

## 3.12 HAZARDS, HAZARDOUS MATERIALS, AND RISK OF UPSET

This section evaluates the risk of upset associated with the routine use, storage, and transport of hazardous materials, or the potential to encounter hazardous materials during construction, and the potential health consequences. (For purposes of this section, the term “hazardous materials” refers to both hazardous substances and hazardous wastes.) The potential for wildland fire, conflicts with airports, and risk of exposure of schools to hazardous materials that could result from implementation of the build alternatives are also evaluated. The following discussion describes the regulatory background and existing environmental conditions in the project site, and identifies potential impacts of the alternatives. The information provided in this section is derived, in part, from the *Phase I Initial Site Assessment, US Highway 50 Stateline Transportation Study Area, South Lake Tahoe, California and Stateline, Nevada*, prepared for the Tahoe Transportation District (TTD) by Wallace-Kuhl & Associates and dated November 26, 2014, revised September 15, 2016.

The following issues have been dismissed from further consideration in this EIR/EIS/EIS:

- ▲ The build alternatives are not located close enough to a public airport or a private airstrip to create a conflict or safety hazard. The Lake Tahoe Airport is located approximately 4 miles southwest of the project site. The Minden-Tahoe Airport is located over 9 miles east of the project site. The nearest private airstrip (Bailey Ranch) is located north of Carson City and over 9 miles east of the project site. The project site is not within the designated approach or departure routes of any airports or airstrips. The location of the project site so far from the nearest public or private airstrip or heliport would not result in a safety hazard for people residing or working at the project site.
- ▲ The build alternatives are not located within 0.25 mile of an existing or proposed school. Bijou Community School is located over 1 mile southwest of the project site. Zephyr Cove Elementary School and Whittell High School are located over 1 mile northeast of the project site. Implementation of the build alternatives would not emit or handle hazardous materials, substances, or wastes within 0.25 mile of an existing or proposed school.

Geological hazards, including seismic hazards and the potential for seiche inundation, are discussed in Section 3.11, “Geology, Soils, Land Capability, and Coverage.” Risks associated with flooding are discussed in Section 3.9, “Floodplains.” Interference with an adopted emergency response plan or emergency evacuation plan is address in Section 3.6, “Traffic and Transportation.” Cumulative hazards and public safety impacts are addressed in Section 3.19, “Cumulative Impacts.”

One comment was received in response to the Notice of Preparation related to hazards. It requested information on emergency response plans. Information on potential impacts and mitigation related to emergency response, is discussed in Section 3.6, “Traffic and Transportation.”

### 3.12.1 Regulatory Setting

Numerous federal, state, and local laws, regulations, and programs have been enacted to prevent or mitigate damage to public health and safety and the environment from the release or risk of release of hazardous substances into the community or environment, and to protect human health and environmental resources from potential existing contamination. Other regulations have been developed to address hazards associated with construction in California’s wildland-urban interface (WUI) areas. Key laws and regulations applicable to the US 50/South Shore Community Revitalization Project are discussed below.

## FEDERAL

### Management of Hazardous Materials

Federal laws require planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and if such materials are accidentally released, to prevent or mitigate injury to health or the environment. The U.S. Environmental Protection Agency (EPA) is the agency primarily responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. Applicable federal regulations pertaining to hazardous materials are primarily contained in the Code of Federal Regulations (CFR) Titles 29, 40, and 49. Hazardous materials, as defined in those regulations, are listed in 49 CFR 172.101. Management of hazardous materials is governed by the following laws:

- ▲ The Toxic Substances Control Act of 1976 (15 U.S. Code [USC] Section 2601 et seq.) regulates the manufacturing, inventory, and disposition of industrial chemicals, including hazardous materials. Section 403 of the Toxic Substances Control Act establishes standards for lead-based paint hazards in paint, dust, and soil.
- ▲ The Resource Conservation and Recovery Act of 1976 (RCRA)(42 USC Section 6901 et seq.) is the law under which EPA regulates hazardous waste from the time the waste is generated until its final disposal (“cradle to grave”).
- ▲ The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (also called the Superfund Act or CERCLA) (42 USC Section 9601 et seq.) gives EPA authority to seek out parties responsible for releases of hazardous substances and ensure their cooperation in site remediation.
- ▲ The Superfund Amendments and Reauthorization Act (SARA) of 1986 (Public Law 99-499; USC Title 42, Chapter 116), also known as SARA Title III or the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), imposes hazardous materials planning requirements to help protect local communities in the event of accidental release.
- ▲ The Spill Prevention, Control, and Countermeasure (SPCC) rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans. The SPCC rule is part of the Oil Pollution Prevention regulation, which also includes the Facility Response Plan rule.

### Transport of Hazardous Materials

The U.S. Department of Transportation regulates transport of hazardous materials between states and is responsible for protecting the public from dangers associated with such transport. The federal hazardous materials transportation law (49 USC Section 5101 et seq.; formerly the Hazardous Materials Transportation Act, 49 USC Section 1801 et seq.) is the basic statute regulating transport of hazardous materials in the United States. Hazardous materials regulations are enforced by the Federal Highway Administration, the U.S. Coast Guard, the Federal Railroad Administration, and the Federal Aviation Administration.

### Explosives

Regulation of explosives comes under the jurisdiction of the Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives. Regulation of licenses or permits that are required for the manufacture, import, storage, and use of explosives takes place according to Title 27 CFR, Part 555, under Title XI, Regulation of Explosives (18 USC Chapter 40).

### Worker Safety

The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC Section 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work

practices, including standards relating to the handling of hazardous materials and those required for excavation and trenching.

## **Fuel Reduction and Wildfire Prevention**

### **Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy for the Lake Tahoe Region**

The Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy for the Lake Tahoe Region (Fuel Reduction Strategy) provides land management, fire, and regulatory agencies with strategies to reduce the probability of a catastrophic fire in the Region (LTBMU et al. 2014).

The Lake Tahoe Basin Management Unit of the U.S. Forest Service (USFS) is the agency with primary responsibility for implementation of the Fuel Reduction Strategy; however, individual land owners and public agencies are responsible for aspects of its implementation. The Fuel Reduction Strategy is a comprehensive plan that combines projects from the following sources:

- ▲ Fuel Reduction and Forest Restoration Plan for the Lake Tahoe Basin Wildland Urban Interface (Tahoe Regional Planning Agency [TRPA] 2007);
- ▲ USFS Stewardship and Fireshed Assessment (Bahro et al. 2007);
- ▲ California Department of Forestry and Fire Protection (CAL FIRE) Unit Strategic Fire Plans for the Amador-El Dorado Unit and the Nevada-Yuba-Placer Unit (CAL FIRE 2015a, 2015b);
- ▲ California State Parks;
- ▲ California Tahoe Conservancy; and
- ▲ Nevada Tahoe Resource Team, representing Nevada Division of State Lands, Nevada Division of Forestry, and Nevada Division of State Parks.

