be coordinated, installed and maintained to:

1. Minimize the amount of soil exposed during construction activity;
2. Minimize the disturbance of steep slopes;
3. Maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible;
4. Minimize soil compaction and, unless infeasible, preserve topsoil.

B. **Stabilization Practices:** Provided below is a description of interim and permanent stabilization practices, including site- specific scheduling of the implementation of the practices. Site plans will ensure that existing vegetation is preserved where attainable and disturbed portions of the site will be stabilized. Stabilization practices may include but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sodding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Except as provided below in II.B.1 and II.B.2, stabilization measures shall be initiated **immediately** where construction activities have temporarily or permanently ceased, but in no case more than **one (1) day** after the construction activity in that portion of the site has temporarily or permanently ceases on all disturbed portions of the site where construction will not occur for a period of fourteen (14) or more calendar days.

1. Where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
2. On areas where construction activity has temporarily ceased and will resume after fourteen (14) days, a temporary stabilization method can be used.

The following stabilization practices will be used for this project:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Erosion Control Blanket / Mulching | <input type="checkbox"/> Temporary Turf (Seeding, Class 7) |
| <input type="checkbox"/> Geotextiles                                   | <input checked="" type="checkbox"/> Temporary Mulching     |
| <input checked="" type="checkbox"/> Permanent Seeding                  | <input type="checkbox"/> Vegetated Buffer Strips           |
| <input checked="" type="checkbox"/> Preservation of Mature Seeding     | <input type="checkbox"/> Other (Specify) _____             |
| <input checked="" type="checkbox"/> Protection of Trees                | <input type="checkbox"/> Other (Specify) _____             |
| <input type="checkbox"/> Sodding                                       | <input type="checkbox"/> Other (Specify) _____             |
| <input checked="" type="checkbox"/> Temporary Erosion Control Seeding  | <input type="checkbox"/> Other (Specify) _____             |

Describe how the stabilization practices listed above will be utilized during construction:

Stabilization controls runoff volume and velocity, peak runoff rates and volumes of discharge to minimize exposed soil, disturbed slopes, sediment discharges from construction, and provides for natural buffers and minimization of soil compaction. Existing vegetated areas where disturbance can be avoided will not require stabilization.

During roadway construction, areas outside the construction slope limits shall be protected from the damaging effects of construction with perimeter erosion barrier and temporary fence. The contractor shall not use this area for staging, parking of vehicles or construction equipment, storage of materials, or other construction related activities. Stabilization controls runoff, volume and velocity, peak runoff rates and volumes of discharge to minimize exposed soil, disturbed slopes, and sediment discharges from construction.

(a) Within the construction zone, critical areas that have high flows of water such as the Arlington Heights Branch shall remain undisturbed until full scale construction is underway to prevent unnecessarily soil erosion.

(b) Stabilization of disturbed areas must be completed as described in Stabilization Practices language above.

(c) The Contractor shall immediately follow major earth moving operations with final grading equipment. After the major earth spread operation has moved to a new location, final grading shall be completed within 14 days. If grading is not completed within 14 days, all major earth moving operations will be stopped, as directed by the Engineer, until disturbed areas are final graded and seeded.

(d) All pipe culvert and storm sewer work shall be performed under dry conditions.

(e) Excavated areas and embankments shall be permanently seeded when finally graded. If not, they shall be temporarily seeded in accordance with the Standard Specifications for Road and Bridge Construction.

(f) Where possible, permanent stabilization should occur at each stage prior to moving on to the next stage.

Mulch Method 2 should be applied to slopes for temporary stabilization prior to seasons when temporary seed will not germinate, for example in mid-July or in winter.

Where possible, stabilization of the initial Stage should be completed before work is moved to subsequent stages. Where this is not possible, temporary stabilization will be required for all disturbed areas.

Describe how the stabilization practices listed above will be utilized after construction activities have been completed:

The temporary erosion control system will be removed and permanent erosion control items will be installed as shown on the drawings. The maintenance of these items shall be the responsibility of the Contractor prior to completion of the project. Upon completion of the project, the maintenance and repair of the permanent erosion control items shall be the responsibility of the Illinois Department of Transportation.

C. **Structural Practices:** Provided below is a description of structural practices that will be implemented, to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include but are not limited to: perimeter erosion barrier, earth dikes, drainage swales, sediment traps, ditch checks, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. The installation of these devices may be subject to Section 404 of the Clean Water Act.

- ☐ Aggregate Ditch
- ☐ Concrete Revetment Mats
- ☒ Dust Suppression
- ☒ Dewatering Filtering
- ☐ Gabions
- ☒ In-Stream or Wetland Work

- ☒ Stabilized Construction Exits
- ☒ Stabilized Trench Flow
- ☐ Slope Mattress
- ☒ Slope Walls
- ☒ Temporary Ditch Check
- ☐ Temporary Pipe Slope Drain

- ☒ Level Spreaders
- ☐ Paved Ditch
- ☐ Permanent Check Dams
- ☒ Perimeter Erosion Barrier
- ☐ Permanent Sediment Basin
- ☒ Retaining Walls
- ☒ Riprap
- ☒ Rock Outlet Protection
- ☐ Sediment Trap
- ☒ Storm Drain Inlet Protection

- ☐ Temporary Sediment Basin
- ☐ Temporary Stream Crossing
- ☐ Turf Reinforcement Mats
- ☒ Other (Specify)      Subsurf. Pipe Underdrain
- ☐ Other (Specify)      \_\_\_\_\_
- ☐ Other (Specify)      \_\_\_\_\_
- ☐ Other (Specify)      \_\_\_\_\_
- ☐ Other (Specify)      \_\_\_\_\_
- ☐ Other (Specify)      \_\_\_\_\_
- ☐ Other (Specify)      \_\_\_\_\_

Describe how the structural practices listed above will be utilized during construction:

Temporary erosion control systems shall be left in place with proper maintenance until permanent erosion control is in place and working properly and all proposed turf areas are seeded and established with a proper stand.

Perimeter Erosion Barrier will be installed at the beginning of construction and remain for the duration of the project. Perimeter Erosion Barrier will reduce the potential for untreated runoff to flow offsite. Perimeter Erosion Barrier will be comprised of silt fence. Silt fence will be used as Perimeter Erosion Barrier in areas where there is the potential for erosion and sediment to sheet flow offsite.

Temporary ditch checks shall be placed in the roadside ditches to dissipate flows and reduce the potential for erosion. Temporary ditch checks shall be placed immediately after disturbances and will be maintained and moved as necessary.

Storm Sewer and Pipe Culvert Inlet Protection shall be installed at the locations shown in the drawings to treat the runoff from the jobsite and reduce the potential for offsite contamination. This will include the use of inlet and pipe protection and inlet filters. For inlet and pipe protection, use a combination of temporary seed, erosion control blanket, and temporary ditch checks for pipe protection. Straw bales for pipe protection are not allowed.

Stabilized Construction Entrances will be installed at the locations approved by the Engineer to reduce or eliminate tracking of sediment onto public right-of-way or streets by construction vehicles. The Contractor shall be responsible for submitting the locations, materials, and maintenance details to the Engineer for acceptance. The stabilized construction entrance shall be designed according to the Illinois Urban Manual.

Silt fence should only be used as PEB in areas where the work area is higher than the perimeter. The use of silt fence at the top of the slope/elevations higher than the work area should always be avoided. If necessary, temporary fence should be utilized in these locations (where the top of slope/elevation is higher than the work area) in lieu of silt fence.

The Contractor shall provide the RE a plan to ensure that a stabilized flow line will be provided during storm sewer construction. The use of a stabilized flow line between installed storm sewer and open disturbance will reduce the potential for the offsite discharge of sediment bearing waters, particularly when rain is forecasted so that flow will not erode. Lack of an approved plan or failure to comply will result in an ESC Deficiency Deduction.

The Contractor and the Department shall meet as needed to review the nature and extent of dust generating activities and cooperatively develop specific types of control techniques appropriate to that specific situation. Sample techniques that may warrant consideration include: minimizing tracking out of soil onto nearby publicly traveled roads, reducing vehicle speed on unpaved surfaces, covering haul vehicles, and applying chemical dust suppressants or water to exposed surfaces, particularly to surfaces on which construction vehicles travel. Dust control measures shall be readily available for use on the project site.

