Illinois Department of Transportation
2300 South Dirksen Parkway / Springfield, Illinois / 62764

October 20, 2004

SUBJECT: Main Street
Project BROS-00D1(487)
Section 96-00099-00-BR
DuPage County, City of Naperville
Contract No. 83664
Item 52
November 5, 2004 Letting
Addendum (A)

TO PROSPECTIVE BIDDERS:

Due to clarify information necessary to revise the following:

Proposal – Revised Table of Contents, added Department of the Army, Corps of Engineers, General Permit 25.

Prime contractors must utilize the enclosed material when preparing their bid and must include any Schedule of Prices changes in their bidding proposal. Bidders using computer-generated bids are cautioned to reflect any and all Schedule of Prices changes, if involved, into their computer programs.

Since the proposal sheets are displayed back to back, bidders are cautioned to exercise care when inserting revised and/or added special provisions into their proposals.

Please call 217-782-7806 if any of the above-described material is not included in this transmittal.

Very truly yours,

Michael L. Hine
Engineer of Design and Environment

By: Ted B. Walschleger
Engineer of Project Development
and Implementation

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Added 10-20-04

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DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

REPLY TO
ATTENTION OF:
Technical Services Division
Regulatory Branch
200400514

OCT 0 8 2004

SUBJECT: Proposed Bridge Reconstruction of the Existing Main Street Bridge Over the West Branch of the DuPage River in the City of Naperville, DuPage County, Illinois

City of Naperville
Attention: Robert Kozurek, Engineering Manager
400 South Eagle Street
Naperville, Illinois 60566-7020

Dear Mr. Kozurek:

On September 28, 2004, you were issued a Stormwater Management Permit by the DuPage County Department of Economic Development and Planning for the subject project. Our review of the project plans and the evaluation performed by the county indicates that this project is also authorized by the Department of the Army, Corps of Engineers, General Permit 25 issued by the Chicago District. This Programmatic General Permit was issued to DuPage County on March 1, 1995. The permit conditions with which you must comply are those outlined in the permit issued by the county.

This determination covers only your project as described above and in the plans entitled State of Illinois, Department of Transportation Division of Highways, Proposed Highway Plans, Main Street Over the West Branch of the DuPage River dated July 8, 2004, revised September 10, 2004, prepared by Earth Tech, Inc. Caution should be taken so that construction materials and/or activities do not enter any waterway or wetlands beyond the scope of this authorization. If the design, location or purpose of the project is changed, you should contact this office to determine the need for further authorization.

This authorization is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain any other required Federal, state or local approvals.

This authorization is valid for a period of three (3) years from the date of this letter unless the Programmatic General Permit to DuPage County is modified, reissued, or revoked. A public notice announcing any changes will be issued if or when they occur.

If it is anticipated that the permitted activity cannot be completed by the end of the three (3) year time frame, you must submit to this office a request for a re-verification at least thirty (30) calendar days before the expiration date is reached. If you propose to modify any aspect of the permitted activity, you must submit a request and receive approval for a permit modification before the work impacted by the modification is begun. A request for an extended authorization or for a permit modification may result in a re-evaluation of your project.

This permit may be suspended, modified or revoked if it is determined at a later date that this project would have more than a minimal impact on the aquatic environment or is otherwise contrary to the public interest.

If you have any questions, please contact Ms. Diedra Willis at (312) 846-5539 or e-mail at diedra.l.willis@usace.army.mil.

Sincerely,

Leesa A. Beal
Chief, East Section
Regulatory Branch

Copy Furnished:

U.S. Environmental Protection Agency (Pierard)
U.S. Fish and Wildlife Service (Rogner)
Illinois Environmental Protection Agency (Yurdin)
Illinois Department of Natural Resources/OWR (Jereb)
DuPage Department of Economic Development & Planning (Heffter)
Earth Tech (Mike Eichten)

DEPARTMENT OF THE ARMY PERMIT

General Permit Number 25: Programmatic General Permit for Activities Requiring Review Under Section 404 of the Clean Water Act Within the Established Boundaries of DuPage County, Illinois

Permittee: The General Public in DuPage County, Illinois

Issuing office: Chicago District, U.S. Army Corps of Engineers

DEFINITIONS: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

The general public in DuPage County, Illinois is authorized to perform the work described below in accordance with the following terms and conditions.

Description of General Permit: This programmatic general permit authorizes the government of DuPage County, Illinois to assume responsibility for the review of projects within DuPage County requiring authorization under Section 404 of the Clean Water Act, which is currently administered by the Chicago District, Corps of Engineers. The general permit will be applicable where the discharge of dredged or fill material into wetlands and other waters of the United States will not result in more than minimal impacts to the aquatic environment. The types of projects that will be covered by the general permit may include, but would not be limited to, those projects that would discharge dredged or fill material into wetlands and other special aquatic sites, or those projects that would seek to drain, flood, or excavate these areas.

