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# **10.0 HAZARDS AND HAZARDOUS MATERIALS**

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## 10.0 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates potential impacts of the proposed project related to hazardous materials, fire hazard, emergency response, and airport hazards. The reader is referred to Chapter 8.0, Geology and Soils, for information regarding impacts associated with geologic and seismic hazards; to Chapter 11.0, Hydrology and Water Quality, for information regarding impacts associated with flooding; and to Chapter 5.0, Air Quality, regarding toxic air contaminant hazards.

### 10.0 GENERAL ENVIRONMENTAL CONDITIONS AND REGULATIONS

#### 10.0.1 ENVIRONMENTAL SETTING

The following description of environmental conditions common to each site and applicable regulations, policies, and standards applies to each of the project sites.

#### HAZARDOUS MATERIALS

There are no active land uses at the three project sites where hazardous materials are used, stored, or transported to or from, and no hazardous waste is generated. The parcel on which the Alta Sierra store would be constructed is undeveloped, and the off-site sewage disposal parcels are developed with commercial uses. The Penn Valley site is undeveloped. The Rough and Ready Highway site has an existing building used for jewelry sales and repair and a parking lot.

Each site was evaluated for the potential for hazardous materials contamination to be present or likely to be as a result of historic uses of the site or because of its proximity to known or potential sources of contamination that may pose an environmental hazard to the site. The investigation for each site consisted of a Phase I Environmental Site Assessment (Phase I ESA; see **Appendices 10.0-A through 10.0-C**), which was prepared in accordance with American Society for Testing and Materials (ASTM) standards. The objective of the Phase I ESA is to identify "recognized environmental conditions" (RECs), which are defined in ASTM Practice E 1527-13 as the presence or likely presence of any hazardous substances or petroleum products that indicate an existing release, a past release, or a material threat of a release. The Phase I ESA includes the following:

- Physical characteristics of the site through a review of referenced sources for topographic, geologic, soils and hydrologic data.
- Site history through a review of referenced sources such as land deeds, fire insurance maps, city directories, aerial photographs, prior reports, and interviews.
- Current site conditions, including observations and interviews regarding the following:
  - the presence or absence of hazardous substances or petroleum products;
  - generation, treatment, storage, or disposal of hazardous, regulated, or biomedical waste; equipment that utilizes oils which potentially contain PCBs; and
  - storage tanks (aboveground and underground).
- Usage of surrounding area properties and the likelihood for releases of hazardous substances and petroleum products (if known and/or suspected) to migrate onto the site.
- Information in referenced environmental agency databases and local environmental records, within specified minimum search distances.
- Past ownership through a review of available prior reports and local municipal file review.

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Results of the Phase I ESA for each site are presented under each site's project-specific setting.

### AIRPORTS

There are no public airports within 2 miles of any of the project sites. There is one private airport: Alta Sierra Airport, a private facility in Alta Sierra Estates approximately 2 nautical miles southeast of the Alta Sierra site; and one private airstrip, Limberlost Ranch Airport, approximately 2.5 nautical miles northwest of the Penn Valley site and approximately 5 nautical miles west-southwest of the Rough and Ready Highway site.

### WILDLAND FIRE HAZARDS

As noted in the County's General Plan, the single largest risk for human life and financial loss is fire. The California Department of Forestry and Fire Protection (Cal Fire) is responsible for mapping areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones are referred to as Fire Hazard Severity Zones (FHSZ). A State Responsibility Area (SRA) is the area of the state where the state of California is financially responsible for the prevention and suppression of wildfires. All three project sites are in an SRA.

### EVACUATION ROUTES

Routes designated on the Nevada County General Plan Land Use Maps as interstates, freeways, highways, and other principal arterial routes are considered primary evacuation routes. Such routes provide the highest levels of capacity and contiguity and serve as the primary means of egress during an evacuation from the county. Routes designated on the General Plan Land Use Maps as minor arterial and major collector routes are considered secondary evacuation routes. These routes supplement the primary evacuation routes, and provide egress from local neighborhood and communities. State Route (SR) 49 at Alta Sierra is a primary evacuation route. Rough and Ready Highway and Penn Valley Drive are major collectors, which are secondary evacuation routes.

### EMERGENCY RESPONSE PLAN

The Nevada County Office of Emergency Services (OES), in coordination with the Nevada County Operational Area Emergency Services Council, has developed a Local Hazard Mitigation Plan (LHMP) for Nevada County. The LHMP recognizes the threat that natural disasters and hazards pose to people and property in Nevada County, and that undertaking hazard mitigation actions delineated in the LHMP reduces the potential for harm to people and property from future disaster and hazardous incidents. The LHMP identified a list of potential hazards; each were evaluated for severity of hazard, vulnerability, and exposure, and then listed in order of perceived likely impact. The top five hazards listed in the LHMP are urban and wildland fire, severe weather, flood, drought, and dam failure.

#### 10.0.2 REGULATORY FRAMEWORK

Several federal agencies regulate hazardous substances. These include the US Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and the US Department of Transportation (DOT). Applicable federal regulations and guidelines are contained primarily in Titles 10, 29, 40, and 49 of the Code of Federal Regulations (CFR).

The key federal EPA laws governing the use, storage, and disposal of hazardous materials that are relevant to the proposed project are the Resources Conservation and Recovery Act, Hazardous

and Solid Waste Amendments Act, Toxic Substances Control Act, which address hazardous materials and wastes, and the Comprehensive Environmental Response, Compensation, and Liability Act and Superfund Amendments and Reauthorization Act, which address cleanup of contamination. Specific regulations for implementation of these statutes are codified in Title 40 of the CFR.