This project requires a US Army Corps of Engineers (USACE) 404 permit that will be secured by the Department. All conditions of the 404 permit, found in the special provisions, must be followed. As a condition of this permit, the contractor will need to submit an in-stream work plan (including work within wetlands) to the Department for approval. Guidelines on acceptable in-stream work techniques (including work within wetlands) can be found on the USACE website. The USACE defines and determines in-stream work. The cost of materials and labor necessary to comply with the above provisions to prepare and implement an in-stream work plan (including work within wetlands) will not be paid for separately, but shall be considered as included in the unit bid price of the contract and no additional compensation will be allowed. With the exception of cofferdams which will be paid for as COFFERDAM (TYPE 1)( IN-STREAM/WETLAND WORK) with a basis of a payment of EACH.

Describe how the structural practices listed above will be utilized after construction activities have been completed:

Stone Riprap outlet protection will be utilized at pipe culvert and storm sewer outfalls as energy dissipation and to prevent erosion of soils after construction.

**D. Treatment Chemicals**

Will polymer flocculants or treatment chemicals be utilized on this project: ☐ Yes ☒ No

If yes above, identify where and how polymer flocculants or treatment chemicals will be utilized on this project.

**E. Permanent (i.e., Post-Construction) Storm Water Management Controls:** Provided below is a description of measures that will be installed during the construction process to control volume and pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the Clean Water Act.

1. Such practices may include but are not limited to: storm water detention structures (including wet ponds), storm water retention structures, flow attenuation by use of open vegetated swales and natural depressions, infiltration of runoff on site, and sequential systems (which combine several practices).

The practices selected for implementation were determined based on the technical guidance in Chapter 41 (Construction Site Storm Water Pollution Control) of the IDOT BDE Manual. If practices other than those discussed in Chapter 41 are selected for implementation or if practices are applied to situations different from those covered in Chapter 41, the technical basis for such decisions will be explained below.

2. Velocity dissipation devices will be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., maintenance of hydrologic conditions such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).

Description of permanent storm water management controls:

Permanent stormwater management features include final proposed seeding and erosion control blanket for all disturbed areas. The downstream ends of end sections will have stone riprap. Where end sections discharge offsite into a flat area, the stone riprap is shaped as a level spreader.

**F. Approved State or Local Laws:** The management practices, controls and provisions contained in this plan will be in accordance with IDOT specifications, which are at least as protective as the requirements contained in the IEPA's Illinois Urban Manual. Procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials shall be described or incorporated by reference in the space provided below. Requirements specified in sediment and erosion site plans, site permits, storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI, to be authorized to discharge under the Permit ILR10 incorporated by reference and are enforceable under this permit even if they are not specifically included in the plan.

Description of procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials:

All management practices, control, and other provisions provided in this plan are in accordance with IDOT Standard Specifications for Road and Bridge Construction.

**G. Contractor Required Submittals:** Prior to conducting any professional services at the site covered by this plan, the Contractor and each subcontractor responsible for compliance with the permit shall submit to the Resident Engineer a Contractor Certification Statement, BDE 2342A.

1. The Contractor shall provide a construction schedule containing an adequate level of detail to show major activities with implementation of pollution prevention BMPs, including the following items:

- Approximate duration of the project, including each stage of the project
  - Rainy season, dry season, and winter shutdown dates
  - Temporary stabilization measures to be employed by contract phases
  - Mobilization time-frame
  - Mass clearing and grubbing/roadside clearing dates
  - Deployment of Erosion Control Practices
  - Deployment of Sediment Control Practices (including stabilized cons
- 
- Deployment of Construction Site Management Practices (including concrete washout facilities, chemical storage, refueling locations, etc.)
  - Paving, saw-cutting, and any other pavement related operations
  - Major planned stockpiling operation
  - Time frame for other significant long-term operations or activities that may plan non-storm water discharges as dewatering, grinding, etc
  - Permanent stabilization activities for each area of the project
2. During the pre-construction meeting, the Contractor and each subcontractor shall provide, as an attachment to their signed Contractor Certification Statement, a discussion of how they will comply with the requirements of the permit in regard to the following items and provide a graphical representation showing location and type of BMPs to be used when applicable:
- Temporary Ditch Checks - Identify what type and the source of Temporary Ditch Checks that will be installed as part of the project. The installation details will then be included with the SWPPP.
  - Vehicle Entrances and Exits - Identify type and location of stabilized construction entrances and exits to be used and how they will be maintained.
  - Material Delivery, Storage and Use - Discuss where and how materials including chemicals, concrete curing compounds, petroleum products, etc. will be stored for this project.
  - Stockpile Management - Identify the location of both on-site and off-site stockpiles. Discuss what BMPs will be used to prevent pollution of storm water from stockpiles.
  - Waste Disposal - Discuss methods of waste disposal that will be used for this project.
  - Spill Prevention and Control - Discuss steps that will be taken in the event of a material spill (chemicals, concrete curing compounds, petroleum, etc.)
  - Concrete Residuals and Washout Wastes - Discuss the location and type of concrete washout facilities to be used on this project and how they will be signed and maintained.
  - Litter Management - Discuss how litter will be maintained for this project (education of employees, number of dumpsters, frequency of dumpster pick-up, etc.).
  - Vehicle and Equipment Fueling - Identify equipment fueling locations for this project and what BMPs will be used to ensure containment and spill prevention.
  - Vehicle and Equipment Cleaning and Maintenance - Identify where equipment cleaning and maintenance locations for this project and what BMPs will be used to ensure containment and spill prevention.
  - Dewatering Activities - Identify the controls which will be used during dewatering operations to ensure sediments will not leave the construction site.
  - Polymer Flocculants and Treatment Chemicals - Identify the use and dosage of treatment chemicals and provide the Resident Engineer with Material Safety Data Sheets. Describe procedures on how the chemicals will be used and identify who will be responsible for the use and application of these chemicals. The selected individual must be trained on the established procedures.
  - Additional measures indicated in the plan.

### III. Maintenance:

When requested by the Contractor, the Resident Engineer will provide general maintenance guides (e.g., IDOT Erosion and Sediment Control Field Guide) to the Contractor for the practices associated with this project. Describe how all items will be checked for structural integrity, sediment accumulation and functionality. Any damage or undermining shall be repaired immediately. Provide specifics on how repairs will be made. The following additional procedures will be used to maintain, in good and effective operating conditions, the vegetation, erosion and sediment control measures and other protective measures identified in this plan. It will be the Contractor's responsibility to attain maintenance guidelines for any manufactured BMPs which are to be installed and maintained per manufacture's specifications.



All erosion and sediment control measures will be maintained in accordance with the IDOT Erosion and Sediment Control Field Guide for Construction Inspection

All erosion and sediment control measures should be checked weekly and after each rainfall 0.5 inches or greater in a 24-hour period, or equivalent snowfall. Additionally, during winter months, all measures should be checked after each significant snowmelt.

All offsite borrow, waste, and use areas are part of the construction site and are to be inspected according to the language in this section.

(a) Perimeter Erosion Barrier-Barrier shall be installed prior to any earth-disturbing activities. It shall have no tears or gaps and must not be leaning. Any stakes that are missing or broken must be replaced immediately. If the sediment reaches 1/3 the height of the barrier, maintenance or replacement is required. Repair the barrier if undermining occurs anywhere along its entire length. Remove the barrier once final stabilization is established.

(b) Temporary Ditch Checks-Sediment shall be removed from the upstream side of the ditch check when the sediment has reached 50% of the height of the structure. Ditch checks are to be replaced or repaired whenever tears, splits, unraveling, or compressed excelsior is apparent. Replace torn fabric mat that allows water to undermine ditch check. Remove debris when observed on the check. If water or sediment is passing around the ditch check, maintenance may be required or installation may be flawed. If the ditch checks are floating, stakes may be installed incorrectly.

(c) Inlet Protection-Remove sediment from inlet filter basket when basket is 25% full or 50% of the fabric pores are covered with silt. Remove ponded water on road surfaces immediately. Clean filter if standing water is present longer than one hour after a rain event. Remove trash accumulated around or on top of protection. When a filter is removed for cleaning, replace filter if any tear is present.

