

# Notice of Exemption

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To:  Office of Planning and Research  
P0 Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 958 12-3044

From (Applicant/Lead agency):  
Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92708

County Clerk  
County of Orange  
12 Civic Center Plaza , Room 101  
Santa Ana, CA 92701-0238

**Project Title:** Bushard Diversion Structure Repair, Project MP-307

**Project Applicant:** Orange County Sanitation District, 10844 Ellis Ave. Fountain Valley, CA 92708

**Project Location (specific):** N of Cross Streets                      **(Cross Street:** Bushard and Ellis)

**Project Location - City:** Fountain Valley                      **Project Location — County:** Orange

**Description of Project:** The Bushard Diversion Structure is a below grade concrete structure located in the public right of way on a Secondary Arterial roadway. It is used to regulate flow and divert flow from Plant No. 1 to Plant No. 2. The purpose of this project is to perform needed maintenance due to heavy corrosion of electrical and hydraulic components that have impaired the function of valve actuators. This will include refurbishing valve actuators, repairing PVC liner and Concrete, and replacing corroded electrical equipment within the Bushard Diversion Structure.

**Name of Public Agency Approving Project:** Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92708

**Name of Person or Agency Carrying Out Project:** Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92708

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: CEQA Guidelines Class 1 § 15301
- Statutory Exemptions. State code number: Public Resources Code § 21080.21

**Reasons why project is exempt:** The project is categorically exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations sections 15301. Section 15301 (Class 1) exempts from CEQA “the operation, repair, maintenance ... or minor alteration of existing public or private structures, [or] facilities ... involving negligible or no expansion of existing or former use,” including “(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.”

The project consists of maintaining an existing OCS D Bushard Diversion Structure and equipment by repairing and refurbishing it. The project will not increase the capacity of the Diversion Structure or the related equipment. Section 15301(b) specifically contemplates the exemption of repairs, maintenance, or minor alterations to existing sewerage facilities such as diversion structures at issue here, and therefore applies to the project.

The project is also statutorily exempt from CEQA under Public Resources Code section 21080.21, which exempts from CEQA projects less than one mile in length within a public right-of-way for the installation of a new pipeline, or the maintenance, repair, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline.

Pipeline means subsurface pipelines and subsurface accessories or appurtenances. This project qualifies for this exemption because it involves the maintenance and reconditioning of an existing diversion structure and is located within a public right-of-way. Thus, the project is statutorily exempt from CEQA under Public Resources Code section 21080.21 and no further CEQA review is required.

**Lead Agency**

**Contact Person:** Adam Nazaroff Area Code/Telephone/Extension: (714) 593-7854

Signature: \_\_\_\_\_ *for Adam Nazaroff* Date: 6/27/2022 Title: Engineering Supervisor

- Signed by Lead Agency
  - Signed by Applicant
- Date received for filing at OPR: \_\_\_\_\_