CFR Title 29, Part 1910 describes the federal Hazard Communication Standard, which requires that workers, including workers at construction sites, be informed of the hazards associated with the materials they handle. Training in chemical work practices must include methods in the safe handling of hazardous substances, use of emergency response equipment, and an explanation of the building emergency response plan and procedures.

The transportation of hazardous materials on roadways and by rail and air is regulated by the DOT and the EPA. The DOT and the EPA coordinate their efforts, especially at the regional level, to obtain compliance with both the Resources Conservation and Recovery Act and Hazardous Materials Transportation Act. Under the authority of the Resources Conservation and Recovery Act, the EPA regulates the transportation of hazardous materials. The EPA coordinates its transportation ordinances with the requirements of the Hazardous Materials Transportation Act and any statutes promulgated by the DOT pursuant to this act.

### **State**

#### Hazardous Materials Management

The primary state laws pertaining to hazardous materials and wastes that may be applicable to the proposed project, depending on the activity, include the Hazardous Waste Control Law, Hazardous Substances Information and Training Act, Air Toxics Hot Spots and Emissions Inventory Law, Underground Storage of Hazardous Substances Act, and Porter-Cologne Water Quality Control Act.

At the state level, the California Environmental Protection Agency (CalEPA) is the “umbrella” agency under which a number of the state’s environmental agencies operate. These subordinate agencies include the California Air Resources Board, the Department of Pesticide Regulation, the Department of Toxic Substances Control (DTSC), the California Department of Resources Recycling and Recovery (CalRecycle), the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board.

Within CalEPA, the DTSC has primary regulatory responsibility for hazardous waste management. CalEPA has adopted regulations implementing a Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program). The program is implemented at the local level by a local agency—the Certified Unified Program Agency (CUPA). The Nevada County Department of Environmental Health is the CUPA for the county.

The California Highway Patrol, the California Department of Transportation (Caltrans), and the DTSC implement and enforce state and federal laws regarding hazardous materials transportation.

#### General Construction Permit Stormwater Pollution and Prevention Plan

Construction projects affecting 1 acre or more are required to comply with the National Pollutant Discharge Elimination System (NPDES) general construction permit to manage stormwater runoff. This permit requires a stormwater pollution prevention plan (SWPPP) that identifies best

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management practices (BMPs) for the handling of fuels and oils, including measures to minimize the potential for spills and procedures for spill cleanup if it were to occur. Implementation of these BMPs is intended to minimize the potential for accidental spills on construction sites by requiring the designation of safe, covered storage areas for such materials as well as safe handling practices. Additional information on these regulations is provided in Section 11.0, Hydrology and Water Quality.

### Contaminated Sites Investigation and Remediation

The DTSC and the Regional Water Quality Control Board (RWQCB) are the two primary agencies for issues pertaining to sites where hazardous materials have resulted in environmental contamination (e.g., soil and groundwater). The Central Valley RWQCB is the regional authority for water quality. Local jurisdictions, such as Nevada County, may also be involved in site remediation projects, such as leaking underground storage tanks. These agencies implement a regulatory process to address the release of hazardous materials that could be harmful to public health and the environment.

### Asbestos-Containing Materials and Lead-Based Paint

Federal and state asbestos regulations prohibit emissions of asbestos from demolition or construction activities; specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers; and require notice to federal and local government agencies prior to beginning renovation or demolition that could disturb asbestos-containing building materials. The Northern Sierra Air Quality Management District and Cal/OSHA are the agencies with primary responsibility for enforcement of asbestos regulations.

Cal/OSHA standards establish a maximum safe exposure level for types of construction work where lead exposure may occur, including demolition of structures where lead-based paint is present; removal or encapsulation of materials containing lead; and new construction, alteration, repair, or renovation of structures with materials containing lead. Inspection, testing, and removing lead-containing building materials must be performed by state-certified contractors who are required to comply with applicable health and safety and hazardous waste regulations.

### California Environmental Quality Act (CEQA)

CEQA (Public Resources Code Section 21151.4) requires the lead agency to notify school districts of projects within one-quarter mile of a school regarding certain types of hazardous emissions. The types of emissions that must be considered are extremely hazardous substances as defined in the California Health and Safety Code (which references federal regulations) and hazardous air emissions, which are those identified as toxic air contaminants by the California Air Resources Board or the local air quality management district. There are no schools within one-quarter mile of the Alta Sierra or Rough and Ready Highway sites, but the requirement applies to the Penn Valley site, which is less than one-quarter mile from Williams Ranch Elementary School.

CEQA (Public Resources Code Section 21092.6) requires that the lead agency consult a list of hazardous waste and substances sites compiled by certain state agencies pursuant to Government Code Section 65962.5 to determine whether the project and any alternatives are located on a site that is included on the list. This list is referred to as the Cortese List, which is intended to be used as a planning document by state and local agencies and developers to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. The databases that comprise this list were searched as part of the Phase I ESAs for each site. None of the project sites is on the Cortese List.

### Local

#### Nevada County General Plan

The Safety Element of the General Plan contains policies concerning hazardous materials. However, none of the policies are directly applicable to the construction and operation of the proposed retail project.

#### Nevada County Land Use and Development Code

The Land Use and Development Code does not contain any hazardous materials regulations specifically pertaining to the proposed retail projects. Chapter II, Article 4, Section L-II 4.3.18, Wildland Fire Hazard Areas, sets forth requirements for development in wildland fire zones.