(d) Temporary Seeding-A visual inspection of this item is necessary to determine whether it has germinated. If the seed has failed to germinate, another application of seed may be necessary. Restore rills greater than 4 inches deep as quickly as possible on slopes steeper than 1V:4H to prevent the sheet-flow from becoming concentrated flow patterns. If excessive weed development occurs, mowing may be necessary.

(e) Permanent Seeding-A visual inspection of this item is necessary to determine whether it has germinated. If the seed has failed to germinate, another application of seed may be necessary.

(f) Erosion Control Blanket-Repair damage from water running beneath the blanket and restore blanket when displacement occurs. Reseeding may be necessary. Replace all displaced blankets and restaple.

The IDOT Erosion and Sediment Control Field Guide for Construction Inspection can be found on the Construction tab at: <https://idot.illinois.gov/content/dam/soi/en/web/idot/documents/transportation-system/manuals-guides-and-handbooks/highways/environment/erosion-and-sediment-control-field-guide-for-construction-inspection.pdf>

#### IV. Inspections:

Qualified personnel shall inspect disturbed areas of the construction site including Borrow, Waste, and Use Areas, which have not yet been finally stabilized, structural control measures, and locations where vehicles and equipment enter and exit the site using IDOT Storm Water Pollution Prevention Plan Erosion Control Inspection Report, BC 2259. Such inspections shall be conducted at least once every seven (7) calendar days and within twenty-four (24) hours of the end of a storm or by the end of the following business or work day that is 0.5 inch or greater or equivalent snowfall.

Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is 0.5" or greater rain event, or a discharge due to snowmelt occurs.

If any violation of the provisions of this plan is identified during the conduct of the construction work covered by this plan, the Resident Engineer shall notify the appropriate IEPA Field Operations Section office by email at: [epa.swnoncomp@illinois.gov](mailto:epa.swnoncomp@illinois.gov), telephone or fax within twenty-four (24) hours of the incident. The Resident Engineer shall then complete and submit an "Incidence of Non-Compliance" (ION) report for the identified violation within five (5) days of the incident. The Resident Engineer shall use forms provided by IEPA and shall include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. All reports of non-compliance shall be signed by a responsible authority in accordance with Part VI. G of the Permit ILR10.

The Incidence of Non-Compliance shall be mailed to the following address:  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Attn: Compliance Assurance Section  
1021 North Grand East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

#### V. Failure to Comply:

Failure to comply with any provisions of this Storm Water Pollution Prevention Plan will result in the implementation of a National Pollutant Discharge Elimination System/Erosion and Sediment Control Deficiency Deduction against the Contractor and/or penalties under the Permit ILR10 which could be passed on to the Contractor.



Contractor Certification Statement



Prior to conducting any professional services at the site covered by this contract, the Contractor and every subcontractor must complete and return to the Resident Engineer the following certification. A separate certification must be submitted by each firm. Attach to this certification all items required by Section II.G of the Storm Water Pollution Prevention Plan (SWPPP) which will be handled by the Contractor/subcontractor completing this form.

Route	Marked Route	Section Number
FAP 342	IL 53	(531) BR 23
Project Number	County	Contract Number
C-91-144-21	Cook	62W38

This certification statement is a part of SWPPP for the project described above, in accordance with the General NPDES Permit No. ILR10 issued by the Illinois Environmental Protection Agency.

I certify under penalty of law that I understand the terms of the Permit No. ILR 10 that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Additionally, I have read and understand all of the information and requirements stated in SWPPP for the above mentioned project; I have received copies of all appropriate maintenance procedures; and, I have provided all documentation required to be in compliance with the Permit ILR10 and SWPPP and will provide timely updates to these documents as necessary.

- ☐ Contractor  
☐ Sub-Contractor

Signature	Date		
<div></div>	<div></div>		
Print Name	Title		
<div></div>	<div></div>		
Name of Firm	Phone		
<div></div>	<div></div>		
Street Address	City	State	Zip Code
<div></div>	<div></div>	<div></div>	<div></div>

Items which this Contractor/subcontractor will be responsible for as required in Section II.G. of SWPPP

## MEMORANDUM

**DATE:** 8/24/2024  
**TO:** [Recipient] (IEPA)  
**FROM:** Gary Paradoski (Aqua Vitae)  
**CC:** Jacek Ejmont, Giovanna Zaffina, Vanessa Ruiz (IDOT); Patrick Hynes (Aqua Vitae)  
**PROJECT:** See Attached SWPPP  
**JOB NO:** See Attached SWPPP  
**CONTRACT:** See Attached SWPPP  
**RE:** NPDES IEPA ILR10 Notice of Intent Supplement

Hello [Recipient], per IEPA recommendation, I've provided the following additional language (green) to be added as a supplement to the completed IDOT Form BDE 2342 that has been submitted for this contract's notice of Notice of Intent.

**Please note that this supplement references IDOT's standard forms and specifications so that it is not considered overly onerous or ambiguous.**

- IV.D.2.g.iv - The permit specifies a different between spill responses and provisions for reporting, while the existing template mentions only that spill prevention and control will be discussed, making no mention of reporting in the event that a significant spill occurs. Should a spill of potentially hazardous or toxic material occur on-site, it is necessary that the on-site staff know which organizations to contact to mobilize a quick and efficient cleanup response, should it be necessary.
  - Add the following to IDOT SWPPP (Form BDE 2342) Sections II.G.2 Material Delivery, Storage and Use:

Provide a plan stating the name of the organization to contact to mobilize a quick and efficient cleanup response, should it be necessary.
  - Add the following to IDOT SWPPP (Form BDE 2342) Sections IV:

IDOT's Resident Engineer shall conduct the required reporting in the event that a significant spill occurs.
- IV.D.4 - The permit also contains the specific reporting that an inspection will be complete within 24 hours of a storm. However, there is the possibility that some locations on the construction site

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RE: NPDES IEPA ILR10 Notice of Intent Supplement

will remain too dangerous to inspect within those 24 hours—hence, the requirement that an inspection be completed of these areas within 3 days that they become accessible.

- o Add the following to IDOT SWPPP (Form BDE 2342) Section IV, first paragraph:

Should the construction site remain too dangerous to inspect within 24 hours, the inspection shall be completed of these areas within 3 days that they become accessible.

- IV.D.4.b - If the SWPPP requirements are being covered by the inspection form being used, the inspection form must be included with the SWPPP. Without it, there is nothing in the SWPPP that covers these requirements, and while the template does mention the certification in BDE 2342A, there is no evidence that that inspection template must be used with the SWPPP template.

- o Modify IDOT SWPPP (Form BDE 2342) Section IV, first paragraph, first sentence to read as follows:

Qualified personnel shall inspect and document disturbed areas of the construction site including Borrow, Waste, and Use Areas, which have not yet been finally stabilized, structural control measures, locations where vehicles and equipment enter and exit the site, all items addressed in Section II.G, and flooding or other unsafe conditions, using IDOT Storm Water Pollution Plan Erosion Control Inspection Report, BC 2259, which can be found online at <https://idot.illinois.gov/resources/forms.html>.

- IV.D.4.d - The concern addressed in the comment is that the modifications must be made in 7 days. While the SWPPP mentions that modifications will be made, it provides no timeline by which they **must** be made.

- o Modify IDOT SWPPPs (Form BDE 2342) Section II, first paragraph, fourth sentence to read as follows:

The Contractor, and subcontractors, will notify the Resident Engineer of any proposed changes, maintenance, or modifications within 7 days to keep construction activities compliant with the Permit ILR10.

- IV.D.4.e - The current BDE 2342 does not contain a space for recording observations about flooding or other unsafe conditions, nor was the inspection report included in the original SWPPP submission.

- o A copy of IDOT's Storm Water Pollution Prevention Plan Erosion Control Inspection Report BC 2259 is attached for reference. This form has sections *Other Comments* and *Additional Pages* to be used for recording observations about flooding or other unsafe conditions as they relate to the NPDES IEPA ILR10 permit.

- o Modify IDOT SWPPP (Form BDE 2342) Section IV, first paragraph, first sentence to read as follows:

Qualified personnel shall inspect and document disturbed areas of the construction site including Borrow, Waste, and Use Areas, which have not yet been finally stabilized, structural control measures, locations where vehicles and equipment enter and exit the site, all items addressed in Section II.G, and flooding or other unsafe conditions, using IDOT Storm Water Pollution Plan Erosion Control Inspection Report, BC 2259, which can be found online at <https://idot.illinois.gov/resources/forms.html>.

