

3.8 HAZARDOUS MATERIALS/HUMAN HEALTH

3.8 HAZARDOUS MATERIALS/HUMAN HEALTH

This section addresses the potential presence of hazardous materials and conditions on the project site and in the vicinity, and analyzes the risks associated with introducing the proposed development and human activities to the area. The reader is referred to Section 3.7, Geology and Soils, for information regarding impacts associated with geologic and seismic hazards, to Section 3.9, Hydrology and Water Quality, for information regarding impacts associated with flood hazards, including inundation from dam failure, and to Section 3.3, Air Quality, regarding air quality hazards.

3.8.1 SETTING

HAZARDOUS MATERIALS AND WASTE DEFINED

According to Title 22 of the California Code of Regulations (22 CCR) Section 66261.20, the term hazardous substance refers to both hazardous materials and hazardous wastes; both are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity.

A hazardous material is defined by 22 CCR Section 66261.10 as a substance or combination of substances that may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

While public health and safety is potentially at risk whenever hazardous materials are or will be used, the risk is determined by the probability of exposure and to the inherent toxicity of a material (DTSC 2011a). Factors that can influence health effects when human beings are exposed to hazardous materials include the dose the person is exposed to, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific 22 CCR criteria.

Known Hazardous Substances on Project Site and Vicinity

Hazardous Waste and Substances Sites

The State of California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by state and local agencies and by private developers to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. The California Department of Toxic Substances Control (DTSC) is responsible for preparing a portion of the information that comprises the Cortese List, through its EnviroStor database. The EnviroStor database does not identify any of these types of hazardous material sites within 1 mile of the project site (DTSC 2011b).

LEAKING UNDERGROUND STORAGE TANKS

Leaking underground storage tanks (LUST) are a significant source of petroleum impacts to groundwater and can also result in potential threats to health and safety. The State Water Resources Control Board (SWRCB) records soil and/or groundwater contamination caused by

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LUSTs in its Geotracker database. An inquiry through SWRCB's Geotracker database identified no LUST sites within 1 mile of the project site (SWRCB 2011).

HOUSEHOLD HAZARDOUS WASTE

Hazardous materials, used in many household products (such as drain cleaners, waste oil, cleaning fluids, insecticides, and car batteries), are often improperly disposed of as part of normal household trash. These hazardous materials can interact with other chemicals to create risks to people or cause soil and groundwater contamination.

All Nevada County residents are able to recycle and properly dispose of household hazardous waste at the McCourtney Road Transfer Station, Household Hazardous Waste Facility, and Recycling Center (Transfer Station), which is located approximately 10 miles north of the project site at 14741 Wolf Mountain Road in Grass Valley. The limit of household hazardous waste per visit is 15 gallons or 125 pounds (Nevada County 2011).

TRANSPORTATION OF HAZARDOUS SUBSTANCES

Interstate 80 (I-80), the Southern Pacific Railroad, and the Southern Pacific pipeline are the three major transportation routes by which tons of hazardous materials are transported through Nevada County (Nevada County 1995, p. 370). (Note: The Southern Pacific and Union Pacific railroads merged in 1996; Union Pacific Railroad is the name by which the company is now known.) The Union Pacific railroad tracks roughly parallel I-80, and the underground hydrocarbon pipeline runs adjacent to the Union Pacific railway tracks (OES 2006, p. 60). I-80 and these adjacent transportation routes are located over 5 miles from the project site.

Hazardous materials are also transported along State Routes (SR) 20, 49, 89, 174, and 267. While the majority of these transportation routes are not in the vicinity of the project site, SR 49 is located less than a half mile west of the project site.

OTHER HAZARDS

Naturally Occurring Asbestos

Asbestos is the generic term for the naturally occurring fibrous (asbestiform) varieties of six silicate minerals. These minerals occur naturally in certain geologic settings in California, most commonly in association with ultramafic rocks and along associated faults (DMG 2000). Asbestos is a known carcinogen, and exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a noncancerous lung disease which causes scarring of the lungs) (CARB 2011). Since natural asbestos occurs most commonly in association with ultramafic rocks, the presence of ultramafic rocks in a region indicates the possibility of naturally occurring asbestos materials. The potential occurrence and distribution of naturally occurring asbestos fibers in Nevada County is documented by the California Department of Conservation, Division of Mines and Geology. According to the *General Location Guide for Ultramafic Rocks in California*, the proposed project site and surrounding area has not been identified as containing ultramafic rock (DMG 2000).

Polychlorinated Biphenyls

Polychlorinated biphenyls (PCBs) belong to a broad family of human-made organic chemicals known as chlorinated hydrocarbons. PCBs were domestically manufactured from 1929 until their manufacture was banned in 1979. They have a range of toxicity and vary in consistency from thin, light-colored liquids to yellow or black waxy solids. Due to their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications including electrical, heat transfer, and hydraulic equipment; as plasticizers in paints, plastics, and rubber products; in pigments, dyes, and carbonless copy paper; and in many other industrial applications (USEPA 2009b).

Prior to the 1979 ban, PCBs entered the environment during their manufacture and use in the United States. Today, PCBs can still be released into the environment from poorly maintained hazardous waste sites that contain PCBs, illegal or improper dumping of PCB wastes, leaks or releases from electrical transformers containing PCBs, and disposal of PCB-containing consumer products into municipal or other landfills not designed to handle hazardous waste. PCBs may also be released into the environment by the burning of some wastes in municipal and industrial incinerators (USEPA 2011b). Once in the environment, PCBs do not readily break down and therefore may remain for long periods of time cycling between air, water, and soil. PCBs can accumulate in the leaves and aboveground parts of plants and food crops. They are also taken up into the bodies of small organisms and fish. PCBs have been demonstrated to cause cancer, as well as a variety of other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system (USEPA 2011b).

It is currently unknown whether there are any PCBs located on the project site.

Radon Potential

Radon isotope-222 is a colorless, odorless, tasteless radioactive gas that comes from the natural decay of uranium that is found in nearly all soils. Current evidence indicates that increased lung cancer risk is directly related to radon-decay products. The amount of radon in the soil depends on soil chemistry, which varies depending on location. Radon levels in soil range from a few hundred to several thousands of pico curies per liter (pCi/L). The amount of radon that escapes from the soil to enter a building depends on the weather, soil porosity, soil moisture, and the suction within the building. The USEPA recommends radon control methods be used if the radon level is 4 pCi/L or higher (USEPA 2011c).

The USEPA uses three zone designations in order to reflect the average short-term radon measurement that can be expected in a building without the implementation of radon control methods. The radon zone designation of the highest potential is Zone 1. Nevada County, including the proposed project site, is in Zone 2, which indicates a predicted average indoor radon screening level between 2 and 4 pCi/L, considered a moderate potential for radon (USEPA 2011c).