According to Section L-II 4.3.18, all discretionary development projects within a high or very high fire hazard zone must comply with minimum defensible space and access requirements. In addition, discretionary projects within the very high fire hazard zone must prepare a Fire Protection Plan (FPP) that includes the following information:

- Identification of the proximity to emergency responders and estimated emergency response times;
- Description of the primary and, if applicable, secondary, access road conditions;
- Identification of the project's emergency water supply or emergency water storage facilities consistent with Article 4 of Chapter XVI of the Land Use and Development Code;
- Identification of any proposed or required fire sprinkler system;
- Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project;
- Identification and use of clustered buildings and/or building sites and where feasible, the use of common driveways and access roads; and
- A Fuels Management Plan that includes:
  - Identification of the project's defensible space design, consistent with Public Resources Code 4291;
  - Identification of high fuel load areas;
  - Provisions to ensure that adequate defensible space is provide including, but no limited to, the use of increased property line setbacks or fuel modification zones or easements around newly created lots;
  - Identification of the mechanism proposed for maintaining defensible space; and
  - Use of fire-resistant plantings for all landscaping required by County Ordinance using the most current Fire-Wise Plant Book prepared by the Fire Safe Council of Nevada County, or similar publication.

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### IMPACT METHODOLOGY

#### Standards of Significance

The impact analysis below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- 4) Be located on a site that is included on a list of hazardous materials sites compiled by Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.
- 6) For a project in the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
- 7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- 8) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas where residences are intermixed with wildlands.

#### Methodology

Phase I ESAs have been prepared for each site, and a Phase II ESA has also been prepared for the Rough and Ready Highway site (see **Appendix 10.0-D**). The information and recommendations from each report have been incorporated into the setting and impact analysis for each site regarding the potential for hazardous materials contamination.

The analysis of hazardous materials use is a qualitative assessment of the types of hazardous materials that would be expected to be used during construction and building occupancy.

Potential impacts on emergency response/evacuation routes is based on a review of the traffic impact analysis prepared for each site.

The potential for increased fire risk is based on a review of the Cal Fire SFHZ mapping, project design, and relevant county policies and regulations.

### Thresholds Not Evaluated

There are no public airports within 2 miles of the project sites. There would be no impact relative to Standards of Significance 5 and 6, and this impact is not further evaluated for any of the project sites.

There are no schools within one-quarter mile of the Alta Sierra and Rough and Ready Highway sites. There would be no impact relative to Standard of Significance 3 for these two sites, and this impact is not further evaluated for these two sites.

### **10.1 ALTA SIERRA SITE**

#### 10.1.1 PROJECT-SPECIFIC SETTING

The Alta Sierra site consists of three parcels, one of which is an approximately 1-acre wooded, undeveloped parcel with no buildings, structures, or improvements, on which the store, parking, lighting, and landscaping would be located. Immediately north of the store site are two commercially developed parcels on which the sewage line and leach field would be located. These parcels include a chiropractic office, a pet groomers, and a restaurant. The site is surrounded by developed uses on the north and south and by roadways on the west and east. A review of available historic maps and aerial photographs indicate there has not been any previous development or improvements on the site (EBI 2014).

There are no hazardous materials used or stored on the site, and the Phase I ESA determined there are no recognized environmental conditions on the project site or conditions in the vicinity of the project site that indicate the potential for environmental contamination from hazardous materials or warrant additional investigation (EBI 2014).

The site is in a high FHSZ. According to the Nevada County Local Hazard Mitigation Plan, the site is within a wildland-urban interface. However, Alta Sierra is an established community, and there is substantial development in the immediate vicinity of the project site, including additional commercial and retail uses, residences, and roadways. The Nevada County Consolidated Fire Station 88 is located on SR 49 approximately 1.6 road miles north of the project site, and Station 89 is located on Tammy Way, approximately 2.3 road miles southeast of the site. Additional information about fire protection services is provided in Section 14.1.1 in Section 14.0, Public Services and Utilities.

Alta Sierra Drive is not a county-designed evacuation route, but the Alta Sierra Drive/SR 49 intersection is approximately 0.1 mile to the west. SR 49 is a primary evacuation route.

#### 10.1.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Alta Sierra site other than those described in Section 10.0.2, above.

#### 10.1.3 IMPACTS AND MITIGATION MEASURES

### **Hazardous Materials Use (Standards of Significance 1, 2, and 3)**

**Impact 10.1.1(AS)** Construction and occupancy of the Alta Sierra site would involve the use of hazardous materials. **(Less than Significant)**

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During construction of the proposed project, hazardous materials would be used during all phases of construction. Heavy machinery used during site preparation would use fuel and would contain oils and lubricants. Various materials such as adhesives, solvents, and paints would also be used, and paving machines would contain asphalt. The amount and types of hazardous materials would be limited and would be on-site only for the duration of construction activities (approximately 5 months for all phases of construction). The types of hazardous materials that would be used are not acutely hazardous materials as defined in federal regulations. When used properly, the types and amounts of hazardous materials that would be used for project construction would not pose a substantial health risk to construction workers and the public. The use, storage, transportation, and disposal of hazardous materials is highly regulated, and the County requires project construction contractors to comply with all applicable laws and regulations.

The potential for hazardous materials used during construction to be conveyed to the roadside ditches along Alta Sierra Drive and Little Valley Road would be minimized through implementation of an SWPPP and BMPs, which are required by the state as part of the Construction General Permit and compliance monitored by the County. BMPs that would reduce the potential for hazardous materials to be discharged to ditches, and which would be implemented by the applicant's construction contractor, would include a hazardous materials control and spill response plan to regulate the use of hazardous materials and/or the use of straw wattles, berms, or similar barriers to reduce the potential for contaminated runoff.

The types of hazardous materials that would be used for building and site maintenance during occupancy (e.g., cleaning agents and pesticides and herbicides) and retail items delivered to and sold at the store such as household cleaning products are not acutely hazardous materials nor would they be a source of hazardous air emissions.