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- IV.D.5 – Corrective actions are required for more than just damage repairs. Additionally, the template provides no timeline by which a corrective action report must be submitted, nor does it address the maintenance of repeated failed controls.
  - o Add the following to IDOT SWPPPs (Form BDE 2342) Section III:

All corrective actions and deficiencies shall be in accordance with the SWPPP (Form BDE 2342) and the Standard Specifications Section 105.03(a). Corrective action inspection reporting shall be done per Section IV of the SWPPP.

- o IDOT's Standard Specifications Section 105.03 addresses a timeline by which corrective action must be taken for NPDES, and it addresses deficiencies such as maintenance of repeated failed controls. Excerpts have been provided below for reference and can be found online at:

<https://public.powerdms.com/IDOT/documents/1945348/Standard%20Specifications%20for%20Road%20and%20Bridge%20Construction%202022>

**105.03 Conformity with Contract.** All work performed and all materials furnished shall be in conformity with the contract and the lines, grades, cross sections, dimensions, and material requirements, including tolerances, shown on the plans or indicated in the contract documents. All work or material which does not conform to the requirements of the contract will be considered unacceptable.

Unacceptable work, whether the result of poor workmanship, use of defective materials, damage through carelessness, or other cause, and unacceptable material shall be removed and replaced or otherwise corrected in an acceptable manner at no additional cost to the Department.

The Department reserves the right to accept work produced by the Contractor if the Engineer finds the noncompliant materials, the finished product in which the noncompliant materials are used, or the nonconforming work are in close conformity with the contract. In this event, the Engineer will document the basis of acceptance by contract modification which may provide for an appropriate adjustment in the contract price for such work or materials as the Engineer deems necessary to conform to the determination. The determination of the Department will be based on the best engineering judgment of the Engineer and shall be final and binding.

Work done contrary to instructions given by the Engineer, work done beyond the lines shown on the plans, or as given by the Engineer, or any extra work done without written approval given by the Engineer will be considered as unacceptable and will not be paid for under the contract. Work so done may be ordered removed or replaced at no additional cost to the Department.

For unacceptable work that impacts the environment or public safety, a deduction will be applied to monies due or that might become due the Contractor. These deficiency deductions will be applied as follows.

- (a) National Pollutant Discharge Elimination System (NPDES) / Erosion and Sediment Control Deficiency Deduction. When the Engineer is notified or determines an erosion and/or sediment control deficiency(s) exists, or the Contractor's activities represents a violation of the Department's NPDES permits, the Engineer will notify and direct the Contractor to correct the deficiency within a specified time. The specified time, which begins upon notification to the Contractor, will be from 1/2 hour to 1 week based on the urgency of the situation and the nature of the work effort required. The Engineer will be the sole judge.

A deficiency may be any lack of repair, maintenance, or implementation of erosion and/or sediment control devices included in the contract, or any failure to comply with the conditions of the Department's NPDES permits. A deficiency may also be applied to situations where corrective action is not an option such as the failure to participate in a jobsite inspection of the project, failure to install required measures prior to initiating earth moving operations, disregard of concrete washout requirements, or other disregard of the NPDES permit.

If the Contractor fails to correct a deficiency within the specified time, a daily monetary deduction will be imposed for each calendar day or portion of a calendar day until the deficiency is corrected to the satisfaction of the Engineer. The calendar day(s) will begin with notification to the Contractor and end with the Engineer's acceptance of the correction. The base value of the daily monetary deduction is \$1,000.00. The value of the deficiency deduction assessed will be determined by multiplying the base value by a Gravity Adjustment Factor provided in Table A; except for failure to participate in a required jobsite inspection of the project prior to initiating earthmoving operations which will be based on the total acreage of planned disturbance at the following multipliers: <5 Acres: 1; 5-10 Acres: 2; >10-25 Acres: 3; >25 Acres: 5. For those deficiencies where corrective

RE: NPDES IEPA ILR10 Notice of Intent Supplement

8/24/2024

action was not an option, the monetary deduction will be immediate and will be valued at one calendar day multiplied by a Gravity Adjustment Factor.

Table A Deficiency Deduction Gravity Adjustment Factors				
Types of Violations	Soil Disturbed and Not Permanently Stabilized At Time of Violation			
	< 5 Acres	5 - 10 Acres	>10 - 25 Acres	> 25 Acres
Failure to Install or Properly Maintain BMP	0.1 - 0.5	0.2 - 1.0	0.5 - 2.5	1.0 - 5
Careless Destruction of BMP	0.2 - 1	0.5 - 2.5	1.0 - 5.	1.0 - 5
Intrusion into Protected Resource	1.0 - 5	1.0 - 5	2.0 - 10	2.0 - 10
Failure to properly manage Chemicals, Concrete Washouts or Residuals, Litter or other Wastes	0.2 - 1	0.2 - 1	0.5 - 2.5	1.0 - 5
Improper Vehicle and Equipment Maintenance, Fueling or Cleaning	0.1 - 0.5	0.2 - 1	0.2 - 1	0.5 - 2.5
Failure to Provide or Update Written or Graphic Plans Required by SWPPP	0.2 - 1	0.5 - 2.5	1.0 - 5	1.0 - 5
Failure to comply with Other Provisions of the NPDES Permit	0.1 - 0.5	0.2 - 1	0.2 - 1	0.5 - 2.5



**Illinois Department  
of Transportation**

**Storm Water Pollution Prevention  
Plan  
Erosion Control Inspection Report**

Date of Inspection: \_\_\_\_\_ County: \_\_\_\_\_  
Name of Inspector: \_\_\_\_\_ Section: \_\_\_\_\_  
Type of Inspection: Weekly ☐ Route: \_\_\_\_\_  
>0.5" Precip. ☐ Precip. Amt: \_\_\_\_\_ " District: \_\_\_\_\_  
Contractor: \_\_\_\_\_ Contract No: \_\_\_\_\_  
Subs: \_\_\_\_\_ Job No. \_\_\_\_\_  
Project: \_\_\_\_\_  
NPDES/ESC Deficiency Deduction: \$ \_\_\_\_\_ NPDES Permit No: \_\_\_\_\_  
Total Disturbed Area: \_\_\_\_\_ acre Ready for Final Cover: \_\_\_\_\_ acre  
Final Cover Established: \_\_\_\_\_ acre

**Erosion and Sediment Control Practices**

Item # / BMP		YES	NO	N/A
1. Slopes:	Do all slopes and exposed areas where soil disturbing activities have temporarily or permanently ceased, and not permanently stabilized, have adequate temporary seed or other stabilization in accordance with the NPDES permitted 7 and 14 day rule?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Ditches	Are all ditches (existing and temporary) clear of sediment and/or debris? Do all ditches have adequate stabilization and structural practices in place?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
3. Perimeter Erosion Barrier:	Are all perimeter erosion barriers in good working order? Has perimeter barrier no longer needed been removed and the area stabilized?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
4. Temporary Ditch Checks:	Are all temporary ditch checks in good working order? Are the current ditch checks adequate to control erosion?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
5. Temp Diversions/ Slope Drains:	Are all Temporary Diversions and Slope Drains functioning properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Inlet Protection:	Are ALL inlet protection devices in good working order? Are ALL inlet filters less than 25% full and fabric unobstructed?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
7. Sediment Basins/Traps:	Are ALL sediment basins/traps in good working order? Does sufficient capacity exist for the design stormwater event?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Areas of Interest – Wetland/Prairie/Tree Preservation:	Has the contractor remained clear of all designated "no entry" areas? Are all "no intrusion" areas adequately marked to prevent accidental entry?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
9. Stock Piles:	Are all stockpiles properly situated and maintained to prevent runoff and protected to minimize discharge of materials or residue in case of erosion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Borrow/Waste Sites:	Are all borrow and waste locations, including those located offsite, in compliance with NPDES requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Other Installations:	Are all other BMP installations shown in the plans properly functioning? (note in comments)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**General Site Maintenance Required of the Permit**

12. Vehicle Tracking:	Is the site free from mud, sediment and debris from the vehicles entering/leaving off road areas throughout the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Are Stabilized Construction field entrances properly located?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Are Stabilized Construction field entrances in good working condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>





**404 PERMIT**



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT  
231 SOUTH LA SALLE STREET, SUITE 1500  
CHICAGO IL 60604-1437

October 11, 2024

Regulatory Branch (LRC-2024-00412)

SUBJECT: Nationwide Permit Authorization for 0.14 ac of Permanent Impacts and 0.74 ac of Temporary Impacts Associated with the IL53 Roadway Improvements from Algonquin Road to Rand Road (US12) in Palatine, Rolling Meadows, and Arlington Heights, Cook County, Illinois (Latitude 42.079887°N, Longitude -88.029849°W)

IDOT Contracts: 62W30, 62N91, and 62W38

Jose Rios  
Illinois Department of Transportation  
201 West Center Court  
Schaumburg, Illinois 60196

Dear Mr. Rios:

The U.S. Army Corps of Engineers, Chicago District, has completed its review of your pre-construction notification for the above referenced project, dated October 7, 2024, for authorization under the Nationwide Permit (NWP) Number 14 (NWP 14 Linear Transportation Projects), submitted on July 11, 2024. This office has verified that your proposed activity complies with the terms and conditions of the NWP.