Residual Agricultural Chemicals

Frequent applications of agriculture-related chemicals to farmland over time can eventually result in chemicals accumulating in the topsoil. Exposure to pesticides can cause harm to humans, animals, or the environment because they are designed to kill or otherwise adversely affect living organisms. The county's top six crops include cattle and calves, pasture/rangeland, timber, wine grapes, fruit and vegetables, and nursery stock (Nevada County Department of Agriculture 2010, p. 4). In the western portion of the county; however, Nevada County

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agriculture makes minimal use of pesticides. As a result, there are few pesticide threat hazards within the county (OES 2006, p. 55).

WILDLAND FIRES

Nevada County is situated in the northern section of the Sierra Nevada range and, like much of the western United States, is prone to severe wildland fires. The average number of wildland fires reported in the county, on private lands, is over 120 fire starts each year. Each fire start has the potential to affect 400,000 acres and threaten over 28,000 developed parcels with homes and buildings — valued over 4 billion dollars — in Nevada County’s jurisdiction (OES 2006, p. 137).

Almost all of Nevada County is considered a State Responsibility Area (SRA), meaning lands where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state. California Public Resources Code Section 4201–4204 and Government Code Section 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to map areas of significant fire hazards in the SRA based on fuels, terrain, weather, and other relevant factors. These zones, referred to as Fire Hazard Severity Zones (FHSZ), define the application of various mitigation strategies to reduce risk associated with wildland fires. The majority of Nevada County has been placed in a “high” or “very high” FHSZ. **Figure 3.8-1** displays the county’s designated FHSZs in the State Responsibility Area; as shown, the proposed project site is located within the SRA and is primarily in a high Fire Hazard Severity Zone. A very small portion of the southeastern corner of the site is within the very high Fire Hazard Severity Zone (CAL FIRE 2007).

Generally, the fire season in Nevada County extends from early spring to late fall. Fire conditions arise from a combination of hot weather, an accumulation of vegetation, and low moisture content in the air. These conditions, when combined with high winds and years of drought, increase the potential for wildfire to occur. The wildfire risk is predominantly associated with wildland-urban interface areas. Wildland-urban interface is a general term that applies to development interspersed or adjacent to landscapes that support wildland fire. The project site is located in a wildland-urban interface area. A fire along the wildland-urban interface can result in losses of human life; structures and other improvements; natural and cultural resources; the quality and quantity of the water supply; other assets such as timber, range and crop land, and recreational opportunities; and economic losses. In addition, catastrophic wildfire can lead to secondary impacts or losses such as future flooding or landslides during the rainy season. Generally, there are three major factors that sustain wildfires and predict a given area’s potential to burn. These factors are fuel, topography, and weather (OES 2006, pp. 39–40). Each of these factors is discussed in more detail below.

- **Fuel** – Fuel is the material that feeds a fire and is the only factor that is under human control. Fuel is generally classified by type and volume. Fuel types include everything from dead tree needles and leaves, twigs, and branches to dead standing trees, live trees, brush, and cured grasses. Man-made structures, such as homes, are also considered a type of fuel. The type of prevalent fuel directly influences the behavior of wildfire. Light fuels such as grasses burn quickly and serve as a catalyst for fire spread. In addition, “ladder fuels” can spread a ground fire up through brush and into trees, leading to a devastating crown fire. The volume of available fuel is described in terms of fuel loading. Certain areas in and surrounding Nevada County are extremely vulnerable to fires as a result of dense grassy vegetation combined with a growing number of structures being built near and on rural lands.