### **Healthy Forests Restoration Act of 2003**

The Healthy Forests Restoration Act of 2003 (HFRA, also known as the Healthy Forests Initiative), establishes procedures for forest and rangeland restoration projects on USFS and Bureau of Land Management lands. It generally focuses on lands near communities in the WUI, in high risk municipal watersheds, habitat for threatened and endangered species, and where insects or disease are destroying the forest and increasing the threat of catastrophic wildfire. HFRA allows communities to designate WUIs and authorizes fuel reduction projects on federal land. In addition, federal agencies must consider recommendations and give funding priority to communities at risk that have developed Community Wildfire Protection Plans.

## **TAHOE REGIONAL PLANNING AGENCY**

Article V(c)(3) of the Tahoe Regional Planning Compact (Public Law 96-551) required the development of a conservation plan for the preservation, development, utilization and management of scenic and other natural resources within the Tahoe Basin. TRPA's Regional Plan for the Lake Tahoe Region addresses growth and development and provides a policy guide for decision-making. Two components of the Regional Plan address policies and regulations pertaining to hazards and hazardous materials: Goals and Policies and Code of Ordinances.

## **Environmental Threshold Carrying Capacities**

TRPA has not established any environmental threshold carrying capacities related to hazards and hazardous materials.

## Regional Plan

TRPA regulates growth and development in the Lake Tahoe Region through the Regional Plan, which includes the Goals and Policies, Code of Ordinances, and other guidance documents. The Regional Plan includes a Land Use element identifying goals and policies for addressing the Lake Tahoe Region's natural hazards (TRPA 2012). Relevant Goals and Policies are described below.

### Goals and Policies

The Natural Hazards Subelement of the Goals and Policies Land Use Element establishes four policies to support the TRPA's goal of minimizing risk from natural hazards (Goal NH-1) (TRPA 2012: 2-29). These policies include regulation of development in avalanche and mass instability hazard areas; general prohibition of development, grading, and filling of lands within the 100-year flood plain (except for recreation facilities and public service facilities) and a requirement that facilities within the floodplain be constructed and maintained to minimize impacts; management of forest fuels and use of fire-resistant materials; and encouraging public safety agencies to prepare disaster plans. The full text of these goals and policies, along with a discussion of the project's consistency with the goals and policies, is included in Appendix E, "Goals and Policies Consistency Analysis."

### Code of Ordinances

The TRPA Code of Ordinances includes regulations for timber harvest activities (primarily in Chapter 61.1 [Tree Removal] and Chapter 61.2 [Prescribed Burning]), which are relevant to fire fuel management for wildfire risks. TRPA must approve the removal of all live trees 14 inches in diameter at breast height or greater. Additionally, all forest management activities must be consistent with TRPA's Code. Chapter 61, Section 61.3.6 of the TRPA Code provides the following guidance:

- ▲ Vegetation Management to Prevent the Spread of Wildfire: Within areas of significant fire hazards, as determined by local, state, or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species or other means of erosion control may be required where vegetative ground cover has been eliminated or where erosion problems may occur.

### Area Plans, Community Plans, and Plan Area Statements

As a means for providing orderly growth and development consistent with the TRPA Regional Plan, various Area Plans, Community Plans, and Plan Area Statements (PASs) have been developed for specific urbanized areas. These plans contain development goals and regulations specific to each plan area. Area Plans, Community Plans, and PASs do not contain policies related to hazards or hazardous materials.

## STATE

### California

#### Management of Hazardous Materials in California

In California, both federal and state community right-to-know laws are coordinated through the California Office of Emergency Services (Cal OES). Federal law, i.e., SARA Title III or EPCRA, described above, encourages and supports emergency planning efforts at the state and local levels and to provide local governments and the public with information about potential chemical hazards in their communities. Because of the community right-to-know laws, information is collected from facilities that handle (e.g., produce, use, store) hazardous materials above certain quantities. The provisions of EPCRA apply to four major categories:

- ▲ emergency planning,
- ▲ emergency release notification,
- ▲ reporting of hazardous chemical storage, and
- ▲ inventory of toxic chemical releases.

Information gathered in these four categories helps federal, state, and local agencies and communities understand the chemical hazards in a particular location or area and what chemicals individual facilities are using, storing, or producing onsite.

The corresponding state law is Chapter 6.95 of the California Health and Safety Code (Hazardous Materials Release Response Plans and Inventory). Under this law, businesses within the project site would be required to prepare a Hazardous Materials Business Plan, which could include hazardous materials and hazardous waste management procedures and emergency response procedures, including emergency spill cleanup supplies and equipment. At such time as the applicant begins to use hazardous materials at levels that reach applicable state and/or federal thresholds, the plan is submitted to the administering agency, in this case the El Dorado County Department of Environmental Management, Hazardous Waste Division, to implement and enforce. The plan is to be updated annually.

The California Department of Toxic Substances Control (DTSC), a department of the California Environmental Protection Agency (CalEPA), has primary regulatory responsibility over hazardous materials in California, working in conjunction with EPA to enforce and implement hazardous materials laws and regulations. As required by Section 65962.5 of the California Government Code, DTSC maintains a hazardous waste and substances site list for the state, known as the Cortese List.

The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Act (California Health and Safety Code Section 25100 et seq.), which is implemented by regulations described in CCR Title 26. This program is similar to, but more stringent than, the federal program under RCRA. The regulations list materials that may be hazardous and establish criteria for their identification, packaging, and disposal.

Chapter 6.7 of the Health and Safety Code outlines the requirements for underground storage tanks (USTs). The code identifies requirements for corrective actions, cleanup funds, liability, and the responsibilities of owners and operators of USTs.

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for several environmental programs. The Unified Program is a consolidation of state environmental programs into one program under the authority of a local agency, a Certified Unified Program Agency (CUPA). The six program elements of the Unified Program are: hazardous waste generators and hazardous waste on-site treatment, USTs, aboveground storage tanks (ASTs), hazardous material release response plans and inventories, risk management and prevention program, and Uniform Fire Code hazardous materials management plans and inventories. The El Dorado County Department of Environmental Management, Hazardous Waste Division, is approved by Cal EPA as the CUPA for El Dorado County.

#### **Transport of Hazardous Materials and Hazardous Materials Emergency Response Plan in California**

California has adopted U.S. Department of Transportation regulations for the movement of hazardous materials originating within the state and passing through the state; state regulations are contained in Title 26 of the California Code of Regulations (CCR). State agencies with primary responsibility for enforcing state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). Together, these agencies determine container types used and license hazardous waste haulers to transport hazardous waste on public roads.