With implementation of existing laws and regulations pertaining to hazardous materials use, which would be monitored and enforced by the County during construction activities, the proposed project would not result in or create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and it would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be **less than significant**, and no mitigation measures are required.

### Mitigation Measures

None required.

### **Hazardous Materials Contamination (Standard of Significance 4)**

**Impact 10.1.2(AS)** Development of the Alta Sierra site would not encounter known hazardous materials contamination. **(Less than Significant)**

The Alta Sierra site is not included on the Cortese List, and the Phase I ESA did not identify any recognized environmental conditions.

### Mitigation Measures

None required.

**Emergency Response Plans and Evacuation Routes (Standard of Significance 7)**

**Impact 10.1.3(AS)** Development of the Alta Sierra site would not affect emergency response plans. **(Less than Significant)**

Emergency access impacts are evaluated in Impact 15.1.2(AS) in Section 15.0, Traffic and Transportation. As indicated in that analysis, the distances from Alta Sierra Drive to the entrance of the building and property boundary are less than 1,000 feet, indicating that adequate emergency access is provided because emergency personnel can park along Alta Sierra Drive and provide emergency services in the event that the project access is blocked or otherwise inaccessible.

The proposed project would provide a driveway that meets County standards, which would be a new connection to Alta Sierra Drive. Alta Sierra Drive is not a county-designated evacuation route, but it does provide local access to SR 49. The proposed project would not require any improvements or modification to SR 49 that would impair or limit its use for emergency response vehicles or as a primary evacuation route.

Because development of the Alta Sierra site would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, impacts would be less than significant. Refer to Impact 15.1.2(AS) for a discussion of the potential for truck deliveries to obstruct traffic flow in the project area.

**Mitigation Measures**

None required.

**Wildland Fire Hazard (Standard of Significance 8)**

**Impact 10.1.4(AS)** Development of the Alta Sierra site would result in a new building in a high fire hazard severity zone. **(Less than Significant with Mitigation Incorporated)**

The project would result in the removal of trees and understory on the site and the development of a building, parking lot, and landscaping. The grading plan must identify how vegetation removal will be performed to minimize the risk of fire during site preparation activities. Prior to issuance of a building permit, the applicant is required to demonstrate to the satisfaction of the County that the site design meets all fire safety regulations for the type of occupancy, fire flows, setbacks, defensible space, and ingress/egress.

Although the site is in a high FHSZ and a wildland-urban interface, it would not increase the risk of wildland fire because it is not proposing development in an undeveloped area, nor would it expose structures to any greater fire risk than currently exists in the community of Alta Sierra. It would continue to be surrounded by developed uses.

The proposed project would not increase wildland fire hazard risk, but there is the potential for a fire. The project applicant would be required to meet the Nevada County Consolidated Fire Districted-required fire flow requirements, previously identified for the project (Nevada County 2015), which are identified in mitigation measure **MM AS-10.1.4**. With these on-site project components, there would be adequate water volume and flow to meet fire suppression requirements, which would reduce the impact to **less than significant**. Impacts associated with construction of these improvements are within the project footprint and are addressed in the technical analysis sections of this EIR (Sections 4.0 through 15.0).

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### Mitigation Measures

**MM AS-10.1.4** Prior to issuance of grading and building permits for the project, the County shall ensure the following is completed:

1. The applicant shall provide written verification to the Nevada County Consolidated Fire District of 1,500-gallons-per-minute (gpm) fire flow. A fire hydrant shall be installed on-site to supplement the existing hydrant on Alta Sierra Drive. The location of the hydrant shall be shown on project plans and shall be subject to Nevada County Consolidated Fire District approval.
2. An approved fire sprinkler system shall be installed throughout the entire building to achieve the 1,500-gpm fire flow and shall be monitored by an approved fire alarm system.
3. If alternative means of providing necessary fire flow are necessary, the applicant shall submit a plan to the Nevada County Consolidated Fire District for review and approval, and the County shall ensure project design incorporates the approved features.

*Timing/Implementation:* Prior to issuance of grading and building permit

*Enforcement/Monitoring:* Nevada County Building Department and Nevada County Consolidated Fire District

## 10.2 PENN VALLEY SITE

### 10.2.1 PROJECT-SPECIFIC SETTING

The Penn Valley project site is a vacant parcel covered with grass; only 1.2 acres adjoining Penn Valley Drive are proposed for development. The site is surrounded on the west and east by development, by Penn Valley Drive on the south, and the remaining undeveloped portion of the parcel on the north, extending north to Squirrel Creek, a portion of which contains the wastewater system for the adjacent Creekside Village Mobile Home Park to the east. A review of available historic maps and aerial photographs indicates there has not been any previous development or improvements on the site since at least 1888 (Partner 2016).

There are no hazardous materials used or stored on the site, and the Phase I ESA determined there are no recognized environmental conditions on the project site or conditions in the vicinity of the project site that indicate the potential for environmental contamination from hazardous materials that warrant additional investigation (Partner 2016).

The site is in a moderate FHSZ. According to the Nevada County Local Hazard Mitigation Plan, the site is within a wildland-urban interface. However, Penn Valley is an established community, and there is substantial development in the immediate vicinity of the project site, including additional commercial and retail uses, residences, and roadways. Fire protection in the Penn Valley area is provided by the Penn Valley Fire Protection District, in coordination with Cal Fire. Station #43 is located on Spenceville Drive near the intersection with Penn Valley Drive. Fire flow (pressurized water available for fire protection purposes) is currently provided in the plan area via hydrants connected to either the public or community water supply. Additional information about fire protection services is provided in Subsection 14.2.1 in Section 14.0, Public Services and Utilities.

Penn Valley Drive and Pleasant Valley Road are County-designated secondary evacuation routes.