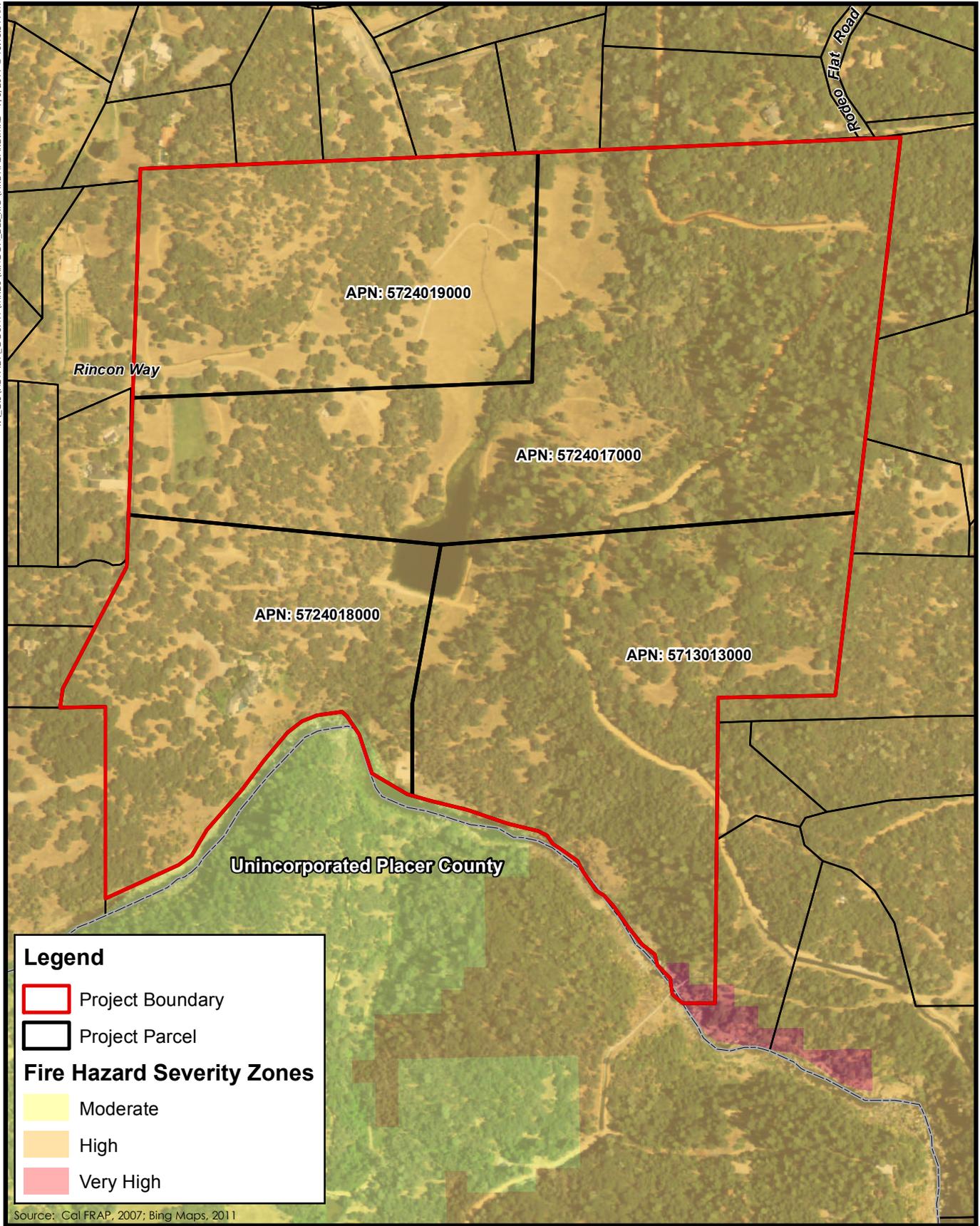


Figure 3.8-1
Fire Hazard Severity Map

- **Topography** – An area’s terrain and land slopes affect its susceptibility to wildfire spread. Fire intensities and rates of spread increase as slope increases due to the tendency of heat from a fire to rise via convection. Vegetative areas generally over 8 percent in slope are defined as fire hazardous (Nevada County 1995, p. 381). The natural arrangement of vegetation throughout a hillside can also contribute to increased fire activity on slopes.
- **Weather** – Weather components such as temperature, relative humidity, wind, and lightning also affect the potential for wildfire. High temperatures and low relative humidity dry out the fuels that feed the wildfire, creating a situation where fuel will more readily ignite and burn more intensely. Wind is the most treacherous weather factor. The greater a wind, the faster a fire will spread and the more intense it will be. Winds can be significant at times in Nevada County. North winds in Nevada County are especially conducive to hot, dry conditions, which can lead to “red flag” days indicating extreme fire danger. Winds coming from the southeast have also been noted as a concern in the western third of the county. In addition to wind speed, wind shifts can occur suddenly due to temperature changes or the interaction of wind with topographical features such as slopes or steep hillsides. Lightning also ignites wildfires, often in difficult-to-reach terrain for firefighters. Periods of drought also increase the threat of wildfire.

AIRPORTS

The project site is not in the vicinity of a public or private airport; the closest airport to the project site is the Auburn Municipal Airport, located over 4 miles to the south.

3.8.2 REGULATORY FRAMEWORK

FEDERAL

Clean Air Act (42 U.S.C. Section 7401 et seq.)

Administered by the United States Environmental Protection Agency (USEPA), the federal Clean Air Act (CAA) regulates hazardous air pollutants from stationary and mobile sources via National Ambient Air Quality Standards (NAAQS). Section 112 of the Clean Air Act requires issuance of technology-based standards for major sources and certain area sources. Major sources are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An area source is any stationary source that is not a major source. For major sources, Section 112 requires that the USEPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as maximum achievable control technology or MACT standards (USEPA 2011a).

Clean Water Act (33 U.S.C. Section 1251 et seq.)

The federal Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the act, the USEPA implements pollution control programs such as setting wastewater standards for industry and setting water quality standards for all contaminants in surface waters (USEPA 2011a).

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The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. Industrial, municipal, and other facilities must obtain permits through the USEPA's National Pollutant Discharge Elimination System (NPDES) permit program if their discharges go directly to surface waters. In California, the USEPA has authorized the state to administer the NPDES permit program. As such, the NPDES permit program is discussed further under the State subheading below.

Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601 et seq.)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a federal "superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the USEPA identifies parties responsible for any release and assures their participation in the cleanup. The USEPA is authorized to implement CERCLA in all 50 states and in U.S. territories, though Superfund site identification, monitoring, and response activities are coordinated through the state environmental protection or waste management agencies. The Superfund Amendments and Reauthorization Act of 1986 reauthorized CERCLA to continue cleanup activities around the country and included several site-specific amendments, definition clarifications, and technical requirements (USEPA 2011a).

Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.)

The Resource Conservation and Recovery Act gives the USEPA the authority to control hazardous waste from "cradle to grave," including the generation, transportation, treatment, storage, and disposal of hazardous waste. The act also sets forth a framework for the management of nonhazardous solid wastes.

The federal Hazardous and Solid Waste Amendments are the 1984 amendments to the Resource Conservation and Recovery Act that focus on waste minimization and phasing out land disposal of hazardous waste as well as on corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the USEPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program (USEPA 2011a).

Occupational and Safety Health Act (29 U.S.C. Section 651 et seq.)

The Occupational and Safety Health Act is intended to ensure worker and workplace safety by requiring that employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. OSHA is a division of the U.S. Department of Labor that oversees the administration of the act and enforces standards in all 50 states.

Toxic Substances Control Act (15 U.S.C. Section 2601 et seq.)

The Toxic Substances Control Act (TSCA) provides the USEPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint (USEPA 2011a).

Various sections of the TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for “new chemical substances” before manufacture.
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found.
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a “significant new use” that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.
- Require, under Section 8, reporting and recordkeeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform the USEPA, except where the USEPA has been adequately informed of such information.

Federal Hazardous Materials Transportation Law and Hazardous Materials Regulations (49 U.S.C. Section 5101 et seq.)

The federal hazardous materials transportation law is the basic statute regulating hazardous materials transportation in the United States. Section 5101 of the federal hazmat law states that the purpose of the law is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.

The Hazardous Materials Regulations (HMR) are administered by the Pipeline and Hazardous Material Safety Administration (PHMSA) and implement the federal hazmat law. The HMR govern the transportation of hazardous materials via highway, rail, vessel, and air by addressing hazardous materials classification, packaging, hazard communication, emergency response information, and training. The PHMSA also issues procedural regulations, including provisions on registration and public sector training and planning grants (49 CFR Parts 105, 106, 107, and 110). (PHMSA 2011).

STATE

CalEPA – Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs (CalEPA 2011):

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- Hazardous Waste Generator (HWG) program and Hazardous Waste Onsite Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program; and
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The state agencies responsible for these programs set the standards, while local governments implement the standards. The California Environmental Protection Agency (CalEPA) oversees implementation of the Unified Program as a whole, and the local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements. Most CUPAs have been established as a function of a local environmental health or fire department. The Nevada County Environmental Health Department is the CUPA for Nevada County.

California Fire Plan and Nevada-Yuba-Placer Fire Management Plan 2005

The California Fire Plan, a cooperative effort between the California Board of Forestry and Fire Protection and CAL FIRE, is the state's road map for reducing the risk of wildfire. The Fire Plan's goals are to reduce firefighting costs and property losses, increase firefighter safety, and contribute to ecosystem health. The Fire Plan provides an analysis procedure utilizing, in part, computer-based geographical information data that is validated by experienced fire managers to assess fire fuel hazards and risks in order to design and implement mitigating activities.