California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local governments and private agencies. Response to hazardous materials incidents is one part of the plan. The plan is managed by Cal OES, which coordinates the responses of other agencies in the study area.

**Management of Construction Activities in California**

In California, through the Porter-Cologne Water Quality Act and the National Pollution Discharge Elimination System (NPDES) program, the Lahontan Regional Water Quality Control Board (Lahontan RWQCB) has authority to require proper management of hazardous materials during project construction. For a detailed description of the Porter-Cologne Water Quality Act, the NPDES program, and the role of the Lahontan RWQCB, see Section 3.9, “Floodplains,” and Section 3.10, “Water Quality and Stormwater Runoff.”

The project falls within the jurisdiction of the state Construction General Permit (Order No. 2009-009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ). The Construction General Permit covers areas that drain to the Truckee River and establishes a risk-based approach with monitoring. The NPDES Permit and Construction General Permit require that construction projects with greater than 1 acre of disturbance file permit registration documents, including a Notice of Intent and a storm water pollution prevention plan (SWPPP) that includes proposed best management practices (BMPs) and a site-specific Construction Site Monitoring and Reporting Plan developed by a Qualified SWPPP Developer. Although a major focus of the SWPPP is management of stormwater on the construction site, it must also address proper use and storage of hazardous materials, spill prevention and containment, and cleanup and reporting of any hazardous materials releases, if they do occur.

**California Worker Safety**

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are typically more stringent than federal OSHA regulations and are presented in Title 8 of the CCR. Cal/OSHA conducts on-site evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

Title 8 of the CCR also includes regulations that provide for worker safety when blasting and explosives are utilized during construction activities. These regulations identify licensing, safety, storage, and transportation requirements related to the use of explosives in construction.

**California Wildfire Responsibility Areas/State Responsibility Areas**

CAL FIRE implements statewide laws aimed at reducing wildfire hazards, including in WUI areas. The laws are based in large part on hazard assessment and zoning. The laws apply to State Responsibility Areas (SRAs), which are defined as areas of the state in which the state has primary financial responsibility for preventing and suppressing fires, as determined by the state Board of Forestry and Fire Protection pursuant to Sections 4125 and 4102 of the California Public Resources Code (PRC). The applicable California PRC provisions address fire prevention and minimum fire safety standards related to defensible space for industrial operations and other land uses in SRAs (California PRC Part 2, Chapters 1 and 2). Fire safe regulations address road standards for fire equipment access, standards for signage, minimum water supply requirements for emergency fire use, and fuel breaks and greenbelts, among others. Fire protection outside SRAs is the responsibility of federal or local jurisdictions. These areas are referred to by CAL FIRE as Federal Responsibility Areas and Local Responsibility Areas.

As of July 2014, owners of habitable structures that can be used as residential space must pay an SRA Fire Prevention Fee to the state. This fee funds state efforts at fire prevention, including defensible space inspections, fire prevention engineering, emergency evacuation planning, and fire hazard severity mapping.

**2010 Strategic Fire Plan for California**

The 2010 Strategic California Fire Plan is the state’s road map for reducing the risk of wildfire. The Fire Plan is a cooperative effort between the state Board of Forestry and Fire Protection and CAL FIRE. By emphasizing fire prevention, the 2010 Strategic California Fire Plan seeks to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to ecosystem health.

**California Building Standards Code**

The State of California provides minimum standards for building design through the California Building Standards Code (CCR, Title 24). The California Building Code (CBC) applies to building design and construction in the state and is based on the federal International Building Code used widely throughout the country (generally adopted on a state-by-state or district-by-district basis). The CBC has been modified for California conditions with more detailed and/or more stringent regulations. Chapter 7A of the CBC specifies building materials and construction standards to be used in urban interface and wildland areas where there is an elevated threat of fire.

**California Government Code Section 66474.02**

Before approving a tentative map (or a parcel map where a tentative map is not required) for an area located in a SRA or a very high fire hazard severity zone, the legislative body of the county must find that: the design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by CAL FIRE pursuant to PRC Sections 4290 and 4291; structural fire protection and suppression services will be developed; and ingress and egress meets the road standards for fire equipment access adopted pursuant to PRC Section 4290 and any applicable local ordinance.

**Nevada****Nevada State Emergency Response Commission**

Section 459.7052 of the Nevada Revised Statutes (NRS) requires motor carriers to register and obtain a permit for the transportation of hazardous materials before transporting a hazardous material upon a public highway of the state. As part of this statute the Nevada Department of Motor Vehicles (NDMV) requires anyone applying for a permit to transport hazardous waste to have a commercial driver's license and to undergo a background check that includes a fingerprint based Security Threat Assessment.

State agencies with primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies are the officers of the Nevada Highway Patrol (NRS 459.250).

**Nevada State Emergency Response Commission**

In compliance with the Community Right-to-Know Act of 1986, the Nevada State Emergency Response Commission (SERC) was established in 1987. SERC coordinates and supervises the activities of the Local Emergency Planning Committees to ensure that each committee has an approved Hazardous Materials Emergency Response Plan. SERC also collects chemical inventory reports, provides funds through grants, and processes information requests from the public.

**Nevada Administrative Code**

The Nevada Administrative Code (NAC) is the State of Nevada's code of state regulations. NAC 444.965 to 444.976 contains regulations pertaining to asbestos, including its removal, transportation, and disposal.

**Nevada Division of Environmental Protection, Bureau of Waste Management**

The Nevada Division of Environmental Protection, Bureau of Waste Management manages a Hazardous Waste Program that is responsible for enforcing state hazardous waste statutes and regulations in lieu of the EPA. With some modifications, Nevada adopts the federal hazardous waste regulations. The Hazardous Waste Program is responsible for permitting and inspecting hazardous waste generators and disposal, transfer, storage, and recycling facilities.

**Nevada Department of Public Safety Hazmat Permitting Office**

The Nevada Department of Public Safety Hazmat Permitting Office is responsible for the permitting and regulating of hazardous materials within the state of Nevada. Section 312 of the SARA requires covered facilities to submit hazardous chemical inventory forms annually. Information required for the substances at the facility include the quantity and location of hazardous chemicals stored or used onsite above the threshold planning quantity. Also required are the categories of each chemical's physical and health hazards.

### **Nevada Occupational Safety and Health Act**

The Nevada Occupational Safety and Health Act (Nev-OSHA) promotes safe and healthful working conditions to provide job safety and health protection for workers in the State of Nevada. This act provides the Nevada Occupational Safety and Health Administration (Nevada OSHA) the power to issue citations for conditions inspected and found to be unsafe.