### 10.2.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Penn Valley site other than those described in Section 10.0.2, above. The Penn Valley Area Plan contains one landscape design guideline (LD3), which encourages use of drought-tolerant and fire-resistant plants.

### 10.2.3 IMPACTS AND MITIGATION MEASURES

#### **Hazardous Materials Use (Standards of Significance 1, 2, and 3)**

**Impact 10.2.1(PV)** Construction and occupancy of the Penn Valley site would involve the use of hazardous materials. **(Less than Significant)**

During construction of the proposed project, hazardous materials would be used during all phases of construction. Heavy machinery used during site preparation would use fuel and would contain oils and lubricants. Various materials such as adhesives, solvents, and paints would also be used, and paving machines would contain asphalt. The amount and types of hazardous materials would be limited and would be on-site only for the duration of construction activities (approximately 5 months for all phases of construction). The types of hazardous materials that would be used are not acutely hazardous materials as defined in federal regulations. When used properly, the types and amounts of hazardous materials that would be used for project construction would not pose a substantial health risk to construction workers and the public. The use, storage, transportation, and disposal of hazardous materials is highly regulated, and the County requires project construction contractors to comply with all applicable laws and regulations.

The potential for hazardous materials used during construction to be conveyed to Penn Valley Drive and/or Squirrel Creek via the on-site wash would be minimized through implementation of an SWPPP and BMPs, which are required by the state as part of the Construction General Permit and compliance monitored by the County. BMPs that would reduce the potential for hazardous materials to be discharged to ditches, and which would be implemented by the applicant's construction contractor, would include a hazardous materials control and spill response plan to regulate the use of hazardous materials and/or the use of straw wattles, berms, or similar barriers to reduce the potential for contaminated runoff.

The types of hazardous materials that would be used for building and site maintenance during occupancy (e.g., cleaning agents and pesticides and herbicides) and retail items delivered to and sold at the store such as household cleaning products are not acutely hazardous materials nor would they be a source of hazardous air emissions.

With implementation of existing laws and regulations pertaining to hazardous materials use, which would be monitored and enforced by the County during construction activities, the proposed project would not result in or create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and it would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be **less than significant**, and no mitigation measures are required.

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### Mitigation Measures

None required.

### **Hazardous Materials Contamination (Standard of Significance 4)**

**Impact 10.2.2(PV)** Development of the Penn Valley site would not encounter known hazardous materials contamination. **(Less than Significant)**

The Penn Valley site is not included on the Cortese List, and the Phase I ESA did not identify any recognized environmental conditions.

### Mitigation Measures

None required.

### **Emergency Response Plans and Evacuation Routes (Standard of Significance 7)**

**Impact 10.2.3(PV)** Development of the Penn Valley site would not affect emergency response plans. **(Less than Significant)**

Emergency access impacts are evaluated in Impact 15.2.2(PV) in Section 15.0, Traffic and Transportation. As indicated in that analysis, the distances from Penn Valley Drive to the entrance of the building and property boundary are less than 1,000 feet, indicating that adequate emergency access is provided because emergency personnel can park along the street frontage at the project driveway and provide emergency services in the event that the project access is blocked or otherwise inaccessible.

The proposed project would provide a driveway that meets County standards, which would be a new connection to Penn Valley Drive. However, this would not require any improvements or modification to Penn Valley Drive that would impair or limit its use for emergency response vehicles or as a secondary evacuation route.

Because development of the Penn Valley site would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, impacts would be **less than significant**. Refer to Impact 15.2.2(PV) for a discussion of the potential for truck deliveries to obstruct traffic flow in the project area.

### Mitigation Measures

None required.

### **Wildland Fire Hazard (Standard of Significance 8)**

**Impact 10.2.4(PV)** Development of the Penn Valley site would result in a new building in a moderate fire hazard severity zone. **(Less than Significant with Mitigation Incorporated)**

The project would result in the removal of grass on the site and the development of a building, parking lot, and landscaping. The grading plan must identify how grass removal will be performed to minimize the risk of fire during site preparation activities. Prior to issuance of a building permit, the applicant is required to demonstrate to the satisfaction of the County that the site design

meets all fire safety regulations for the type of occupancy, fire flows, setbacks, defensible space, and ingress/egress.

Although the site is in a moderate FHSZ and a wildland-urban interface, it would not increase the risk of wildland fire because it is not proposing development in an undeveloped area, nor would it expose structures to any greater fire risk than currently exists in the community of Penn Valley. It would continue to be surrounded by developed uses and would expand the wildland-urban interface.

The proposed project would not increase wildland fire hazard risk, but there is the potential for a fire. The project applicant intends to meet its required fire flow requirement through the use of existing NID water and the installation of water storage tanks on-site with a fire-rated fire pump, hydrant, and post indicator valve for the fire sprinkler system. The Penn Valley Fire Protection District has determined the required fire flow is 1,500 gallons per minute (gpm) and water supply needed is 180,000 gallons (PVFPD 2016), which is specified in mitigation measure **MM PV-10.2.4**. With these on-site project components, there would be adequate water volume and flow to meet fire suppression requirements, which would reduce the impact to **less than significant**. Impacts associated with construction of these improvements are within the project footprint and are addressed in the technical analysis sections of this EIR (Sections 4.0 through 15.0).

Mitigation Measures

**MM PV-10.2.4** Prior to issuance of a grading and building permits for the project, the County shall ensure the following is completed:

1. The applicant shall provide 180,000 gallons of water to provide the minimum fire flow of 1,500 gallons per minute. Prior to installation, the applicant shall provide a plan to the Penn Valley Fire Protection District for review and approval that demonstrates that minimum fire flow is being met and how any on-site water supply tanks integrate with the Nevada Irrigation District (NID) system to ensure adequate fire flow. Minimum fire flow may be met through a combination of existing NID water, underground water storage tanks with a rated fire pump, hydrant, and post indicator valve for the fire sprinkler system.
2. An approved fire sprinkler system shall be installed throughout the entire building and shall be monitored by an approved fire alarm system.