Individual CAL FIRE Unit Fire Management Plans document assessments of the fire situation in each of CAL FIRE's 21 units and six contract counties. The project site, along with all of Nevada County, is located within the Nevada-Yuba-Placer Unit (NEU Unit). The *Nevada-Yuba-Placer Fire Management Plan 2005* (CAL FIRE 2005) documents the assessment of the fire situation within the NEU Unit; it provides background information, fuels and fire data, proposed projects, and individual battalion reports outlining mitigating activities commonly carried out each year. According to the NEU Unit Fire Plan, the single most effective method to protect personal and real property from wildland fires is for each individual landowner or resident to meet the mandates of Public Resources Code 4291 as discussed below (CAL FIRE 2005, p. 4).

2010 California Building Standards Code (Title 24 of the California Code of Regulations)

Wildland-Urban Interface Fire Area Building Standards

Title 24, Part 2, Chapter 7a of the California Code of Regulations contains Wildland-Urban Interface Fire Area Building Standards. The broad objective of these standards is to establish minimum standards for materials and material assemblies and provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface fire areas. The

standards require the use of ignition-resistant materials and design to resist the intrusion of flame or burning embers projected by a vegetation fire (wildfire exposure) (CAL FIRE 2011).

California Fire Code

The 2010 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout the State of California (CBSC 2010). The Fire Code establishes requirements intended to provide safety and assistance to firefighters and emergency responders during emergency operations and includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, and fire safety during construction and demolition.

Defensible Space Requirements (Public Resources Code Sections 4290 and 4291)

Public Resources Code Sections 4290 and 4291 contain minimum fire safety standards that apply to State Responsibility Areas. The concept of defensible space is the cornerstone of these fire safety regulations. The intent is to reduce the intensity of a wildland fire by reducing the volume and density of fuels (e.g., vegetation that can transmit fire from the natural growth to a building or structure), to provide increased safety for fire equipment and evacuating civilians, and to provide a point of attack or defense from a wildland fire. Defensible space is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names, building identification, and fuel modification measures. Public Resources Code Section 4291 requires a defensible space clearance be maintained around buildings and structures from 30 feet to a distance of 100 feet.

LOCAL

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the project's consistency with applicable General Plan hazardous material- and human health-related policies is contained in **Appendix 3.0-A**. While this Draft EIR analyzes the project's consistency with the General Plan pursuant to California Environmental Quality Act (CEQA) Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

It should also be noted that the Safety Element of the Nevada County General Plan provides a framework for protecting the county from wildland fires. Policies include a requirement that the County coordinate and centralize fire safe reviews of development with respect to fire prevention and safety and implementation of Nevada County fire safety programs, standards, and procedures. Policies also include requirements for the County to implement road and private driveway standards, water supply standards, sign and address standards, and other standards to reduce hazards associated with the structural and wildland intermix, including fuel modification, vegetation management, and building setbacks for all development projects.

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Multi-Jurisdiction, Multi-Hazard Mitigation Plan

The Nevada County Office of Emergency Services (OES), in coordination with the Nevada County Emergency Services Council, developed the *DMA 2000 Multi-Jurisdiction, Multi-Hazard Mitigation Plan for Nevada County* (2006) to meet the requirements of the Disaster Mitigation Act of 2000. The plan, based on hazard identification and analysis, provides a risk assessment of all potential natural and selected human-caused hazards, and identifies all potential types of disaster likely to occur in Nevada County. Potential disasters addressed in the plan include urban and wildland fire, flood, dam failure, avalanche, earth subsidence (cave-ins), severe weather, and agricultural and natural health hazards. Human-caused hazards addressed in the plan include hazardous materials incidents, arson and structural fire, and airborne hazards. The mitigation plan incorporates implementation and monitoring processes to mitigate these hazards, including submittal of a five-year written update to the OES and Federal Emergency Management Agency (FEMA) Region IX.

Nevada County and Nevada Operational Area Emergency Operations Plan

The *Nevada County and Nevada Operational Area Emergency Operations Plan* (EOP) (OES 2011) provides guidelines and a foundation for emergency response planning, preparation, training, and execution throughout Nevada County. The EOP is intended to preserve life, property, and the environment and thus delineates the preparation for, emergency response to, and recovery from the effects of natural disasters and emergencies as well as during man-made incidents. The EOP establishes county, city, and local agency responsibilities in the event of an emergency, provides guidance for mitigating emergencies and disasters in the unincorporated county, identifies emergency management methodology, and facilitates multi-agency multi-jurisdiction coordination (OES 2011).

Nevada County Hazardous Materials Area Plan

The Nevada County Hazardous Materials Area Plan, which is included as an annex to the EOP, establishes the policies, responsibilities, and procedures required to protect the health and safety of Nevada County's populace, the environment, and public and private property from the effects of hazardous materials incidents. The Hazardous Materials Area Plan establishes the emergency response organization for hazardous materials incidents and the operational concepts and procedures associated with conducting a hazardous materials emergency response within Nevada County. The Hazardous Materials Area Plan is consistent with the Standardized Emergency Management System (SEMS) and is intended to be the principal guide for agencies of Nevada County, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies (OES 2011, p. E-1).

Nevada County Environmental Health Department

As stated above, the Nevada County Environmental Health Department is the CUPA for Nevada County. As the CUPA, the department issues permits for hazardous material storage, the generation of hazardous waste, and underground and above ground storage tanks in Nevada County. The department also administers the Hazardous Material Release Response Plan and Inventory (Business Plan) and California Accidental Release Prevention programs.

Nevada County Land Use and Development Code

Section L-11 4.3.18 – Wildland Fire Hazard Areas

The Nevada County Land Use and Development Code, Section L-II 4.3.18, includes regulations intended to prevent or minimize the impact of wildland fire hazards associated with development. These include defensible space regulations that require vegetation clearance around structures to meet the minimum requirements of Public Resources Code Section 4291 prior to any occupancy of the project site. Structures are required to maintain a firebreak by removing and clearing away all brush, flammable vegetation, or combustible growth no less than 100 feet from structures or to the property line, whichever is closer. The regulations also include standards for roads and private driveways to facilitate emergency service response to structural and wildland fires. The standards require the provision of secondary road access to new projects where necessary for fire safety or emergency access. In addition, these regulations require all discretionary projects within the very high wildland Fire Hazard Severity Zones to submit a Fire Protection Plan and Fuels Management Plan.

The regulations also require compliance with the following fire protection-related provisions of the Nevada County Land Use and Development Code:

- a. Chapter II: Zoning Regulations, which establishes residential and rural base district side yard and rear yard setback standards.
- b. Chapter V: Article 5, Fire Safety Standards, which establish fire safe building codes relative to building construction.
- c. Chapter VII: Street Addressing and Naming, which requires the naming and posting of roads and the posting of street addresses.
- d. Chapter XVI: Fire Safety Regulations, which establishes regulations for fuel modification, water storage, and driveway construction.
- e. Chapter XVII: Road Standards, which establishes minimum standards for fire safe road construction and maintenance.