The Nev-OSHA poster (to be displayed in Nevada workplaces) states: each employer shall furnish to each of his employees, employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees and shall comply with occupational safety and health standards adopted under the Act (Nevada OSHA 2014).

## **LOCAL**

### **City of South Lake Tahoe**

#### **South Lake Tahoe General Plan**

The Health and Safety Element of the City of South Lake Tahoe General Plan contains goals and policies related to wildland fire hazards and protection from hazardous materials. Goal HS-2 addresses minimizing fire hazards, and applicable policies require fire-resistant construction (Policy HS-2.1) and minimum fire flow requirements (Policy HS-2.5). Goal HS-6 addresses eliminating exposure to hazardous materials, waste, and natural substances; applicable policies include stopping construction activity if contamination is encountered (Policy HS-6.2). The full text of these goals and policies, along with a discussion of the project's consistency with the goals and policies, is included in Appendix E, "Goals and Policies Consistency Analysis."

### **Douglas County**

Douglas County Code, Title 20, Section 20.690.030(I) requires projects and/or businesses that store hazardous materials, to prepare a spill management plan and containment systems to the satisfaction of the fire district with appropriate jurisdiction.

#### **Douglas County Master Plan**

The Douglas County Comprehensive Master Plan 2035 (DCMP) Land Use Policy 3.7 states that, within all land use designations, a variety of factors including "f) location in a high fire hazard area" shall be considered in reviewing and approving individual development proposals. It should be noted that a draft update of the DCMP was released in November 2011, and approved at the January 5, 2012 County Board of Supervisors meeting. However, the DCMP has not been finalized to reflect the requested changes of the TRPA Board. It may be several months before the update is finalized. Because the DCMP update has not yet been finalized, the relevant policies from the 2006 DCMP update remain in effect and are discussed in this EIS/EIR/EIS.

Section 9, "Environmental Quality," of the 2035 DCMP includes Goal 9-3, "Reduce the risks of loss from wildlife hazard." Policies addressing this goal include requiring multiple access points for development in wildfire areas (Policy 9-3B.1) and links from new development to existing development (Policy 9-3B.2); and ensuring that wildfire mitigation practices and policies are implemented throughout the development review process (Policy 9-3B.3). The full text of these goals and policies, along with a discussion of the project's consistency with the goals and policies, is included in Appendix E, "Goals and Policies Consistency Analysis."

#### **Douglas County Hazard Mitigation Plan**

In 2013 the Douglas County, Nevada Hazard Mitigation Plan was updated in compliance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5165, enacted under Section 104 the Disaster Mitigation Act of 2000, Public Law 106-390 of October 30, 2000. The updated plan identifies ongoing and new hazard mitigation actions intended to eliminate or reduce the effects of future disasters throughout the county including drought, flood, epidemic, and wildland fire (Douglas County 2013).



## Lake Tahoe Geographic Response Plan

The Lake Tahoe Geographic Response Plan (LTGRP) (Lake Tahoe Response Plan Area Committee 2014) is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies. The LTGRP establishes the policies, responsibilities, and procedures required to protect life, environment, and property from the effects of hazardous materials incidents. The LTGRP establishes the emergency response organization for hazardous materials incidents occurring within the Lake Tahoe watershed. The plan is generally intended to be used for oil spills or chemical releases that impact or could potentially impact drainages entering Lake Tahoe.

### 3.12.2 Affected Environment

#### REGIONAL SETTING

The study area is characterized by developed urban uses, including residences, casinos, hotels, and tourist amenities, with Lake Tahoe located to the northwest and forested, mountainous areas, including Heavenly Ski Resort and Van Sickel Bi-State Park, to the southeast. Project construction activities are planned to occur mostly along major roadways, including US 50, Pioneer Trail, Lake Parkway, Park Avenue, and Stateline Avenue, and adjacent lands.

#### Topography, Soils, Surface Water, and Groundwater

The project site is located within the Sierra Nevada geomorphic province. The Sierra Nevada geomorphic province is a tilted fault block almost 400 miles long that is characterized by intrusions of granitic rocks, metamorphism of host rocks and block faulting along its eastern boundary. The eastern boundary of the province lies near the California–Nevada border and its western boundary is with the Great Valley Province. The project site is located on the eastern slope of the Sierra Nevada mountain range and is approximately 6,200 feet above mean sea level.

The project site consists of two distinct soil map units, as delineated by the Natural Resource Conservation Service: Christopher-Gefo complex and Cassenai gravelly loamy coarse sand. The Cassenai series consists of very deep soils that formed in colluvium over residuum weathered from granodiorite. The soils are somewhat excessively drained, moderately rapid permeability, with low to medium runoff. The Christopher-Gefo complex formed from granodiorite glacial outwash with rapid permeability (Wallace-Kuhl & Associates 2014). For more information about soil conditions, please refer to Section 3.11, “Geology, Soils, Land Capability, and Coverage.”

The project site is located within the California Department of Water Resources (DWR)-defined Tahoe Valley Groundwater Basin of the Tahoe Valley South Hydrologic Region. According to DWR, the closest well that is actively being monitored is located at the southwest end of Black Rock Road. Since May 2011, the depth to groundwater has fluctuated from approximately 0.5 to 1 feet below ground surface (bgs). Lahontan RWQCB’s GeoTracker website lists a cluster of groundwater monitoring wells located at the Tahoe Tom’s Gas Station facility (4029 Lake Tahoe Boulevard/US 50). According to the public records available, groundwater elevation at this location ranges from 8 to 23 feet bgs. For more information, please refer to Section 3.9, “Floodplains,” for surface water and groundwater discussions.

#### Wildland Fire Hazards

The Lake Tahoe Region is considered a “fire environment,” because of the climate, steep topography, and high level of available fuel in the forested areas. The threat of catastrophic fire is a major public concern. Prior to fire suppression policies and extensive logging in the Lake Tahoe Region and surrounding area, natural fire regimes would have included frequent, low-intensity burns occurring at intervals of approximately 5 to 18 years, which would typically have thinned forest stands and removed hazardous ladder fuels (i.e., shrubs and small trees of intermediate height that allow a ground fire to climb into the forest canopy or crown) (Living with Fire 2015). However, fire suppression policies have allowed the development of vegetation complexes that are more susceptible to high-intensity burning (e.g., crown fires). Hazardous fuel

conditions coupled with a WUI/intermix situation have resulted in an increased likelihood of ignition and high-intensity wildfire.