*Timing/Implementation: Prior to issuance of grading and building permit*

*Enforcement/Monitoring: Nevada County Planning Department and Penn Valley Fire Protection District*

**10.3 ROUGH AND READY HIGHWAY SITE**

**10.3.1 PROJECT-SPECIFIC SETTING**

The Rough and Ready Highway site is partially developed with a building, parking lot, and driveway. Adjacent land uses include two single-family residences and other rural residential uses to the west. Directly east of the site are West Drive and single-family residential uses, and a small mobile home park is farther east. South of the site are single-family residential uses. There are single-family residential uses and transitional housing to the north, across Rough and Ready Highway, and vacant undeveloped land farther north.

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A portion of the existing building appears to have been present as early as 1947, and reportedly there was a gas station that operated during the 1940s and 1950s. In 1978, the building was remodeled. A variety of commercial/retail businesses have occupied the site. There is a septic tank system and leach field on the south side of the property. The Phase I ESA stated there may be underground storage tanks (USTs) and identified this as an REC requiring further evaluation in a Phase II ESA. A Phase II ESA was performed in April 2015, which consisted of a geophysical survey in an attempt to locate any USTs, soil borings, soil vapor measurements, and soil testing. No USTs were found, but the geophysical survey identified a location of a probable former UST pit. Total petroleum hydrocarbons and lead were found in soil samples above laboratory detection limits, but the levels were below RWQCB screening levels for both residential and commercial/industrial soil. Based on these results, the Phase II ESA preparers had no further recommendations for additional investigation (EBI 2015a, 2015b).

The potential for asbestos-containing materials (ACM) and lead-based paint (LBP) due to the age of the building was also noted. While these are not considered RECs, the Phase I ESA recommended that ACM and LBP surveys be prepared to determine whether these materials may be present (EBI 2015a).

The site is in a very high FHSZ. According to the Nevada County Local Hazard Mitigation Plan, the site is within a wildland-urban interface. However, Rough and Ready is an established community, including the project site which is east of the community itself, and there is development in the immediate vicinity of the project site. The nearest fire station to the site is NCCFD Station #1, located at 472 Brighton Street, approximately 2.7 miles west of the project site. Station #2 is approximately 3.2 miles away, at 213 Sierra College Drive. The Nevada Irrigation District (NID) operates a water delivery system that serves the project site. Additional information about fire protection services is provided in Subsection 14.2.1 in Section 14.0, Public Services and Utilities.

Rough and Ready Highway is a county-designated secondary evacuation route.

### 10.3.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Rough and Ready Highway site other than those described in Section 10.0.2, above. However, because the site is in a very high FHSZ, the project applicant will be required to submit a fire protection plan to be approved by the Nevada County Fire Marshal and/or his/her designee and comply with other requirements in accordance with Nevada County Code Section L-II 4.3.18 Wildland Fire Hazard Areas.

### 10.3.3 IMPACTS AND MITIGATION MEASURES

#### **Hazardous Materials Use (Standards of Significance 1, 2, and 3)**

**Impact 10.3.1(RR)** Construction and occupancy of the Rough and Ready Highway site would involve the use of hazardous materials. **(Less than Significant)**

During construction of the proposed project, hazardous materials would be used during all phases of construction. Heavy machinery used during site preparation would use fuel, oils, and lubricants. Various materials such as adhesives, solvents, and paints would also be used, and paving machines would contain asphalt. The amount and types of hazardous materials would be limited and would be on-site only for the duration of construction activities (approximately 5 months for all phases of construction). The types of hazardous materials that would be used are not acutely hazardous materials as defined in federal regulations. When used properly, the types and amounts

of hazardous materials that would be used for project construction would not pose a substantial health risk to construction workers and the public. The use, storage, transportation, and disposal of hazardous materials is highly regulated, and the County requires project construction contractors to comply with all applicable laws and regulations.

The potential for hazardous materials used during construction to be conveyed to ditches along Rough and Ready Highway would be minimized through implementation of an SWPPP and BMPs, which are required by the state as part of the Construction General Permit and compliance monitored by the County. BMPs that would reduce the potential for hazardous materials to be discharged to ditches, and which would be implemented by the applicant's construction contractor, would include a hazardous materials control and spill response plan to regulate the use of hazardous materials and/or the use of straw wattles, berms, or similar barriers to reduce the potential for contaminated runoff.

The types of hazardous materials that would be used for building and site maintenance during occupancy (e.g., cleaning agents and pesticides and herbicides) and retail items delivered to and sold at the store such as household cleaning products are not acutely hazardous materials nor would they be a source of hazardous air emissions.

With implementation of existing laws and regulations pertaining to hazardous materials use, which would be monitored and enforced by the County during construction activities, the proposed project would not result in or create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and it would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be **less than significant**, and no mitigation measures are required.

### Mitigation Measures

None required.

### **Hazardous Materials Contamination (Standard of Significance 4)**

**Impact 10.3.2(RR)** Development of the Rough and Ready Highway site would involve activities that have the potential to encounter hazardous materials. **(Less than Significant with Mitigation Incorporated)**

The Rough and Ready Highway site is not included on the Cortese List. The Phase I ESA identified one REC associated with the potential for USTs, but a Phase II ESA did not locate any USTs, and soil testing did not indicate evidence of contamination. The ESA preparers did not recommend further testing. Although reasonable due diligence was performed to identify the potential for hazardous materials contamination from historic uses, it is possible a UST or contamination not previously found could be encountered during ground-disturbing activities.