This determination covers only your project as described above and in the approved following project plans:

- "Proposed Highway Plans, FAU Route 1292 (Euclid Avenue) over FAP Route 342 (IL Route 53) Structure Replacement, Section (531-2-HB)BR 23", Contract 62W30, Prepared by Strand Associates, dated June 7, 2024;
- "Proposed Highway Plans FAP Route 342 (IL Route 53) Various Bridge and Culvert Replacements and Roadway Resurfacing, Section 2018-100-BR", Contract 62N91, marked Preliminary March 29, 2024;
- "Proposed Highway Plans FAP Route 342 (IL Route 53) Various Bridge and Culvert Replacements and Roadway Resurfacing, Section (531) BR 23", Contract 62W38, marked Prefinal May 3, 2024.

Caution must be taken to prevent construction materials and activities from impacting waters of the United States beyond the scope of this authorization. If the design, location, or purpose of the project is changed, it is recommended that you contact this office to determine the need for further authorization.

The subject activity may be performed without further authorization from this office provided that the activity complies with the NWP terms and general conditions, the regional conditions for Illinois the special conditions listed below, and the Section 401 Water Quality Certification ("WQC") conditions added by the Illinois Environmental

Added 10/31/2024

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Protection Agency. The NWP Program terms, general conditions, and regional conditions are listed in the enclosed NWP Summary. The WQC conditions are listed in the enclosed Fact Sheet.

Specifically, we wish to draw your attention to General Condition 21, which requires permittees to notify our office immediately in the event of discovery of previously unknown human remains, Native American cultural items, or archaeological artifacts; General Condition 12 requiring the applicant and their contractors to properly install and maintain the necessary erosion and sediment controls needed to prevent discharges not specifically authorized by this permit; and a term of the NWP program, which states that NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

The following special conditions also apply to this verification:

1. If the work is scheduled to occur between April 1 and September 31 of any year, the bridge/culvert shall be inspected for the presence of Northern Long-Eared bat (*Myotis septentrionalis*) no more than 7 days prior to the start of construction activity to ensure bats have not started to use the area of the bridge proposed for work. If that species is found to be using the structure, the permittee shall immediately contact Shawn Cirton of the U.S. Fish and Wildlife Service, (847) 381-2253, and Patrick VerHalen of the U.S. Army Corps of Engineers, patrick.j.verhalen@usace.army.mil, to ask for further guidance. Work shall not commence until consultation with these two agencies has been satisfied.
2. This authorization is contingent upon implementing and maintaining soil erosion and sediment controls in a serviceable condition throughout the duration of the project. You shall comply with the project's soil erosion and sediment control (SESC) plans and the installation and maintenance requirements of the SESC practices on-site. You shall notify this office any changes or modifications to the approved plan set. Please be aware that field conditions during project construction may require the implementation of additional SESC measures for further protection of aquatic resources. If you fail to implement corrective measures, this office may require more frequent site inspections to ensure the installed SESC measures are acceptable. Please be aware that work authorized herein may not commence until you receive written notification from this office that your plans meet technical standards.

As part of the SESC process, you are required to retain a qualified Independent SESC Inspector (ISI) to review the project's SESC plans and provide a detailed narrative that explains the measures to be implemented at the project site. The ISI is also required to perform site inspections of the implemented SESC measures to ensure proper installation and regular maintenance of the approved methods.

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- a. You shall contact this office and the ISI at least 10 calendar days prior to the preconstruction meeting so that representative of this office and/or the ISI's office may attend. The meeting agenda will include a discussion of the SESC plan and the installation and maintenance requirements of the SESC practices on the site;
  - b. Prior to commencement of any in-stream work, you shall submit construction plans and a detailed narrative to this office and the ISI that disclose the contractor's preferred method of cofferdam and dewatering method;
  - c. The ISI will perform weekly inspections of the implemented SESC measures to ensure proper installation and regular maintenance of the approved methods. The ISI contact information form shall be submitted to this office via e-mail and/or hard copy prior to commencement of the permitted work; and
  - d. The ISI shall submit to the Corps an inspection report with digital photographs of the SESC measures on a weekly basis during the active and non-active phases of construction. An inspection report shall also be submitted at the completion of the project once the SESC measures have been removed and final stabilization has been completed.
3. Prior to commencement of work, you shall submit construction plans and a narrative of the contractor's preferred method of cofferdam and dewatering. Work in the waterway shall not commence until this office notifies you, in writing, that the plans have been approved.
  4. You shall provide written notification to this office at least ten (10) days prior to the commencement of work indicating the start date and estimated end date of construction. If possible, this notification should be provided by email to [patrick.j.verhalen@usace.army.mil](mailto:patrick.j.verhalen@usace.army.mil).
  5. You are responsible for all work authorized herein and for ensuring that all contractors are aware of the terms and conditions of this authorization.
  6. A copy of this authorization must be present at the project site during all phases of construction.
  7. Work in the waterway should be timed to take place during low or no-flow conditions. Low flow conditions are flow at or below the normal water elevation.
  8. The plan must be designed to allow for the conveyance of the 2-year peak flow past the work area without overtopping the cofferdam. The Corps has the discretion to reduce this requirement if documented by the applicant to be infeasible or unnecessary.

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9. Water shall be isolated from the in-stream work area using a cofferdam constructed of non-erodible materials (steel sheets, aqua barriers, rip rap and geotextile liner, etc.). Earthen cofferdams are not permissible.

10. The cofferdam must be constructed from the upland area and no equipment may enter flowing water at any time. If the installation of the cofferdam cannot be completed from shore and access is needed to reach the area to be coffered, other measures, such as the construction of a causeway, will be necessary to ensure that equipment does not enter the water. Once the cofferdam is in place and the isolated area is dewatered, equipment may enter the coffered area to perform the required work.

11. If bypass pumping is necessary, the intake hose shall be placed on a stable surface or floated to prevent sediment from entering the hose. The bypass discharge shall be placed on a non-erodible, energy dissipating surface prior to rejoining the stream flow and shall not cause erosion. Filtering of bypass water is not necessary unless the bypass water has become sediment-laden as a result of the current construction activities.

12. During dewatering of the coffered work area, all sediment-laden water must be filtered to remove sediment. Possible options for sediment removal include baffle systems, anionic polymers systems, dewatering bags, or other appropriate methods. Water shall have sediment removed prior to being re-introduced to the downstream waterway. A stabilized conveyance from the dewatering device to the waterway must be identified in the plan. Discharge water is considered clean if it does not result in a visually identifiable degradation of water clarity.

13. The portion of the side slope that is above the observed water elevation shall be stabilized as specified in the plans prior to accepting flows. The substrate and toe of slope that has been disturbed due to construction activities shall be restored to proposed or pre-construction conditions and fully stabilized prior to accepting flows.

Please note that IEPA has issued Section 401 Water Quality Certification for this NWP. The conditions of this WQC are automatically conditions of this NWP verification and are included in the enclosed Fact Sheet. If you have any questions regarding Section 401 certification, please contact IEPA's Division of Water Pollution Control, Permit Section #15, by telephone at (217) 785-6939.