CAL FIRE has mapped Fire Hazard Severity Zones (FHSZs) for the entire state, including the Lake Tahoe Region. FHSZs are categorized as: moderate, high, and very high. Classification of Moderate, High, or Very High FHSZs are based on an evaluation of fuels, fire history, terrain, housing density, and occurrence of severe fire weather and are intended to identify areas where urban fires could result in catastrophic losses. According to CAL FIRE's Fire Resource Assessment Program's FHSZ Geographic Information System data, shown in Exhibit 3.12-1, the project site is located within moderate, high, and very high FHSZ. Very High FHSZ is defined as a wildland area that supports high to extreme fire behavior or developed/urban areas typically with at least 70 percent vegetation density. The areas within the City of South Lake Tahoe that are characterized as Very High FHSZ contain structures without appropriate roofing and siding materials, have decks or overhanging unenclosed features where embers can be trapped, and lack adequate defensible space around many structures (City of South Lake Tahoe 2011:8-15).

Nevada does not have an equivalent FHSZ classification system for fire hazards. However, the Nevada Fire Safe Council has identified the community of Stateline as having a Moderate Fire Hazard Rating (Nevada Fire Safe Council 2004). The relatively low fire hazard is primarily because of good defensible space and moderate slopes in this area.

#### **Fuel Reduction Projects**

The Tahoe Fire & Fuels Team (TFFT) was formed in 2008 to implement the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy (LTBMU et al. 2014). The TFFT has divided the Tahoe Basin into five regions for easier management; the project is located in the South Tahoe and the Tahoe Douglas divisions. According to the 2015 Lake Tahoe Basin Community Wildfire Protection Plan, TFFT's forest fuels reduction project for the Tahoe Douglas Division has resulted in initial treatment for over 1,005 acres and mechanical treatments on 204 acres. All Nevada state lands and nearly all urban lands have received initial treatment. Fire crews have hand-thinned hundreds of acres in the South Tahoe Division and nearly all urban lands have received initial treatment (TFFT 2015).

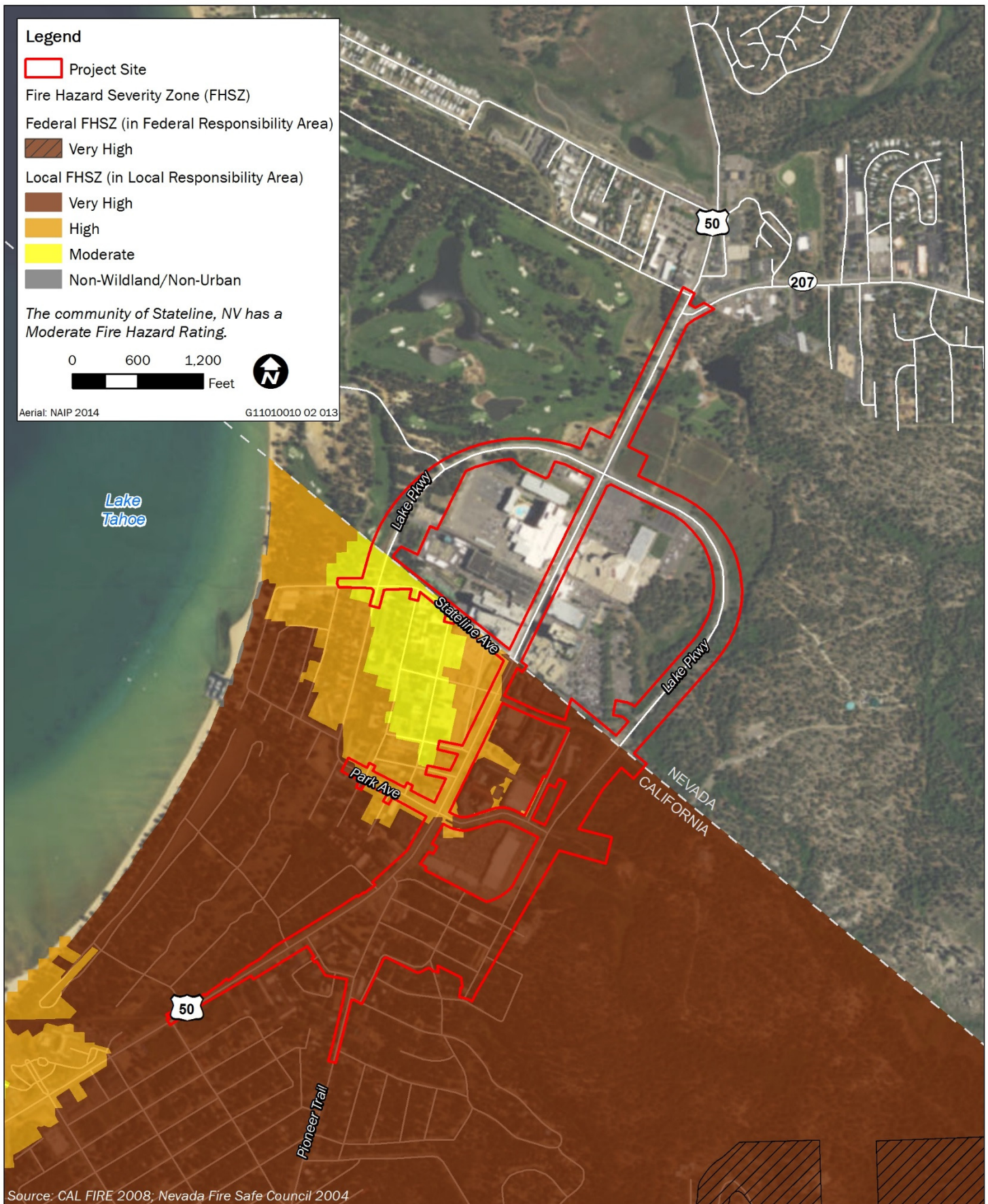
## **EXISTING SITE CONDITIONS**

Within the project site, existing US 50 has five lanes of through traffic and Pioneer Trail, Lake Parkway, Park Avenue, and Stateline Avenue are two-lane roads. Four resort-casinos, Harrah's, Harvey's, Montbleu, and the Hard Rock Hotel and Casino, are located along US 50 north of the state line between California and Nevada in the tourist core. South of the state line, parcels along US 50 are developed hotels, restaurants, and shops. Tahoe Tom's gasoline station is located at 4029 Lake Tahoe Boulevard, at the intersection of Park Avenue and US 50.

Hotels are located along the east and west sides of Park Avenue and Pine Boulevard. Heavenly Village Way is located to the east of Park Avenue and US 50. The north side of Heavenly Village Way is developed with a Marriott resort, the Heavenly Gondola, and Heavenly Village. The south side of Heavenly Village Way is developed with the Heavenly Village Center, containing a Raley's grocery store and other commercial/retail uses.

Properties along Fern Road, Echo Road, and Moss Road are developed with single-family residences and multi-family apartment buildings, with the exception of motels at the west end of each road.