This general permit applies only to Section 404 activities within DuPage County. Activities specifically excluded from the general permit include any activities regulated under Section 10 of the Rivers and Harbors Act of 1899, or any project sponsored by DuPage County, the State of Illinois, or any unit of the Federal government within the boundaries of DuPage County, Illinois. Furthermore, any activity, work, or project the Chicago District determines would result in more than minimal impacts to the aquatic environment would not be considered eligible for review under the general permit.

The DuPage County Countywide Stormwater and Floodplain Ordinance (Ordinance) is the authority the government of DuPage County will use to administer its review of the Section 404 program. The Ordinance, and Appendix E to the Ordinance titled Technical Guidance for the DuPage Countywide Stormwater and Flood Plain Ordinance, comprise a comprehensive document integrating stormwater management concerns with wetland issues, water quality, wildlife issues, riparian corridors, and flood control issues. The attached flow chart (Exhibit 1) details how the permit process will work, and describes the responsibilities of the Corps of Engineers and the DuPage County Department of Development and Environmental Concerns in their review of permit applications.

The general permit relies on the county to review Section 404 activities under the Ordinance. This review will empower the county government to make decisions involving wetland resources within its boundaries, and will also serve to reduce the duplication of regulatory review at different levels of government. The general permit will allow DuPage County to integrate local wetland resource concerns into other water-related issues such as flood control, wildlife habitat concerns, preservation and restoration of riparian corridors, stormwater storage, and water

quality in long-range county planning. The DuPage County Ordinance regulates the same activities as the Federal Section 404 program; therefore it is appropriate that the District has developed this general permit. The regulations published in 33 CFR Part 325.2(e)(3) encourage division and district engineers to develop joint procedures with states and other Federal agencies with ongoing permit programs for activities also regulated by the Department of the Army. The Chicago District believes that this general permit is in the spirit of the above guidance, and is therefore appropriate.

The general permit will reduce administrative and labor costs to the District by reducing the time spent reviewing permit applications for projects in DuPage County. These savings should result in increased operating efficiency for the Chicago District, while continuing to protect the aquatic resources of DuPage County. Application of the County Ordinance will result in wetland protection greater than or equal to Federal regulations, and cumulatively should not have more then minimal impact on the aquatic environment. The general permit will allow the Chicago District to concentrate its resources reviewing projects that are likely to have more than minimal impact on the aquatic environment.

The determination of minimal impacts, and the applicability of the general permit, shall remain solely with the Chicago District. Should the District determine that a project could have more than minimal impacts on the aquatic environment, the general permit would not apply, and the project will be reviewed under standard individual permit procedures, as published in 33 CFR Part 325.2(e)(2).

Mitigation and the Section 404(b)(1) restrictions on

discharge

Guidelines issued by the USEPA pursuant to Section 404(b)(1) of the Clean Water Act restricts discharges of dredged or fill material under certain circumstances (40 CFR 230.10). The Guidelines and the USACE/USEPA Memorandum of Agreement (MOA) on mitigation issued February 7, 1990 outline a sequence of avoidance of wetland impacts, minimization of wetland impacts, and compensation for unavoidable impacts (mitigation sequencing) that is central to the evaluation of permit applications reviewed by the Corps of Engineers.

It is important to note that the DuPage County Ordinance uses guidelines similar to the Section 404(b)(1) Guidelines, as stated in Section 15-135, Parts 1-4, of the Ordinance and in Appendix E under the section entitled Requirements For Development In Wetlands. These guidelines stress avoidance and minimization, describe requirements for analysis of alternatives, and specify minimum mitigation ratios for wetland impacts. These guidelines also state that the purpose of the mitigation should be to duplicate or improve the hydrologic, biologic and economic features of the original wetland that would be destroyed. In addition, impact within or affecting wetlands seen to be of especially high value, called critical wetlands in the Ordinance, is prohibited unless it can be clearly demonstrated that the presence of these wetlands precludes all economic use of the property, and that no practicable alternative to wetland modification exists.

These guidelines are functionally equivalent to the Section 404(b)(1) Guidelines, and are consistent with the MOA used by the Chicago District. The DuPage County guidelines provide a reasonable standard for the evaluation of unavoidable wetland impacts. The Chicago District believes that use of these guidelines by DuPage County would satisfy the requirements of the Section 404(b)(1) Guidelines.

Special Conditions:

1. This general permit applies only to Section 404 activities within the established boundaries of DuPage County, Illinois that would have only minimal impacts on the aquatic environment.

