

Riverside County
Facilities Management
3450 14th Street, Riverside, CA 92501

NOTICE OF EXEMPTION

October 17, 2022

Project Name: Riverside University Health System Medical Center (RUHS-MC) Emergency Lower Level Laboratory Water Remediation

Project Number: FM08430012317

Project Location: 26520 Cactus Avenue, west of Nason Street, Moreno Valley, County of Riverside, California; Assessor's Parcel Number (APN): 486-280-037

Description of Project: On August 13, 2022, RUHS Medical Center experienced a catastrophic domestic water leak from one of the water tanks located within the lower-level Laboratory affecting 15 plus rooms and corridors within the facility. The damage was predominately located within the lower-level Laboratory area and terminated at the Materials Management storage area. Following recommendations from the Industrial Hygienist, and due to the hyper-sensitive location of the leak and risk of infectious contamination, RUHS maintenance staff requested the assistance of Facilities Management (FM) to request a declaration of emergency so that a remediation company could be procured to provide emergency repairs and clean-up of the affected units.

On August 16, 2022, Facilities Management issued an emergency declaration pursuant to the authority delegated in Resolution 2003-23 by the Board of Supervisors (Board), allowing FM to take immediate action to procure contracts to provide emergency work without competitive bidding. Failure to immediately address this health safety and welfare event due to "domestic water" intrusion within multiple areas of the lower level of the facility would pose imminent risk in the forms of: infectious disease control issues, non-compliance of regulatory standards, licensing; and accreditation implications related to California Department of Public Health (CDPH), The Joint Commission (TJC), Center for Medicaid and Medicare Services (CMMS); closure of health care areas, inability to provide adequate health care needs, and loss of county services. The remediation to lower-level Laboratory of the RUHS-MC is identified as the proposed project under the California Environmental Quality Act (CEQA). The operation of the facility will continue to provide public services and will not result in a change or expansion of existing use. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County Facilities Management

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

Exempt Status: State California Environmental Quality Act (CEQA) Guidelines, Section 15269 Emergency Projects Statutory Exemption; Section 15301 Existing Facilities Categorical Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption, Codified under Title 14, Articles 5, 18 and 19, Sections 15061, 15269 and 15301.

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project include unusual circumstances which could have the possibility of having a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the emergency water remediation and clean-up at the RUHS MC.

- **Section 15269 (b)(c) -Emergency Projects:** This statutory exemption consists of emergency projects that are exempt under CEQA. Under (b), emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare are exempt. Under (c), specific actions necessary to prevent or mitigate an emergency are exempt. The remediation of the domestic water leak at the RUHS Medical Center satisfies both of these conditions, as the RUHS Medical Center is an essential public facility that provides health and medical services to those in need. The water leak at the hospital posed a risk to infectious contamination that could have potentially resulted in the loss of the hospital's ability to provide critical health services to the public. Emergency remediation was required to avoid a threat to the public health, safety and welfare. In addition, the risk of contamination necessitated immediate action in the form of remediation to maintain public health, as people in hospitals contain sensitive populations, including the sick and elderly, who are more susceptible to threats to public health. Therefore, the project is exempt as it meets the scope and intent of the Statutory Exemption identified in Section 15269, Article 18, Statutory Exemptions of the CEQA Guidelines.
- **Section 15301 (b)-Existing Facilities:** This Class 1 categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the previous site's use. The project, as proposed, is limited to the emergency water remediation at the RUHS-MC. The use of the facilities would continue to provide public services and would not result in a significant increase in capacity or intensity of use. Therefore, the project is exempt as it meets the scope and intent of the Categorical Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The proposed water remediation will not result in any direct or indirect physical environmental impacts. The improvements would occur within existing facility, would not alter the footprint and is being completed to create a compliant and safe health facility. The use of the facility for public health services would remain unchanged. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Based upon the identified exemptions above, the County of Riverside, Facilities Management hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  Date: 10-17-2022

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management