



Routine Maintenance Exclusion – Construction Activity Permitting

As defined in 40 CFR 122.26(b)(15)(i), construction activities include any clearing, grading and excavating that result in land disturbance of equal to or greater than one acre; however, construction activities do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. If all planned land disturbing activities meet the definition of routine maintenance activities and the total land disturbance is less than 5 acres, then a National Pollutant Discharge Elimination System (NPDES) permit is not required to discharge storm water from the activities. If the project is a combination of routine maintenance activities and construction activities, then the project cannot be considered routine maintenance, and all land disturbing activities must be included to determine if the one-acre threshold for NPDES permit coverage is met.

Project activities that are not likely to expose an erodible material to storm water are neither construction activities nor routine maintenance activities as defined by the permit. Common activities included in a project that do not require coverage under this permit and do not count towards the one-acre threshold for NPDES permit coverage are:

- Pavement Resurfacing – replacing several inches of asphalt wearing course by milling existing asphalt and replacing with new
- Partial Depth Pavement Repairs – repairs of surface courses of pavement without exposing an erodible material
- Chip Sealing – placing asphalt or polymer binder and stone on existing roads
- Bridge Deck Overlays
- Bridge Deck Replacements
- Culvert Repair/Lining – repairing or lining existing culvert; maintaining same line, grade, and hydraulic capacity and within USAC Nationwide Permit (NWP) #3 parameters
- Structure demolition without excavation or grading

Examples of routine maintenance activities include:

- Bridge Repair/Replacement – including bridge abutments and approaches as long as additional lanes are not added to the bridge. Disturbance integral to bridge repair (i.e. grading, pavement, guard rail, conveyance, etc.) is included in routine maintenance as long as the total land disturbance is less than 5 acres
- Fence Repair – repairing existing fence
- Guardrail Repair – installing or repairing with minor grading work to create proper grade for end assemblies where previous guardrail existed
- Noise Wall Repair
- Sign Repair – replacing or repairing traffic signs and poles/posts
- Lighting Maintenance
- Loop Detector Repair – installation or repair of loop detectors in existing pavement
- Signal Repair – replacing or repairing traffic signals and poles/posts
- Pothole Filling
- Tree/Brush Removal – selective removal to ensure public safety, protect public utilities or address drainage concerns
- Linear Grading – reshaping of graded shoulders to establish proper drainage away from pavement
- Berm Repair or Topsoil Placement Along Shoulders – placing berm material or topsoil on shoulders adjacent to pavement to eliminate drop-offs
- Ditch Cleanout – maintaining or restoring original flow line and cross-section, providing positive drainage, or addressing safety concerns
- Culvert Replacement – replacing or extending a culvert with the same line, grade, and hydraulic capacity as necessary to replace structurally deficient structures or address safety concerns, and within USAC NWP 3# parameters. Minor changes to the culvert grade and cross-sectional area are allowed to address safety concerns, updated standards, and product availability. Disturbance integral to culvert replacement (i.e. grading, pavement, guard rail, conveyance, etc.) is included in routine maintenance as long as the total land disturbance is less than 5 acres
- Curb Repairs – repairing existing curb; not installation of new curb
- Utility Repairs – repairs to existing utilities, and associated grading or pavement replacement

General Permit OHC000005: Routine Maintenance Exclusion – Construction Activity Permitting

- Sidewalk Repairs – replacement of existing sidewalk
- Isolated Land Slide Repairs – repairing damaged grading or maintaining safe grading, as well repairing/replacing any infrastructure damaged by the slide (pavement, guard rail, fence, drainage conveyance, etc.)
- Unpaved/Gravel Roadway, Shoulder or Parking Lot Maintenance – dragging, blading, grading, adding aggregate, etc. to an existing unpaved or gravel roadway. This includes paving of an existing road or shoulder with a compacted or otherwise impervious surface (e.g. gravel) and re-establishing original shoulders and ditches. Increasing impervious area outside of the original footprint of the impervious surface is not considered routine maintenance
- Full Depth Pavement Repairs – roadway or parking lot maintenance, repairing down to sub-grade or soil, in order to maintain the original line, grade, purpose, or capacity of the pavement. To be considered routine maintenance, full depth pavement repairs may not increase impervious area outside of the original footprint of the impervious area, increase hydraulic capacity or cause changes to the alignment