An electrical substation is located 125 feet east of the intersection of Fern Road and Montreal Road. Vacant, forested land is located to the north of the electrical substation along the east side of Montreal Road, which changes to Lake Parkway north of Heavenly Village Way. North of Heavenly Village Way, the Forest Suites Resort is located to the west of Lake Parkway.



**Exhibit 3.12-1**

**Fire Hazard Severity Zones in California**

## Hazards in the Lake Tahoe Region

Hazardous conditions can derive from human or natural sources. Human-made hazards are generally associated with the handling of chemicals routinely used in everyday products. Many chemicals used for household cleaning, construction, dry cleaning, film processing, landscaping, and automotive maintenance and repair are considered hazardous. Contamination of soil or groundwater may be caused by the improper storage or disposal of these hazardous materials.

Natural hazards can also create conditions hazardous to public health and safety. In the Lake Tahoe Region, natural hazards are most frequently related to the dangers of avalanches, wildfires, flooding, earthquakes, and seiches (TRPA 2012). (Geologic hazards including avalanche, earthquake, and seiche-related hazards are discussed in Section 3.11, “Geology, Soils, Land Capability, and Coverage.” Risks associated with flooding are discussed in Section 3.9, “Floodplains.”) The federal government is the entity with primary responsibility over wildfire protection and suppression in the Lake Tahoe area. The project site is classified as both a Federal Responsibility Area and a State Responsibility Area/Federal Direct Protection Area by the California-Nevada Tahoe Basin Fire Commission. (Direct Protection Areas are established to more efficiently provide protection over a contiguous area, and occur where the agency that provides fire suppression and prevention is different than the agency with legal and financial responsibility to provide those services.)

## Hazardous Materials

### Aerially Deposited Lead

Aerially deposited lead (ADL) refers to lead deposited along highway shoulders from past vehicle emissions. ADL is the result of tailpipe emissions during the years that lead was used as an additive in gasoline. Even though leaded fuel has been prohibited in California since the 1980s, ADL can still be found along the unpaved areas adjacent to highways that were in use before that time. ADL concentrations along highways can be high enough to cause the soil to be defined as a California hazardous waste. Hazardous waste law requires that this material is managed, transported, and disposed of at a Class I disposal facility (Caltrans 2014).

Given the age of the existing roadways, it is likely that ADL has impacted the surface soils along roadway shoulders within the project site. However, in areas where shoulders have been upgraded after the mid-1980s, ADL is not likely to remain.

### Asbestos-Containing Materials

Asbestos, a naturally-occurring fibrous material, was used as a fireproofing and insulating agent in building construction before such uses were largely banned by EPA in the 1970s. Because it was widely used before the discovery of its health effects, asbestos is found in a variety of building materials, including sprayed-on acoustic ceiling texture, floor tiles, and pipe insulation.

Asbestos exposure is a human respiratory hazard when the asbestos becomes friable (easily crumbled) because inhalation of airborne fibers is the primary mode of asbestos entry into the body. Asbestos-related health problems include lung cancer and asbestosis. Asbestos-containing building materials are considered hazardous by Cal/OSHA when bulk samples contain more than 0.1 percent asbestos by weight. Asbestos can be evaluated only by sampling, performed by a certified technician, followed by laboratory analysis. These materials must be handled by a qualified contractor.

Structures located adjacent to the study area roads that were constructed before 1980 have a high likelihood of containing asbestos-containing building materials.

### Lead-Based Paint

Lead is a potentially hazardous material that can result in cardiovascular effects, increased blood pressure and incidence of hypertension; decreased kidney function; reproductive problems; and nervous system damage. Lead can be found in old water pipes, solder, paint, and in soils around structures painted with lead-based paints. Lead-based paints are likely present on buildings constructed before the late 1970s, when the quantity of lead in paints became regulated. Potentially hazardous exposures to lead can occur



when lead-based paint is improperly removed from surfaces by dry scraping, sanding, or open-flame burning. Lead-based paints and coatings used on the exterior of buildings may have also flaked or oxidized and deposited into the surrounding soils.

Structures located adjacent to the study area roads that were constructed before 1980 have a high likelihood of containing lead-based paint.

#### **Vapor Encroachment Conditions**

Vapor encroachment occurs when volatile chemicals migrate from contamination in the soil or groundwater up into a building's interior space through interstitial space in the soil. Vapor encroachment can pose a potential health threat to the occupants of the building, especially to sensitive populations such as children. Vapor encroachment has been a particular concern with regards to contamination caused by dry cleaning solvents, because these chemicals are highly volatile and toxic. However, vapor encroachment can also occur with other contaminants such as petroleum products. Vapor encroachment can be caused by contamination on-site or off-site from a property.

Wallace-Kuhl & Associates conducted a preliminary screening for vapor encroachment conditions (VECs) beneath the project site using the Tier 1 vapor encroachment screening evaluation, which is based on the guidelines presented in the ASTM E 2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions (Wallace-Kuhl & Associates 2014). The Tier I screening included performing a Search Distance Test to identify if there are any known or suspect contaminated properties surrounding or upgradient of the project site within specific search radii, and a Chemicals of Concern (COC) Test (for those known or suspect contaminated properties identified within the Search Distance Test) to evaluate whether or not COC are likely to be present. The ISA recommended that screening for VEC should be performed if residential properties were to be developed within the project site.

#### **Polychlorinated Biphenyls**

Polychlorinated biphenyls (PCBs) belong to a broad family of man-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. PCBs are highly persistent in the environment, and exposure can cause serious liver, dermal, and reproductive system damage.

Due to their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications. Products that may contain PCBs include: transformers, capacitors, and other electrical equipment; oil used in motors and hydraulic systems; and thermal insulation material. The pole-mounted electrical transformers located in the project site may contain PCBs; however, many utilities have instituted programs to renovate or replace equipment with a mineral oil that does not contain PCBs. A Liberty Energy electrical substation is located 125 feet east of the intersection of Fern Road and Montreal. Should fluid spills or releases from an electrical transformer occur, associated remediation efforts are typically the responsibility of the transformer owner (Liberty Energy) per federal regulation (40 CFR 761.125).

#### **Natural Hazards**

Natural hazards can also create conditions hazardous to public health and safety. In the Lake Tahoe Region, natural hazards are most frequently related to the dangers of avalanches, wildfires, flooding, earthquakes, and seiches (TRPA 2012). (Avalanche and earthquake hazards [such a seiches] are addressed in Section 3.9, "Geology, Soils, Land Capability, and Coverage."