3.8.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which indicate 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.

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- 4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would 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, would result in a safety hazard for people residing or working in the project area.
- 6) For a project within the vicinity of a private airstrip, would 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 fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

METHODOLOGY

This analysis of hazardous materials and human health hazards was based on review of existing documentation such as DTSC and SWRCB databases for existing hazardous sites in the vicinity of the project site, the DMA 2000 Multi-Jurisdiction, Multi-Hazard Mitigation Plan for Nevada County (OES 2006), the Nevada County General Plan Environmental Impact Report, Volume I, Final Draft (1995), and review of applicable hazardous material and fire codes and regulations. This material was compared to the proposed project's specific hazard-related impacts. The impact analysis below focuses on whether those impacts would have a significant effect on the physical environment and/or on the health and safety of the public and whether existing regulations would mitigate that impact. After consideration of existing regulations, mitigation measures are identified for impacts that would remain potentially significant.

PROJECT IMPACTS AND MITIGATION MEASURES

Routine Transport, Use, or Disposal of Hazardous Materials (Standard of Significance 1)

Impact 3.8.1 The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This impact is considered **less than significant**.

Implementation of the proposed project would result in development of the project site with a continuing care retirement community (CCRC) consisting of a variety of residential uses and related commercial and recreational uses. While these land uses generally would not be expected to involve the routine transport, use, or disposal of significant amounts of hazardous materials as would be expected with industrial uses, the project would result in a maximum of 415 residents in 345 attached and detached housing units on the project site. These residents could use materials classified as household hazardous waste, including common items such as paints, cleaners, motor oil, pesticides, batteries, lamps, televisions, and computer monitors. As it is illegal to dispose of household hazardous waste in the trash, down storm drains, or onto the ground, the proposed project could increase the amount of household hazardous waste being transported to the McCourtney Road Transfer Station located approximately 10 miles north of the project site. However, given that the limit of household hazardous waste per visit is 15 gallons or 125 pounds and that state law prohibits the transportation of more than 5 gallons or 50

pounds of hazardous waste without a hazardous materials transportation license, it is anticipated that the transport of additional household hazardous waste to and from the project site would be in relatively small amounts and would not result in significant hazards to the public or to the environment.

The proposed project would include construction and landscaping activities that could involve limited transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides. The use and handling of hazardous materials during construction activities would be required to occur in accordance with applicable federal, state, and local laws discussed under Regulatory Framework above. Should any fuel and oil spills occur, they would be anticipated to be minor based on the quantity of such materials typically stored and/or used on a construction site. In addition, as discussed under Impact 3.9.1 in Section 3.9, Hydrology and Water Quality, the proposed project would be required to develop and implement a stormwater pollution prevention plan (SWPPP) listing best management practices (BMPs) that would be used to prevent or reduce the movement of sediment, nutrients, pesticides, and other pollutants from the construction site to surface water or groundwater. BMPs identified in the SWPPP would prevent spills associated with the use and handling of hazardous materials during construction activities from leaving the construction site and creating a significant hazard to the public or to the environment.

Therefore, impacts would be considered **less than significant**.

Mitigation Measures

None required.

Release of Hazardous Materials Into the Environment (Standard of Significance 2)

Impact 3.8.2 The proposed project would not be expected to create a significant hazard to the public or to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This impact is considered **less than significant**.

Accidental releases of hazardous materials are those releases that are unforeseen or that result from unforeseen circumstances, while reasonably foreseeable upset conditions are those release or exposure events that can be anticipated and planned for. As discussed under Impact 3.8.1 above, the proposed project does not include land uses that would involve the routine transportation, use, and disposal of large amounts of hazardous materials. Therefore, the proposed project would not result in the accidental release of hazardous materials into the environment.

The proposed project would result in increased population on the project site (maximum of 415 residents in 345 housing units) and thus could increase exposure of the public to accidental or reasonably foreseeable releases of hazardous materials off-site. However, there are no hazardous material sites within 1 mile of the project site. Furthermore, the transport, storage, and use of hazardous materials by developers, contractors, business owners, and others would be required to be in compliance with local, state, and federal regulations designed to avoid hazardous waste releases. These regulations provide a comprehensive regulatory system for handling, using, and transporting hazardous materials in a manner that protects human health and the environment. As such, both accidental and reasonably foreseeable hazardous materials releases would be expected to occur infrequently and result in minimal hazard to the public or to the environment.

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The project site is in the vicinity of SR 49, along which hazardous materials may be transported. The federal Hazardous Materials Regulations address hazardous material transportation via classification, packaging, hazard communication, emergency response information, and training requirements. HMR emergency response requirements include initial emergency actions regarding evacuation isolation of the affected area, firefighting, leaking containers, spill containment, and first aid. These requirements would also reduce the number of persons exposed to any hazmat incidents. Furthermore, hazardous materials spills on state highways are the responsibility of the California Department of Transportation (Caltrans) and the California Highway Patrol (CHP). These agencies provide on-scene management of the spill site and coordinate with the California Environmental Health Department, California Emergency Management Agency (formerly known as the California Office of Emergency Services), and applicable local agencies. As such, accidental and reasonably foreseeable hazardous materials releases associated with the transport of hazardous materials in the vicinity of the project site would result in a **less than significant** hazard to residents of the proposed project.

Increased population on the project site could also increase exposure to other hazardous substances that have the potential to pose a health and safety risk via accidental release or historic use (naturally occurring asbestos, residual agricultural chemicals, and radon).

As discussed in the Setting subsection above, the proposed project site and surrounding area has not been identified as containing ultramafic rock. Since natural asbestos occurs most commonly in association with ultramafic rocks, the potential for occurrence and distribution of naturally occurring asbestos fibers on the project site is considered very low, and impacts would be considered **less than significant**.

The USEPA recommends radon control methods be used if the radon level is 4 pCi/L or higher. Specific indoor radon information could only be obtained through a sampling and testing program for the future structures. However, the USEPA predicted the average indoor radon screening level for the project site as between 2 and 4 pCi/L. Therefore, it is considered unlikely that radon levels would exceed the USEPA threshold for recommended radon control measures and impacts are considered to be **less than significant**.

As discussed the Setting subsection above, Nevada County agriculture has a minimal use of pesticides and there are few pesticide threat hazards within the county. The project site does not have a history of intense agricultural use that would indicate the potential for prior pesticide use. Therefore, this impact would be considered to be **less than significant**.

Mitigation Measures

None required.