2. Processing of applications under this general permit shall proceed as detailed on the attached flow chart (Exhibit 1). The Chicago District reserves the right to modify the flow chart as required.

3. The general permit shall not be applicable to projects sponsored by any county-level unit of government of DuPage County, Illinois, or by any agency of state or Federal government.

4. Activities requiring review under Section 10 of the Rivers and Harbors Act of 1899 are not eligible for the general permit.

5. DuPage County will implement the pre-construction notification (PCN) procedures used by the Chicago District to notify other agencies of proposed activities in waters of the United States. The United States Environmental Protection Agency, the Illinois Environmental Protection Agency, the United States Fish and Wildlife Service, and the Illinois Department of Natural Resources will be notified of each pending permit action, and will be given five (5) days to respond. The Chicago District will continue to coordinate the pre-construction notification process with the Illinois Historic Preservation Agency.

6. The Chicago District retains oversight authority of all projects reviewed under this general permit, and reserves the right to exert discretionary authority over any permit application at any time.

7. The Chicago District may, at its discretion, apply special conditions to projects authorized by this general permit as needed in order to insure that these projects would not have more than minimal impacts on the environment.

8. Wetland mitigation (compensation) will be required at a minimum ratio of 1.5:1.0 for all wetland impacts authorized by this general permit, as stated in Section 15-135 of the DuPage County Ordinance.

9. Each permit application for work reviewed under the general permit in DuPage County will be examined by the Chicago District for the environmental factors considered by the Chicago District, as prescribed by the regulations published in 40 CFR Part 230.10.

10. The determination of minimal impacts, and the applicability of this general permit, shall remain solely with the Chicago District. Should the District determine that a project would have more than minimal impacts on the aquatic environment, this general permit would not be applicable. The applicant will be informed in writing that the general permit would not apply, and that the project would be reviewed by the Chicago District under standard individual permit procedures, as published in 33 CFR Part 325.2(e)(2).

11. The District recognizes the County's wetland mitigation program in accordance with Section 15-136 of the DuPage County Stormwater Ordinance. The wetland mitigation program adopted by the County serves to mitigate many small cumulative wetland impacts within a local watershed area and therefore meets the intent of federal mitigation requirements.

In order to assure that the above mentioned county mitigation projects meet federal standards, each mitigation area must be permitted under appropriate Corps of Engineers procedures. As part of the approval of each wetland mitigation area, the County will provide the documentation to the District demonstrating compliance with the DuPage County Stormwater and Floodplain Ordinance. Additionally, County will identify who will be responsible for the long-term management of the site.

Semi-annual reports must be provided, by the DEC, documenting the status of each mitigation project and identifying specific permitted projects which utilized the sites to satisfy mitigation requirements. The District can, at any time, request the administrative records of the general permit program as well as any associated mitigation information from the DEC.

All applications which propose compensatory efforts within the County's wetland mitigation program are subject to County permit review under the general permit by the Department of Development and Environmental Concerns prior to acceptance. Acceptance of mitigation at County mitigation sites for complete waiver community projects, proposed for the County wetland program will be at the discretion of the District.

12. The Chicago District reserves the right to enforce all applicable Laws and regulations pertaining to Section 404 activities within DuPage County, independent of any enforcement actions DuPage County, or its agents, may pursue under the Ordinance. The Chicago District also reserves the right to enforce the conditions of any existing or future Department of the Army permits within DuPage County, Illinois.

13. The Chicago District reserves the right to conduct site inspections at any reasonable time on any project sites requiring authorization under Section 404 of the Clean Water Act in DuPage County, Illinois.

14. The Chicago District shall retain the final authority to determine the extent of jurisdictional areas in DuPage County, Illinois pursuant to Section 404 of the Clean Water Act.

15. The policies of this general permit will be subject to review at any time, but at least every five (5) years. This permit may be modified, suspended, or revoked in accordance with 33 CFR Part 325, if it is determined that the public interest is best served by doing so.

Further Information:

1. Limits of this authorization,

a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits of Federal Liability: the Federal Government does not assume any Liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on the behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work,

e. Damage claims associated with any future modifications, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in the reliance on the information you provided.

4. Reevaluation of Permit Decision. The office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained In 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

Your signature below, as a permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

/original signed/ Sept 28, 2000

_____ _____

PERMITTEE

Anthony J. Charlton

Director, DuPage County

Department of Development and Environmental Concerns

This authorization becomes effective when the Federal official, designated to act

for the Secretary of the Army, has signed below.

/original signed/ Sept 29, 2000

For and on behalf of

Mark A. Roncoli

Colonel, U.S. Army

District Engineer