This verification is valid until March 14, 2026, when NWP 14 is scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the

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general and regional conditions of this NWP, or any project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

Once you have completed the authorized activity, please sign and return the enclosed compliance certification as required by general condition 30. If you have any questions, please contact Patrick VerHalen of this office by telephone at (312) 846-5545, or email at [patrick.j.verhalen@usace.army.mil](mailto:patrick.j.verhalen@usace.army.mil).

Sincerely,

**Teralyn  
Pompeii**

Digitally signed by  
Teralyn Pompeii  
Date: 2024.10.11  
16:22:34 -05'00'

Teralyn Pompeii  
Chief, Regulatory Branch

C: IDOT (Vanessa Ruiz, Alycia Klunenberg)

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**PERMIT COMPLIANCE  
CERTIFICATION**

Permit Number: LRC-2024-00412  
Permittee: Jose Rios  
Illinois Department of Transportation  
Date: October 11, 2024

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of said permit and if applicable, compensatory wetland mitigation was completed in accordance with the approved mitigation plan.<sup>1</sup>

\_\_\_\_\_  
PERMITTEE

\_\_\_\_\_  
DATE

Within 30 days after completion of the activity authorized by this permit and any mitigation required by the permit, this certification must be signed and returned to the following address:

Email to: [ChicagoRequests@usace.army.mil](mailto:ChicagoRequests@usace.army.mil)  
Subject: Compliance Certification, LRC-2024-00412

Please note that your permitted activity is subject to compliance inspections by Corps of Engineers representatives. If you fail to comply with this permit, you may be subject to permit suspension, modification, or revocation.

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<sup>1</sup> If compensatory mitigation was required as part of your authorization, you are certifying that the mitigation area has been graded and planted in accordance with the approved plan. You are acknowledging that the maintenance and monitoring period will begin after a site inspection by a Corps of Engineers representative or after thirty days of the Corps' receipt of this certification. You agree to comply with all permit terms and conditions, including additional reporting requirements, for the duration of the maintenance and monitoring period.

## NATIONWIDE PERMIT SUMMARY



U.S. Army Corps of  
Engineers  
Chicago District

### Nationwide Permit Summary

33 CFR Part 330; Issuance of Nationwide  
Permits – February 25, 2022  
Illinois

#### 14. Linear Transportation Projects

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if:

1. The loss of waters of the United States exceeds 1/10-acre; or
2. there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

#### A. Regional Conditions

☐ 1. For NWP 12, NWP 57, and NWP 58, pre-construction notification is required in accordance with General Condition 32 for the following activities;

- ☐ (a) activities that involve mechanized land clearing in a forested wetland for the utility line right-of-way;
- ☐ (b) utility lines placed within, and parallel to or along a jurisdictional stream bed.

☐ 2. For Nationwide Permit 14, all proposed projects that result in the loss of greater than 300 linear feet of streambed located within Waters of the U.S., requires a Pre-Construction Notice in accordance with General Condition No. 32.

☐ 3. Any bank stabilization activity involving a method that protrudes from the bank contours, such as jetties, stream barbs, and/or weirs, will require a pre-construction notification in accordance with General Condition 32.

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(312) 846-5530

[lrc.usace.army.mil/Missions/Regulatory.aspx](http://lrc.usace.army.mil/Missions/Regulatory.aspx)

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**B. Nationwide Permit General Conditions**

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

☐ 1. **Navigation.**

- ☐ (a) No activity may cause more than a minimal adverse effect on navigation.
- ☐ (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- ☐ (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

☐ 2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

☐ 3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

☐ 4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

☐ 5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

☐ 6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

☐ 7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

☐ 8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

☐ 9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

☐ 10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

☐ 11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

☐ 12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

☐ 13. **Removal of Temporary Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

- ☐ 14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
- ☐ 15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
- ☐ 16. **Wild and Scenic Rivers.**
- ☐ (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
- ☐ (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.
- ☐ (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.
- ☐ 17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- ☐ 18. **Endangered Species.**
- ☐ (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably

certain to occur" and "consequences caused by the proposed action."

☐ (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

☐ (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

☐ (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

- ☐ (e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.
- ☐ (f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.
- ☐ (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.
- ☐ 19. **Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring that an action authorized by NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.
- ☐ 20. **Historic Properties.**
- ☐ (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
- ☐ (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.
- ☐ (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: No historic properties affected, no adverse effect, or adverse effect.

- ☐ (d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
- ☐ (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.
- ☐ 21. **Discovery of Previously Unknown Remains and Artifacts.** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- ☐ 22. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
- ☐ (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57, and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
- ☐ (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.
- ☐ 23. **Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:
- ☐ (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
- ☐ (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
- ☐ (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.
- ☐ (d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement.

This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see [33 CFR 332.3\(e\)\(3\)](#)).

☐ (c) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient.

Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

☐ (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

☐ (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

☐ (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

☐ (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

☐ (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

☐ (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

☐ (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

☐ (g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

☐ (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b).

For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

☐ (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

☐ **24. Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

☐ **25. Water Quality.**

☐ (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see [33 CFR 330.4\(c\)](#)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

☐ (b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

☐ (c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

☐ **26. Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

☐ **27. Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

☐ **28. Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

☐ (a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

☐ (b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

☐ 29. **Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

☐ 30. **Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- ☐ (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- ☐ (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- ☐ (c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

☐ 31. **Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32.

An activity that requires section 408 permission and/or review is not authorized by NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

☐ 32. **Pre-Construction Notification.**

☐ (a) **Timing.** Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

☐ (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

☐ (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).



☐ (b) **Contents of Pre-Construction Notification.**

The PCN must be in writing and include the following information:

- ☐ (1) Name, address and telephone numbers of the prospective permittee;
- ☐ (2) Location of the proposed activity;
- ☐ (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- ☐ (4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.
- ☐ (ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.
- ☐ (iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

☐ (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, perennial, and intermittent, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

☐ (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

☐ (7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

☐ (8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;



- ☐ (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and
- ☐ (10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.
- ☐ (c) **Form of Pre-Construction Notification.** The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.
- ☐ (d) **Agency Coordination:**
  - ☐ (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.
  - ☐ (2) Agency coordination is required for:
    - i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States;
    - ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and
    - (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.
  - ☐ (3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile

transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

☐ (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

☐ (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

#### C. District Engineer's Decision

☐ 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by NWP.

If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

□ 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

□ 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at [33 CFR 332.3\(k\)](#). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity

results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

□ 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

**D. Further Information**

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

**E. Definitions**

**Best management practices (BMPs):** Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

**Compensatory mitigation:** The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

**Currently serviceable:** Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

**Direct effects:** Effects that are caused by the activity and occur at the same time and place.

**Discharge:** The term "discharge" means any discharge of dredged or fill material into waters of the United States.

**Ecological reference:** A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

**Enhancement:** The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment (creation):** The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

**High Tide Line:** The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

**Historic Property:** Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

**Independent utility:** A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

**Indirect effects:** Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

**Loss of waters of the United States:** Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

**Navigable waters:** Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

**Non-tidal wetland:** A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

**Open water:** For purposes of the NWP, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

**Ordinary High Water Mark:** The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

**Perennial stream:** A perennial stream has surface water flowing continuously year-round during a typical year.

**Practicable:** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Pre-construction notification:** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

**Preservation:** The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

**Riffle and pool complex:** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

**Riparian areas:** Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

**Shellfish seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

**Single and complete linear project:** A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

**Single and complete non-linear project:** For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

**Stormwater management:** Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

**Stormwater management facilities:** Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

**Stream channelization:** The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. channelized stream remains a water of the United States.

**Structure:** An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

**Tidal wetland:** A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

**Tribal lands:** Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

**Tribal rights:** Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

**Vegetated shallows:** Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

**Waterbody:** For purposes of the NWPs, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see [33 CFR 328.4\(c\)\(2\)](#)).