Release and Exposure to Hazardous Materials in the Vicinity of a School Site (Standard of Significance 3)

Impact 3.8.3 Implementation of the proposed project would not result in significant emission of hazardous emissions or significant handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **No impact** would occur.

The proposed project site is not located within one-quarter mile of an existing school. In addition, the project would not result in the emission of hazardous emissions or significant handling of

hazardous or acutely hazardous materials, substances, or waste as discussed under Impact 3.8.1 above. Therefore, **no impact** would occur.

Mitigation Measures

None required.

Hazardous Materials Sites (Standard of Significance 4)

Impact 3.8.4 The proposed project site is not located on or in the vicinity of a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the proposed project would not create a significant hazard to the public or to the environment, and **no impact** would occur.

As discussed in the Setting subsection above, the proposed project site is not located on, or within 1 mile of, a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, **no impact** would occur.

Mitigation Measures

None required.

Public and Private Airport Hazards (Standards of Significance 5 and 6)

Impact 3.8.5 Implementation of the proposed project would not result in a safety hazard associated with people residing or working in the vicinity of a public or private airport. **No impact** would occur.

The project site is not in the vicinity of a public or private airport; the closest airport to the project site is the Auburn Municipal Airport, located over 4 miles to the south. Therefore, the proposed project would not result in a safety hazard associated with people residing or working in the vicinity of a public or private airport. **No impact** would occur.

Mitigation Measures

None required.

Emergency Response and Evacuation Plans (Standard of Significance 7)

Impact 3.8.6 The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or evacuation plan. This impact is considered **less than significant**.

The Nevada County and Nevada Operational Area Emergency Operations Plan (OES 2011) is considered to be the planning tool for emergency evacuation of threatened populations in Nevada County. The County's General Plan (1996) identifies primary and secondary emergency evacuation routes in accordance with the Emergency Operations Plan.

Although specific evacuation plans are developed on-site and are dependent on the type of incident and the urgency of the impending threat, the County's General Plan generally identifies interstates, freeways, highways, and principal arterial routes as primary evacuation

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routes. Such routes provide the highest levels of capacity and contiguity and serve as the primary means of egress during an evacuation from Nevada 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 neighborhoods and communities (Nevada County 1996, p. 10-3).

The proposed project would result in an increased population (maximum of 415 residents) on the project site who would require evacuation in case of an emergency. Consistent with the County's General Plan and the Emergency Operations Plan, primary evacuation from the project site would be provided via SR 49. In addition, the proposed project includes a secondary emergency-only access via a connection to Rodeo Flat Road, located at the northeast corner of the project site.

It should be noted that currently there is only one evacuation route out of the Ranchos/Combie Road corridor area, adjacent to the project site. As shown in **Figure 3.8-2**, all emergency evacuation and response for the area is currently funneled to Combie Road. Implementation of the proposed project would provide an additional emergency-only roadway connection through Rodeo Flat Road that would offer a greater number of emergency access options for the evacuation of area residents and the mobility of fire suppression, emergency response, and law enforcement vehicles during an emergency. As such, implementation of the proposed project would improve implementation of the County's evacuation plans and the Emergency Operations Plan.

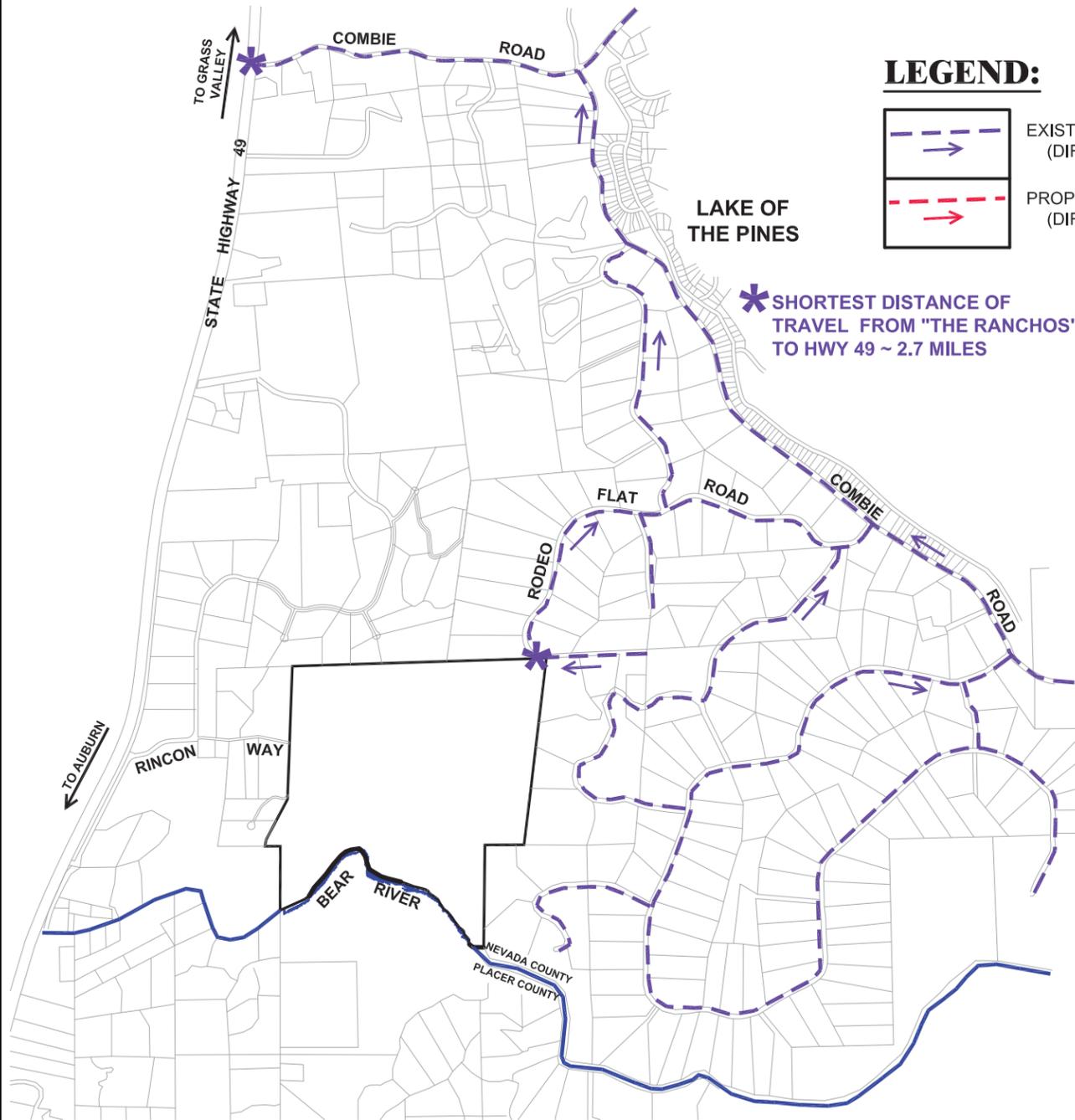
Furthermore, residents of the project site would be notified of incident- and threat-specific evacuation plans via door-to-door notification methods (including PA systems on law enforcement vehicles); local media via radio and television (including activation of the Emergency Alert System for local media outlets); the Special Assistance for Emergencies system, which identifies persons requiring special assistance or unable to self evacuate); and mass notification via landline and cellular telephone and e-mail (Nevada County 1996, p. 10-3).¹ Also, considering that a portion of the proposed project residents would be residing in the assisted living facilities of the project, emergency evacuation of these residents would be coordinated under the County's Emergency Operations Plan to ensure efficient evacuation of residents.