If a UST, stained soils, or other obvious evidence of contamination are discovered and controls are not in place to safely manage their removal, this could pose a hazard to human health and the environment because of the potential for inadvertent release of materials. ACM and LBP in the existing building, if present, could also pose a hazard during demolition. Workers could be exposed to the materials, or debris containing these materials could be improperly transported and disposed. This is a **potentially significant** impact.

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As described in the Regulatory Setting subsection, numerous existing regulations at the federal, state, and local levels are intended to minimize potential hazards to the public and the environment from the improper handling or accidental release of hazardous materials. There is an established regulatory process for remediating environmental hazards, and the County would require documentation that hazards, if any, have been managed in accordance with federal, state, and local laws and regulations. Testing and removal (if required) of ACM and LBP is regulated at the state and local level.

Implementation of mitigation measure **MM RR-10.3.2a** will ensure that if hazardous materials are found or suspected during earthwork, they are evaluated and managed in accordance with applicable laws and regulations. Implementation of **MM RR-10.3.2b** will ensure that ACM and LBP are removed and disposed of in accordance with applicable regulations. This would reduce impacts to **less than significant**.

Mitigation Measures

**MM RR-10.3.2a** The County shall ensure any grading or improvement plan or building permit includes a condition that if hazardous materials contamination is discovered or suspected during construction activities, all work shall stop immediately and the construction contractor shall notify the County for direction. Signs of potential hazardous materials contamination may include stained soils, discolored or oily water, previously unknown underground storage tanks, foul odors, etc. Work shall not resume until a qualified professional has determined an appropriate course of action such as investigation, remediation, or other method to control the potential for hazardous materials contamination to pose a human health or environmental risk and this course is evaluated and approved by the appropriate regulatory agency (e.g. Nevada County Building Department and Environmental Health Department). The County shall be responsible for appropriate notification of regulatory agencies such as the Central Valley RWQCB and/or DTSC, as applicable.

*Timing/Implementation: Prior to issuance of a grading permit and during construction*

*Enforcement/Monitoring: Nevada County Building Department and Department of Environmental Health*

**MM RR-10.3.2b** A survey for asbestos-containing building materials, lead-based paint, polychlorinated biphenyl, or other potentially hazardous building materials shall be conducted prior to initiation of demolition or reconstruction of the existing buildings. The results of the survey shall be provided to the Nevada County Building Department prior to any work on the building. If hazardous building materials are present at levels that require special handling and/or disposal, removal of the materials shall be completed by qualified professionals in accordance with applicable laws and regulations (including Northern Sierra Air Quality Management District requirements) prior to any activity that would involve demolition or renovation.

*Timing/Implementation: Prior to issuance of a building permit*

*Enforcement/Monitoring: Nevada County Building Department*

**Emergency Response Plans and Evacuation Routes (Standard of Significance 7)**

**Impact 10.3.3(RR)** Development of the Rough and Ready Highway site would not affect emergency response plans or established evacuation routes. **(Less than Significant)**

Emergency access impacts are evaluated in Impact 15.3.2(RR) in Section 15.0, Traffic and Transportation. The proposed project would provide driveways connecting to Rough and Ready Highway and West Drive that meet County standards. This would not require any improvements or modification to Rough and Ready Highway that would impair or limit its use for emergency response vehicles or as a secondary evacuation route.

Because development of the Rough and Ready Highway site would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, impacts would be **less than significant**. Refer to Impact 15.3.2(RR) in Section 15.0, Traffic and Transportation, for a discussion of the potential for truck deliveries to obstruct traffic flow in the project area.

Mitigation Measures

None required.

**Wildland Fire Hazard (Standard of Significance 8)**

**Impact 10.3.4 (RR)** Development of the Rough and Ready Highway site would result in a new building in a very high fire hazard severity zone. **(Less than Significant with Mitigation Incorporated)**

The project would result in the removal of an existing building, parking lot, and vegetation. The grading plan must identify how vegetation removal will be performed to minimize the risk of fire during site preparation activities. Prior to issuance of a building permit, the applicant is required to demonstrate to the satisfaction of the County that the site design meets all fire safety regulations for the type of occupancy, setbacks, defensible space, and ingress/egress. Because the site is in a very high FHSZ, this would include preparation of a Fire Prevention Plan (FPP) in accordance with Nevada County Code Section L-II 4.3.18 that would reduce the risk of fire and maximize safety and fire suppression efforts.

Although the site is in a very high FHSZ and a wildland-urban interface, it would not increase the risk of wildland fire because it is not proposing development in an undeveloped area, nor would it expose structures to any greater fire risk than currently exists in the community of Rough and Ready. It would continue to be surrounded by developed uses and would not expand the wildland-urban interface.

The proposed project would not increase wildland fire hazard risk, but there is the potential for a fire. The Nevada County Consolidated Fire District has determined the project would need to provide a fire flow of 1,500 gpm and a water storage tank with a minimum size of 48,000 gallons and a pump to ensure that adequate volume and pressure is available in the event of a fire (NCCFD 2016). The Nevada County Consolidated Fire District has identified specific fire protection requirements for the project, which are listed in mitigation measure **MM RR-10.3.4**. With these on-site project components, there would be adequate water volume and flow to meet fire suppression requirements, which would reduce the impact to **less than significant**. Impacts

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associated with construction of these improvements are within the project footprint and are addressed in the technical analysis sections of this EIR (Sections 4.0 through 15.0).