IEPA PERMIT



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Corrected Copy

**October 8, 2021**

Corrected Copy Date: **DEC 21 2021**

U.S. Army Corps of Engineers, Rock Island  
ATTN: Ms. Samantha Chavez, Regulatory Branch  
Post Office Box 2004  
Clock Tower Building  
Rock Island, IL 61204-2004

Re: Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify  
Nationwide Permits, September 15, 2020  
CWA §401 Certification/Denial and applicable conditions  
Illinois EPA Log no. C-0210-20

Dear Ms. Chavez:

On September 15, 2020 the Corps of Engineers issued the notice of proposed rulemaking concerning their determination to reissue and modify the current Nationwide Permits (NWP) that are set to expire on March 18, 2022. By letter dated August 19, 2021 your office extended the reasonable period of time to revise the §401 water quality certification to October 13, 2021 for thirty-two (32) NWPs. The Agency has made modifications to the certification conditions issued on December 11, 2020. By this final determination document the Illinois EPA grants §401 water quality certification for NWPs 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 33, 36, 37, 38, 41, 45, 53, and 54 with the special and/or general conditions specified below. This document also provides the certification conditions for NWPs 12, 29, 39, 40, 42, 43, 51, 52, 57, and 58 and notice of the Agency determination to deny eight (8) of the proposed nationwide permits which are provided below with reasons in accordance with 40 CFR 121.7(e)(2).

**CWA §401 certification is hereby granted, subject to General Conditions 1 through 12 below, for the following nationwide permits:**

NWP 3 – Maintenance  
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Device and Activities  
NWP 5 – Scientific Measurement Devices  
NWP 7 – Outfall Structures and Associated Intake Structures  
NWP 18 – Minor Discharges  
NWP 19 – Minor Dredging  
NWP 20 – Response Operations for Oil or Hazardous Substances  
NWP 22 – Removal of Vessels  
NWP 25 – Structural Discharges  
NWP 30 – Moist Soil Management for Wildlife  
NWP 31 – Maintenance of Existing Flood Control Facilities  
NWP 33 – Temporary Construction, Access and Dewatering  
NWP 36 – Boat Ramps  
NWP 41 – Reshaping Existing Drainage Ditches  
NWP 45 – Repair of Uplands Damaged by Discrete Events

2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
2009 Mall Street Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER

Added 10/31/2024

IEPA Log No. C-0210-20, Section 401 Water Quality Certification with General and Special Conditions and Denial of 401 Certification Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify Nationwide Permits, September 15, 2020.

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**CWA §401 certification is hereby granted, subject to General Conditions 1 through 12 below and the Special Conditions which are contained in the referenced attachment for the following identified nationwide permits:**

NWP 6 – Survey Activities. Refer to Special Conditions for NWP 6 in Attachment.  
NWP 12 – Oil or Natural Gas Pipeline Activities. Refer to Special Conditions for NWP 12 in Attachment.  
NWP 13 – Bank Stabilization. Refer to Special Conditions for NWP 13 in Attachment.  
NWP 14 – Linear Transportation Projects. Refer to Special Conditions for NWP 14 in Attachment.  
NWP 15 – U.S. Coast Guard Approved Bridges. Refer to Special Conditions for NWP 15 in Attachment.  
NWP 16 – Return Water from Upland Contained Disposal Areas. Refer to Special Conditions for NWP 16 in Attachment.  
NWP 17 – Hydropower Projects. Refer to Special Conditions for NWP 17 in Attachment.  
NWP 23 – Approved Categorical Exclusions. Refer to Special Conditions for NWP 23 in Attachment.  
NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Refer to Special Conditions for NWP 27 in Attachment.  
NWP 29 – Residential Developments. Refer to Special Conditions for NWP 29 in Attachment.  
NWP 32 – Completed Enforcement Actions. Refer to Special Conditions for NWP 32 in Attachment.  
NWP 37 – Emergency Watershed Protection and Rehabilitation. Refer to Special Conditions for NWP 37 in Attachment.  
NWP 38 – Cleanup of Hazardous and Toxic Waste. Refer to Special Conditions for NWP 38 in Attachment.  
NWP 39 – Commercial and Institutional Developments. Refer to Special Conditions for NWP 39 in Attachment.  
NWP 40 – Agricultural Activities. Refer to Special Conditions for NWP 40 in Attachment.  
NWP 42 – Recreational Facilities. Refer to Special Conditions for NWP 42 in Attachment.  
NWP 43 – Stormwater Management Facilities. Refer to Special Conditions for NWP 43 in Attachment.  
NWP 51 – Land-Based Renewable Energy Generation Facilities. Refer to Special Conditions for NWP 51 in Attachment.  
NWP 52 – Water-Based Renewable Energy Generation Pilot Projects. Refer to Special Conditions for NWP 52 in Attachment.  
NWP 53 – Removal of Low-Head Dams. Refer to Special Conditions for NWP 53 in Attachment.  
NWP 54 – Living Shorelines. Refer to Special Conditions for NWP 54 in Attachment.  
NWP 57 – Electric Utility Line and Telecommunications Activities. Refer to Special Conditions for NWP 12 in Attachment.  
NWP 58 – Utility Line Activities for Water and Other Substances. Refer to Special Conditions for NWP 12 in Attachment.

**CWA §401 certification is hereby denied with reasons provided in accordance with 401 CFR 121.7 for the following NWPs:**

NWP 21 – Surface Coal Mining Activities. The Illinois EPA has determined that a case-specific review is warranted for all surface mining activities including carbon extraction because pursuant to 35 Ill. Admin. Code Section 401.102, mining activities are identified as having, when certain refuse materials are used, the capability to cause or threaten to cause a nuisance or render waters harmful or detrimental to public health and to all legitimate uses including but not limited to livestock and wildlife uses. The likelihood that contaminants related to coal extraction, particularly acid producing minerals in mine refuse, would be found within overburden and soil stockpiles and therefore present within fill materials warrant a facility specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Additionally, Illinois' Section 401 implementation rules at 35 Ill. Admin. Code Part 395 regarding material testing exemptions specifically exclude material with known sources of pollution. Therefore, Section 401 certification is denied for this nationwide permit (NWP21).

Added 10/31/2024



IEPA Log No. C-0210-20, Section 401 Water Quality Certification with General and Special Conditions and Denial of 401 Certification Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify Nationwide Permits, September 15, 2020.

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NWP 34 – Cranberry Production Activities: The Illinois EPA has determined that the area of impact that is allowed by an authorization under this nationwide permit exceeds 1/2 acre. 1/2 acre is determined to be representative of the maximum threshold for minimal degradation of existing uses of aquatic resources. Consequently, any activity authorized under this nationwide permit must be subject to a case-specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Therefore, the Illinois EPA denies 401 certification for NWP 34.

NWP 44 – Mining Activities: The Illinois EPA has determined that a case-specific review is warranted for all surface mining activities because pursuant to 35 Ill. Admin. Code Section 401.102, mining activities are identified as having, when certain refuse materials are used, the capability to cause or threaten to cause a nuisance or render waters harmful or detrimental to public health and to all legitimate uses including but not limited to livestock and wildlife uses. Furthermore, all mining activities are regulated by the Illinois EPA under federal and state statute because of their potential to cause or threaten to cause water pollution. Therefore, for the above reasons, the Illinois EPA denies 401 certification for NWP 44.

NWP 46 – Discharges into Ditches: The Illinois EPA has determined that a case-specific review is warranted for all discharge activities into ditches because of the nationwide permit exceeds the 1/2 acreage determined to be the maximum threshold for minimal degradation of existing uses of aquatic resources. Consequently, any activity authorized under this nationwide permit must be subject to a case-specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Therefore, the Illinois EPA denies 401 certification for NWP 46.

NWP 48 – Commercial Shellfish Mariculture Activities: As proposed, the Illinois EPA believes this nationwide permit is inapplicable to waters of the U.S. that are found within the State of Illinois. Therefore, the Illinois EPA denies 401 certification for NWP 48.

NWP 49 – Coal Remining Activities: By reference to the certification denial explanation for NWP 21, the Illinois EPA denies 401 certification for NWP 49.

NWP 50 – Underground Coal Mining: By reference to the certification denial explanation for NWP 21, the Illinois EPA denies 401 certification for NWP 50.

NWP 59 – Water Reclamation and Reuse Facilities: As proposed in the Federal Register, this proposed nationwide permit would appear to allow utilization of existing natural waterbodies as treatment devices. According to 35 Ill. Admin. Code 301.440 such utilization is not permissible. Therefore, the Illinois EPA denies 401 certification for NWP 59.

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#### 401 Certification General Conditions

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General Conditions 1 through 12 shall be applicable to all NWPs that are granted 401 certification.