#### **Radon**

Radon is an invisible, odorless, radioactive gas produced by decay of uranium that is naturally present in rock and soil. The EPA classifies El Dorado County as Zone 2, indicating that predicted average indoor radon levels are between 2 and 4 picocuries per liter of air (pCi/L), and there is a moderate potential hazard (EPA 2016). Douglas County is classified as Zone 1, indicating that predicted average indoor radon screening

levels greater than 4 pCi/L. Radon gas can move from underlying soil and rock into houses and other inhabited structures and become concentrated in the indoor air, posing a significant lung cancer risk for the residents (California Geological Survey [CGS] 2009). EPA has established an action threshold of 4 pCi/L for indoor air, above which it is recommended that radon gas in homes is mitigated.

## **Recognized Environmental Conditions**

The *Phase I Initial Site Assessment* evaluated the areas along roadways within the project site for evidence of potential Recognized Environmental Conditions (RECs) resulting from current and/or former activities within the study area (Wallace-Kuhl & Associates 2014). RECs occur in the presence or likely presence of any hazardous materials or petroleum products that indicate an existing release, a past release, or a material threat of a release. The term includes properties where hazardous substances or petroleum products are stored, handled, and disposed of under conditions in compliance with applicable laws. RECs identified in the study area are described below.

### **Gas Station Facilities**

The Tahoe Tom's Gas Station facility, 4029 Lake Tahoe Boulevard, is listed on the Lahontan RWQCB Leaking Underground Storage Tank (LUST) database. According to a Denial to Rescind April 23, 1997, No Further Action letter, dated January 18, 2007, two releases have occurred at the facility. The first released occurred in 1989 and a no further action status was granted for the release on April 23, 1997. A second release was discovered in 1998 and on-going monitoring assessment is being conducted for that release. According to a Second Quarter 2014 Quarterly Monitoring Report, dated May 30, 2014, methyl tertiary butyl ether (MTBE) impacted groundwater extends to the west of the facility and the direction of groundwater flow was reported to be to the south, toward Park Avenue. Based on the information reviewed, off-site concerns are noted from potential petroleum hydrocarbon impacted soils at the facility.

The former Shell Service Station facility at 3953 Lake Tahoe Boulevard (now a vacant site) is listed on the Lahontan RWQCB LUST database. According to a Lahontan RWQCB letter, dated November 8, 2004, the facility received a no further action status. Based on the information review during this assessment, this former facility is not suspected of negatively impacting the project site at this time.

The former Tosco #3553 facility at 4115 Lake Tahoe Boulevard is listed on the Lahontan RWQCB LUST database. According to a Lahontan RWQCB letter, dated March 1, 2005, the facility received a no further action status. The property has been redeveloped with the Chateau development that includes shops and restaurants. Based on the information reviewed during this assessment, this facility is not suspected of negatively impacting the project site at this time.

### **Former Retail Facility**

The former T-Shirt Connection/SLT Redevelopment Agency facility, 4054 Lake Tahoe Boulevard, is listed on the Lahontan RWQCB LUST database. According to the Lahontan RWQCB GeoTracker website, the facility received a no further action status on September 18, 2003. Based on the information reviewed, this facility is not suspected of negatively impacting the project site at this time.

### **Former U.S. Post Office**

The former Post Office facility at 3962 Lake Tahoe Boulevard is listed on the Lahontan RWQCB LUST database. According to the Lahontan RWQCB GeoTracker website, the facility received a no further action status on June 11, 2003. Based on the information reviewed, this facility is not suspected of negatively impacting the project site at this time.

### **Former Caesars Tahoe Hotel and Casino**

The former Caesars Tahoe Hotel and Casino at 55 U.S. Highway 50 is listed on the Nevada Department of Environmental Protection Corrective Actions/Leaking Underground Storage Tanks database (Nevada Division of Environmental Protection [NDEP] 2016). According to the database, a release of total petroleum hydrocarbons (TPH), perchloroethylene (PCE), and benzene, toluene, ethylbenzene, and xylene (BTEX) to groundwater was reported in 1994.

### 3.12.3 Environmental Consequences

#### METHODS AND ASSUMPTIONS

Methods for the impact analysis provided below included a review of applicable laws, permits, and legal requirements pertaining to hazards and hazardous materials, as discussed above, and as applicable to the project alternatives and the project site. Within this framework, existing on-site hazardous materials, wildfire potential, and the potential for other safety or hazardous conditions were reviewed based on site reconnaissance and information available from publicly available hazard and hazardous materials information, site/location and cleanup status information, and other available information. The impact analysis considered potential for changes in the nature, extent, or presence of hazardous conditions to occur on-site as a result of project construction and operation, including increased potential for exposure to hazardous materials and conditions resulting from implementation of the US 50/South Shore Community Revitalization Project. Compliance with applicable federal, state, and local health and safety laws and regulations by residents and businesses would generally protect the health and safety of the public.

Potential effects associated with the project can be classified as either temporary or permanent. Temporary impacts generally include effects associated with construction activities, including the transport, storage, and use of potentially hazardous chemicals and the potential to encounter hazardous wastes during construction. Permanent impacts generally include effects associated with continued use of US 50 for the transport of hazardous materials.

#### SIGNIFICANCE CRITERIA

##### NEPA Criteria

An environmental document prepared to comply with the National Environmental Policy Act (NEPA) must consider the context and intensity of the environmental effects that would be caused by or result from the locally preferred action. Under NEPA, the significance of an effect is used solely to determine whether an Environmental Impact Statement must be prepared. The factors that are taken into account under NEPA to determine the significance of an action in terms of the context and the intensity of its effects are encompassed by the CEQA criteria used for this analysis. No specific factors related to hazards, hazardous materials, or risk of upset are contained in NEPA, Council on Environmental Quality Regulations Implementing NEPA, or Federal Highway Administration NEPA regulations in 23 CFR 771 et seq.

##### TRPA Criteria

TRPA significance criteria related to human health and risk of upset would be violated if a project would:

- ▲ result in creation of any health hazard (excluding mental health);
- ▲ result in exposure of people to potential health hazards; or
- ▲ involve a risk of explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset condition.

##### CEQA Criteria

In accordance with Appendix G of the State CEQA Guidelines, a project is determined to result in a significant impact related to human health if it would do any of the following:

- ▲ create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

- ▲ 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;
- ▲ 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; or
- ▲ expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

## ENVIRONMENTAL EFFECTS OF THE PROJECT ALTERNATIVES

### Impact 3.12-1: Expose people or the environment to hazards because of the routine storage, use, and transport of hazardous materials or from accidental release or upset

Construction activities related to each of the build alternatives could involve the routine storage, use, and transport of hazardous materials typical of road and residential construction projects. Use of hazardous materials would occur in compliance with all local, state, and federal regulations.