Given that the proposed project would provide both primary and secondary emergency response/evacuation access consistent with the County's General Plan and Emergency Operations Plan, and would improve emergency access options in the project vicinity as well, the project would not impair or physically interfere with implementation of adopted emergency response/evacuation plans. Therefore, impacts would be considered **less than significant**.

Mitigation Measures

None required.

¹ It should be noted that this impact discussion specifically addresses the project's potential to impair implementation of or physically interfere with an adopted emergency response plan or evacuation plan. Additional impacts associated with the additional emergency access roadway are discussed in Section 3.14, Transportation and Circulation, of this Draft EIR.



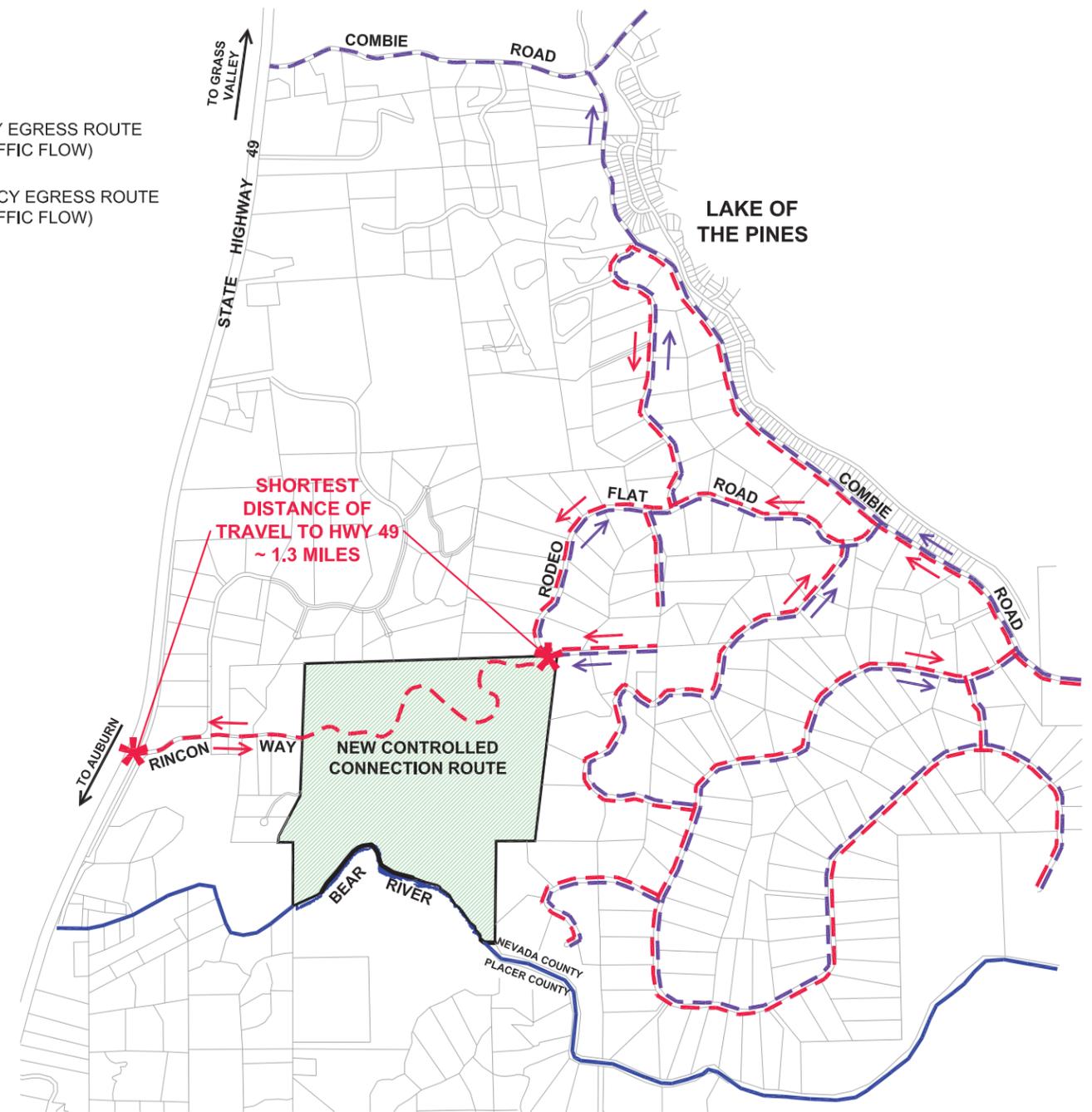
EXISTING EGRESS ROADWAYS

SCALE: 1" = 2000'

NOTE: ALL EMERGENCY EVACUATION & RESPONSE EQUIPMENT ROUTE IS FUNNELED TO COMBIE ROAD

LEGEND:

-  EXISTING EMERGENCY EGRESS ROUTE (DIRECTION OF TRAFFIC FLOW)
-  PROPOSED EMERGENCY EGRESS ROUTE (DIRECTION OF TRAFFIC FLOW)



EXISTING & PROPOSED EGRESS ROADWAYS

SCALE: 1" = 2000'

NOTE: WITH THE DEVELOPMENT OF RINCON DEL RIO PROJECT, A SECOND ROUTE IS AVAILABLE FOR EMERGENCY EVACUATION & RESPONSE EQUIPMENT TO THE AREA



Figure 3.8-2
Emergency Access and Evacuation

Wildland Fire Hazards (Standard of Significance 8)

Impact 3.8.7 Implementation of the proposed project would expose people and structures to significant hazards involving wildland fires. This impact is considered to be **potentially significant**.