### Mitigation Measures

**MM RR-10.3.4** Prior to issuance of a grading and building permits for the project, the County shall ensure the following is completed:

1. An automatic fire sprinkler and alarm system approved by the Nevada County Consolidated Fire District shall be included in project design.
2. All improvements to achieve 1,500 gallons per minute fire flow shall be completed prior to any building materials stored on-site. Written verification of adequate fire flow, based on an actual flow test, shall be provided to the Nevada County Consolidated Fire District.
3. The applicant shall install a 48,000-gallon water storage tank. Prior to installation, the applicant shall provide a plan to the Nevada County Consolidated Fire District for review and approval that demonstrates how the tank integrates with the Nevada Irrigation District system to ensure adequate fire flow.
4. If it is determined through flow-testing that the three fire hydrants within 500 feet of the project site are insufficient to meet fire flow requirements, additional on-site hydrants will be required and shall be subject to review and approval by the Nevada County Consolidated Fire District.
5. The post-indicator valve and fire department connection for the fire sprinkler system should be installed near the fire hydrant located near the northwest corner of the property. Other locations may be proposed; however, they may require the addition of an on-site hydrant, subject to approval by the Nevada County Consolidated Fire District.

*Timing/Implementation:* Prior to issuance of grading and building permit

*Enforcement/Monitoring:* Nevada County Building Department and Nevada County Consolidated Fire District

## 10.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

### CUMULATIVE SETTING

The cumulative setting for hazards and hazardous materials impacts are the three Dollar General Store sites combined and cumulative development in the western portion of Nevada County in the Sierra Nevada foothills.

**CUMULATIVE IMPACTS AND MITIGATION MEASURES****Cumulative Hazards and Hazardous Materials Impacts**

**Impact 10.4.1** Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, would not contribute to cumulative hazards and hazardous materials impacts. (**Less than Cumulatively Considerable with Mitigation**)

The predominant land uses in the vicinity of each site are and will continue to be a mix of residential, commercial, and retail uses, which would not involve extensive use of hazardous materials. The General Plan notes that the significance of hazardous materials to the environment, property, and human health depends on the type, location, and quantity of the material released. The majority of the hazardous waste stream in Nevada County is generated by small quantity generators, with the major contributor to the hazardous waste stream being waste oil. Certain areas of the county are at higher risk of encountering a hazardous material incident. Roadways, railways, waterways, and airways are frequently used for transporting hazardous materials. Areas with industrial facilities that use, store, or dispose of such materials all have an increased potential to exposure (Nevada County 2014). The proposed project sites are not in industrial areas and would not involve the use of large quantities of hazardous materials or result in increased transport along the county's transportation facilities.

Hazardous materials are transported on virtually all public roads, particularly since all motor vehicles contain hazardous materials (e.g., fuel) in addition to any hazardous cargo that may be on board. In addition, cumulative development in Nevada County would increase the amount of development, which would result in increased use of household and other potentially hazardous chemicals associated with nonresidential uses.

As discussed above, the transport, use, storage, and disposal of hazardous materials are governed by a substantial body of existing regulations intended to reduce the potential for exposure by controlling the pathways by which persons could be exposed to hazardous substances. Compliance with these regulations is required by all projects, including the proposed projects.

In addition, potentially adverse environmental effects associated with the use, storage, transport, and disposal of hazardous materials are usually site-specific in nature, although their long-term impacts may be regional in extent. Individual incidents generally do not combine with similar effects that could occur with other projects in the county. The proposed projects' contribution would be **less than cumulatively considerable**.

Of the approximately 50 contaminated sites identified by the DTSC in Nevada County, the most common contaminants are arsenic, lead, and mercury from past mining activities (Nevada County 2014). There are no mines in the vicinity of any of the project sites. According to agency records, there are no non-mining-related contaminated sites in the immediate vicinity of any of the three sites, and none of the sites are included on the Cortese List. Hazardous materials contamination impacts are site-specific and do not combine with other similar projects to result in a cumulative effect. Demolition activities at the Rough and Ready Highway site could disturb ACM or LBP. Potential impacts would be limited to this site only, which minimizes the potential for a cumulative effect, and mitigation measures **MM RR-10.3.2a** and **MM RR-10.3.2b** would ensure hazardous materials are not released to the environment. The proposed project's contribution would be **less than cumulatively considerable**.

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Wildland fire hazard impacts would be **less than cumulatively considerable**. The three Dollar General Store proposed sites are on different roadways in areas that are already developed and are not connected geographically. Therefore, the three projects would not combine to result in a cumulative effect. Each site must adhere to the County's safety regulations, which would be verified by County staff prior to issuance of permits.

### Mitigation Measures

Implement mitigation as follows:

Alta Sierra project: None required.

Penn Valley project: None required.

Rough and Ready Highway project: Implement mitigation measures **MM RR-10.3.2a** and **MM RR-10.3.2b**.

### REFERENCES

- EBI (EBI Consulting). 2014. *Phase I Environmental Site Assessment, 10166 Alta Sierra Drive*.
- . 2015a. *Phase I Environmental Site Assessment, 12345 Rough and Ready Highway*.
- . 2015b. *Phase II Environmental Site Assessment, 12345 Rough and Ready Highway*.
- NCCFD (Nevada County Consolidated Fire District). 2016. *Re: DP15-001; EIS 15-002 (12345 Rough and Ready Highway, Grass Valley)*.
- Nevada County. 2010. *Nevada County Land Use and Development Code*.
- . 2014. *Nevada County General Plan. Chapter 10: Safety Element*.
- . 2015. *Conditions and Mitigation Measures Dollar General (DP 14-001, MGT 14-010, EIS 14-005)*.
- PVFPD (Penn Valley Fire Protection District). 2016. *Dollar General – February 4, 2016 “Fourth Consultation Review.”*
- Partner (Partner Engineering and Science, Inc). 2016. *Phase I Environmental Site Assessment*.

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