**General Condition 1: Waterbodies that Require Individual Certification**

Pursuant to 35 Ill. Adm. Code Section 302.105(d)(6), an individual 401 water quality certification will be required for activities permitted under these Nationwide Permits for discharges to waters designated by the State of Illinois as waters of particular biological significance or Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b). Biologically Significant Streams (BSS) are cataloged in Illinois DNR's publication

Added 10/31/2024



IEPA Log No. C-0210-20, Section 401 Water Quality Certification with General and Special Conditions and Denial of 401 Certification Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify Nationwide Permits, September 15, 2020.

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“Integrating Multiple Taxa in a Biological Stream Rating System” and may be identified at:  
<https://www2.illinois.gov/dnr/conservation/BiologicalStreamratings/Pages/default.aspx>.

**General Condition 2: Water Quality Impairments**

Pursuant to 35 Ill. Adm. Code Sections 302.105(a), 302.105(c)(2)(B), and 395.401(a), an individual 401 water quality certification will be required for activities permitted under these Nationwide Permits that may cause a discharge that, whether temporarily or permanently, may cause or contribute to additional loading of any pollutant, or deterioration of any water quality parameter, such as pH or dissolved oxygen, where such pollutant or parameter is also designated by the State of Illinois as a cause of water quality impairment of the particular segment of the receiving water body according to the Illinois Environmental Protection Agency's Section 303(d) list. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303d-list.aspx>.

**General Condition 3: Threatened and Endangered Species**

Pursuant to 35 Ill. Admin. Code Section 302.105(f)(1)(F), prior to proceeding with any work in furtherance of activities permitted under these Nationwide Permits, potential impacts to State threatened or endangered species and Natural Areas shall be determined in accordance with applicable consultation procedures established under 17 Ill. Admin Code Part 1075. The Department of Natural Resources (IDNR) Ecological Compliance Assessment Tool (EcoCAT) is available to complete consultation at <http://dnr.illinois.gov/EcoPublic/>. If IDNR determines that adverse impacts to protected natural resources are likely, the applicant shall address those identified concerns with IDNR through the consultation process. Please contact IDNR, Impact Assessment Section at 217-785-5500 if you have any questions regarding consultation.

**General Condition 4: TMDLs**

Pursuant to 35 Ill. Admin. Code Sections 302.105(a), 302.105(c)(2)(B), and 395.401(a), activities permitted under these Nationwide Permits that may cause a discharge that, whether temporarily or permanently, may cause or contribute to additional loading of any pollutant, or deterioration of any water quality parameter, such as pH or dissolved oxygen, where such pollutant or parameter is addressed by a USEPA approved Total Maximum Daily Load (TMDL) report for the receiving water body shall develop and implement additional measures and or procedures which ensure consistency with the load allocations, assumptions and requirements of the TMDL report. TMDL program information and water listings are available at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/reports.aspx>.

**General Condition 5: Prohibitions**

Pursuant to 35 Ill. Admin. Code Section 395.401(a), the applicant shall not cause:

- violation of applicable provisions of the Illinois Environmental Protection Act;
- water pollution defined and prohibited by the Illinois Environmental Protection Act;
- violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- interference with water use practices near public recreation areas or water supply intakes.

**General Condition 6: Erosion and Sedimentation Control Measures**

Pursuant to the Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Sections 302.203 and 395.402(b)(2), the applicant shall implement all necessary sedimentation and erosion control measures consistent with the current edition of

Added 10/31/2024

IEPA Log No. C-0210-20, Section 401 Water Quality Certification with General and Special Conditions and Denial of 401 Certification Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify Nationwide Permits, September 15, 2020.

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the "Illinois Urban Manual" found at <https://illinoisurbanmanual.org/>. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins, silt fencing and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. All areas affected by construction shall be seeded and stabilized as soon after construction as possible.

**General Condition 7: NPDES Stormwater Construction Permit**

Pursuant to the Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Section 395.402(b)(2), the applicant shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be applied for at <https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Pages/construction.aspx>.

**General Condition 8: Spill Response Plan**

Pursuant to 35 Ill. Admin. Code Sections 395.401, 302.203, and 302.208, the applicant shall ensure that a spill avoidance and response plan has been developed and implemented for management of accidental releases of petroleum, oil, and lubricant products to the aquatic environment during construction and for emergency notification of applicable downstream water supply operators. Absorbent pads, containment booms and skimmers shall be available to facilitate the cleanup of petroleum spills. If floating hydrocarbon (oil and gas) products are observed, the applicant or his designated individual will be responsible for directing that work be halted so that appropriate corrective measures are taken in accordance with the plan prior to resuming work.

**General Condition 9: Hydraulic Machinery**

Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.304, and 302.515, all hydraulic machinery utilized for the permitted activity and used in or immediately adjacent to waters of the State shall utilize biodegradable or bio-based hydraulic fluids to minimize pollution in the case of broken or leaking hydraulic equipment.

**General Condition 10: Temporary Structures and Work**

Pursuant to 35 Ill. Admin. Code Sections 302.203, 395.204, and 395.401(b), temporary work pads, cofferdams, access roads and other temporary fills are approved provided that such activities are constructed with clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities. Temporary fills within streams, creeks or rivers shall utilize adequate bypass measures (i.e. dam and pump, flumes, culverts, etc.) to minimize sedimentation and erosion and to maintain normal stream flow during construction.

**General Condition 11: Construction Site Dewatering**

Pursuant to Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Section 395.402(b)(2), dewatering of a construction site is authorized provided the dewatering activity is limited to the immediate work area within a cofferdam or otherwise isolated from waters of the State, and the work site is free from sources of contamination including those of natural origin. Dewatering activities shall incorporate Best Management Practices in accordance with the current edition of the "Illinois Urban Manual"

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IEPA Log No. C-0210-20, Section 401 Water Quality Certification with General and Special Conditions and Denial  
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Modify Nationwide Permits, September 15, 2020.

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<https://illinoisurbanmanual.org/>. Practice Standard for Dewatering (no. 813) or as otherwise appropriate to ensure that return flows from the dewatering activity are free of unnatural turbidity and floating debris and meet applicable water quality standards. Dewatering or discharge of flush water from construction of drilled piers or boreholes is not authorized and must be conducted in accordance with an NPDES permit issued by the Illinois EPA.

**General Condition 12: Discharged Material Quality**

Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.208, and 395.401(b), any spoil material excavated, dredged or otherwise produced must not be returned to the water body but must be deposited in a self-contained area in compliance with all state statutes. Except as specifically allowed by special condition, any backfilling must be done with clean material that is predominantly sand or larger size material, with no more than 20% passing a #230 U. S. sieve and placed in a manner to prevent violation of applicable water quality standards.

**401 Certification Special Conditions**

Special Conditions including the conditional exclusions of 401 certification coverage that are listed within the Attachment: "Special Conditions for Illinois EPA 401 Water Quality Certifications of Certain Nationwide Permits" shall be applicable as stated therein.

Should you have any questions or comments regarding the content of this nationwide certification, please contact Darren Gove at 217-782-3362.

Sincerely,

**ORIGINAL SIGNED**

Darin E. LeCrone, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

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Attachment: Special Conditions for Illinois EPA 401 Water Quality Certifications of Certain Nationwide Permits Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify Nationwide Permits dated September 15, 2020

cc: Records Unit  
CoE, Chicago District  
CoE, Louisville District (Indianapolis Office)  
CoE, Louisville District (Newburgh Regulatory Office)  
CoE, Memphis District  
CoE, St. Louis District  
IDNR, Bartlett  
IDNR, OWR, Chicago  
IDNR, OWR, Springfield  
USEPA, Region 5  
USFWS, Rock Island, Barrington and Marion

Added 10/31/2024

IEPA Log No. C-0210-20: Attachment: Special Conditions for Illinois EPA 401 Water Quality Certifications of  
Certain Nationwide Permits Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue  
and Modify Nationwide Permits dated September 15, 2020

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**ILLINOIS EPA WATER QUALITY CERTIFICATION  
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 14  
Linear Transportation Projects**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities that cause loss of greater than 500 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities covered by this nationwide permit that include the temporary or permanent placement of steel or other painted structures within the waterbody as result of demolition work of previous structures.
3. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for new or expanded roadways that affect waterways which are designated by the State of Illinois as having water quality impairments caused by chloride. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303d-list.aspx>
4. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.

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