As discussed in the Setting subsection above, the proposed project site is located in the State Responsibility Areas and is primarily in a high Fire Hazard Severity Zone with the southeastern corner of the site in the very high Fire Hazard Severity Zone. The proposed project would result in increased population (maximum of 415 residents in 345 housing units) on the project site and thus would increase exposure of people and structures to significant risk of loss, injury, or death involving wildland fires originating off-site and spreading to the project site. Unique project impacts associated with this hazard would include the additional handling time to accommodate persons living in assisted and nursing care conditions if required to evacuate during a wildland fire event. This is a **potentially significant** impact.

However, the proposed project would be required to comply with the 2010 California Building Standards Code (Title 24 of the California Code of Regulations) and Defensible Space Requirements (Public Resources Code Sections 4290 and 4291), which establish minimum standards for materials and material assemblies to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas, the use of ignition-resistant materials and design to resist the intrusion of flame or burning embers projected by a vegetation fire, and the provision of defensible space around all structures. For example Part 2, Chapter 7a of the California Building Standards Code (Wildland-Urban Interface Fire Area Building Standards) requires exterior walls to be constructed of approved noncombustible or ignition-resistant material, with heavy timber, or log wall construction providing protection from the intrusion of flames and embers. In addition, where the roof profile allows a space between the roof covering and roof decking, the spaces are required to be constructed to prevent the intrusion of flames and embers or be fire-stopped with approved materials. Part 9, Chapter 47 of the California Building Standards Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, and fire safety during construction and demolition. Public Resources Code Section 4291 generally requires a defensible space clearance of 100 feet be maintained from each side and from the front and rear of structures. In addition, Section 4291 requires the owner of any new development to obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards and that upon completion of construction the owner obtain from the local building official a copy of the final inspection report demonstrating that the dwelling or structure was constructed in compliance with all applicable state and local building standards. The proposed project would be required to comply with the above and all other standards of the 2010 California Building Standards Code.

In addition, the proposed project would be required to comply with all applicable Nevada County Code requirements intended to mitigate effects of wildland fire exposure within the SRAs. According to the Code, the requirements contained in Chapter XVI (Fire Safety Regulations), as well as Chapter II (Zoning Regulations), Chapter IV (Subdivision Regulations), Chapter VII (Street Addressing and Naming), and Chapter V (Buildings) and County adopted road standards collectively provide the necessary minimum wildfire protection standards to minimize public safety effects with the establishment of land uses and buildings within SRA lands within Nevada County. These requirements include standards for roads and private driveways to facilitate emergency service response to structural and wildland fires, which is addressed in part through the proposed secondary emergency-only access would be provided via a connection

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to Rodeo Flat Road, located at the northeast corner of the project site. In addition, these regulations require all discretionary projects within the very high wildland Fire Hazard Severity Zones to submit a Fire Protection Plan and Fuels Management Plan. While a very small portion of the southeastern corner of the site is located in the very high wildland Fire Hazard Severity Zone, no proposed development is located within this Zone. Therefore, no Fire Protection Plan or Fuels Management Plan would be required.

Compliance with the California Building Standards Code, the defensible space requirements included in the Public Resources Code, and all applicable Nevada County Code requirements would ensure that the proposed project would provide the necessary wildfire protection standards to minimize the safety effects of being located in the SRA. In fact, the Nevada County Code would require the project to incorporate defensible space design consistent with Public Resources Code Section 4291, which according to the NEU Unit Fire Plan is the single most effective method to protect personal and real property from wildland fires. In addition, the following mitigation is required.

Mitigation Measures

MM 3.8.7 The project applicant shall prepare an emergency evacuation plan for the project site. The plan shall address methods of notifying and evacuating all residents, guests, and employees in a safe and efficient manner in the event of an emergency, including but not limited to vanpooling, transport of residents under nursing care, and identification of an emergency meeting location.

Timing/Implementation: Prior to site occupation

Enforcement/Monitoring: Nevada County Community Development Agency and the Higgins Fire Protection District

Implementation of existing regulations and mitigation measure **MM 3.8.7** that address project impacts unique to evacuating the site population would reduce this project impact to **less than significant** and in a manner consistent with County and state regulations on managing exposure to wildland fire hazards.

3.8.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

Hazardous material, human health, and safety impacts as described in CEQA Appendix G are generally site-specific and not cumulative by nature, as impacts generally vary by land use, site characteristics, and site history.

However, the cumulative setting for wildland fires consists of the project site as well as the entire CAL FIRE NEU Unit, which consists of Nevada, Yuba, and Placer counties. Two of these counties, Placer and Nevada, are two of the fastest growing counties in the state, which has directly led to increased urbanization, increased demand for fire suppression, and the associated buildup of unnaturally high fuel loads in the area. Wildfires in this unnatural fuel load condition are very intense and more difficult to suppress (CAL FIRE 2005, p. 2). Cumulative development of homes and personal property in these areas makes wildfire suppression more difficult and leads to increased hazards.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Wildland Fire Hazards

Impact 3.8.8 The proposed project, along with increased urban development in Nevada, Yuba, and Placer counties, would result in cumulative wildland fire hazard impacts. This impact would be **cumulatively considerable**.

Proposed CCRC Development

The proposed project, along with increased urbanization in other areas of Nevada, Yuba, and Placer counties (CAL FIRE's NEU Unit), would contribute to increased exposure of people and structures to the risk associated with wildland fire hazards. All new development in areas at risk for wildland fire hazards would be required to comply with the California Building Standards Code, the defensible space requirements included in the Public Resources Code as discussed in detail under Regulatory Framework, and Impact 3.8.7 above. However, regardless of existing regulations and mitigation measure **MM 3.8.7**, it is very likely that the entire NEU Unit will be affected by a wildland fire at some point in the future and, as stated above, cumulative development of homes and personal property in these areas makes wildfire suppression more difficult and leads to increased hazards. As such, impacts are considered to be **cumulatively considerable** and **significant and unavoidable**.

General Plan and Zoning Ordinance Text Amendments

As discussed in further detail in Section 4.0, Cumulative Impacts Summary, the proposed General Plan and Zoning Ordinance text amendments are policy actions that would not directly contribute to increased exposure of people and structures to the risk associated with wildland fire hazards in CAL FIRE's NEU Unit. Although CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change after implementation of the proposed project, such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including wildland fire impacts. At a programmatic level, the environmental impacts associated with development of all PD and SDA designated areas in the county were analyzed in the Nevada County General Plan Environmental Impact Report, Volume I, SCH #1995102136 (1995). Future site-specific CEQA analysis would result in project-specific mitigation to address impacts.

Mitigation Measures

Implement mitigation measure **MM 3.8.7**.

While implementation of mitigation measure MM 3.8.7 and compliance with County and state regulations would address site-specific wildland fire hazards, it would not eliminate the increased cumulative hazard of locating additional population in the Higgins area that would be exposed to this hazard. Thus, this impact is considered **cumulatively considerable** and **significant and unavoidable**.

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