NEPA Environmental Consequences: The design features of Alternatives B, C, D, and E would avoid or minimize the exposure of people or the environment to hazards such that no additional mitigation measures are needed or feasible to implement; No Impact for Alternative A

CEQA/TRPA Impact Determinations: Less Than Significant for Alternatives B, C, D, and E; No Impact for Alternative A

Construction of any of the four build alternatives would temporarily increase the regional transportation, use, storage, and disposal of hazardous materials and petroleum products commonly used at construction sites (such as diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals), which could result in accidents or upset of hazardous materials that could create hazards to persons and the environment. However, these types of routine uses are carefully regulated and all materials would be used, stored, and disposed of in accordance with applicable federal, state, and local laws.

In California, transportation of hazardous materials on roadways is regulated by the CHP and Caltrans, and the use of these materials is regulated by DTSC. Standard accident and hazardous materials recovery training and procedures are enforced by the state and followed by private state-licensed, certified, and bonded transportation companies and contractors. Further, pursuant to 40 CFR 112, a spill prevention, containment, and countermeasures plan or, for smaller quantities, a spill prevention and response plan, that identifies BMPs for spill and release prevention and provides procedures and responsibilities for rapidly, effectively, and safely cleaning up and disposing of any spills or releases would be established for the US 50/South Shore Community Revitalization Project. As required under state and federal law, plans for notification and evacuation of site workers and local residents in the event of a hazardous materials release would be in place throughout construction.

In Nevada, transportation of hazardous materials on roadways is regulated by NDMV and the Nevada Highway Patrol (NRS 459.250) and the use of these materials is regulated by NDEP Bureau of Waste Management, Nevada Department of Public Safety Hazmat Permitting Office, and Douglas County Emergency Management Department.

The US 50/South Shore Community Revitalization Project would conform to permit and spill prevention plans prepared under SWRCB Construction General Permit (2009-0009 DWQ) to avoid spills and releases of hazardous materials and wastes. Additionally, all materials would be used, stored, and disposed of in



accordance with applicable federal, state, and local laws including Nev-OSHA, and Nevada's Hazardous Waste Management Program regulations, as well as manufacturer's instructions. Inspections would be conducted to verify consistent implementation of general construction permit conditions and BMPs to avoid and minimize the potential for spills and releases, and the immediate cleanup and response thereto. BMPs include, for example, the designation of special storage areas and labeling, containment berms, coverage from rain, and concrete washout areas.

Construction activity related to the build alternatives would comply with the regulations set forth by these organizations and all materials would be used, stored, and disposed of in accordance with applicable federal, state, and local laws. These existing regulations specify mandatory and prescriptive actions about how to fulfill the regulatory requirements as part of the project definition, leaving little discretion in their implementation.

#### **Alternative A: No Build (No Project)**

With implementation of Alternative A, there would be no construction activities that would involve the use of potentially hazardous materials. Transportation of hazardous materials would reflect existing conditions. Thus, there would be **no impact** for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative B: Triangle (Locally Preferred Action)**

##### **Transportation Improvements**

Construction and operation of the Alternative B transportation improvements would result in the routine storage, use, and transport of hazardous materials. As discussed above, plans would be developed for the project that outline procedures and responsibilities for rapidly, effectively, and safely cleaning up and disposing of any spills or releases, in compliance with federal and state regulations.

No permanent impacts would be associated with use or disposal of hazardous materials during operation of the US 50/South Shore Community Revitalization Project. Transportation of hazardous materials on roadways would be routed to the realigned US 50, which would create the potential for a hazardous materials release in a new area. Implementation of Alternative B is intended to relieve traffic congestion and improve vehicular safety, which could reduce the possibility for traffic accidents that can result in release of hazardous materials that are being transported. Transport of hazardous materials would be regulated, as discussed above, and operation of Alternative B would not appreciably affect the risk associated with upset of hazardous materials during transportation.

Compliance with the various federal, state, and local regulations would minimize the risk of a spill or accidental release of hazardous materials during construction and operation of the Alternative B transportation improvements. The impact to the public and the environment from exposure to hazardous materials would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative B would avoid or minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

##### **Mixed-Use Development including Replacement Housing**

Alternative B includes development of three mixed-use redevelopment sites, which could provide replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). Pursuant to the State of California Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act, California Health and Safety Code, Division 20, Chapter 6.95, Article 1), the future project applicant(s) or subsequent builder(s) of commercial facilities would be required to prepare a Hazardous Materials Business Plan and inventory of hazardous materials, if inventory would exceed threshold quantities of 500 pounds or more of solids, 55 gallons or more of liquids, 200 cubic feet or more of compressed gases, or include extremely hazardous substances. The Hazardous Materials Business Plan would be prepared before occupancy of subject buildings and would include:

- ▲ an inventory of hazardous materials handled;
- ▲ facility floor plans showing where hazardous materials are stored;
- ▲ an emergency response plan; and
- ▲ provisions for employee training in safety and emergency response procedures.

The project applicant would pay fees in effect at the time of payment and would submit the business plan to the El Dorado County Department of Environmental Management, Hazardous Waste Division, for review and approval. Hazardous materials would not be handled in regulated quantities without notification of El Dorado County Department of Environmental Management.

Compliance with the various federal, state, and local regulations would minimize the risk of a spill or accidental release of hazardous materials during construction and operation of the Alternative B mixed-use development sites. The impact to the public and the environment from exposure to hazardous materials would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the mixed-use development sites included in Alternative B would avoid or minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for exposure of the public and the environment to hazards as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure of the public and the environment to hazards at another location would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### Conclusion

For the purposes of CEQA and TRPA, taken as a whole, the Alternative B transportation improvements and mixed-use development, including replacement housing, would result in a **less-than-significant** impact as it relates to the exposure of the public and the environment to hazards.

For the purposes of NEPA, the design features of the transportation improvements and the mixed-use development sites as part of Alternative B would minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

### Alternative C: Triangle One-Way

#### Transportation Improvements

The Alternative C transportation improvements include the project components described above under Alternative B, except that it would split eastbound and westbound directions on US 50 from the Pioneer Trail/US 50 intersection in California to Lake Parkway/US 50 intersection in Nevada. As discussed under Alternative B, compliance with the various federal, state, and local regulations would minimize the risk of a spill or accidental release of hazardous materials during construction and operation of the project. Routine storage, use, and transport of hazardous materials would be regulated, as discussed above, and the potential for release of hazardous materials impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative C would avoid or minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

#### Mixed-Use Development including Replacement Housing

Alternative C includes development of three mixed-use development sites, which could provide replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). As discussed

under Alternative B, compliance with the various federal, state, and local regulations would minimize the risk of a spill or accidental release of hazardous materials during construction and operation of the project. Routine storage, use, and transport of hazardous materials would be regulated, as discussed above, and the potential for release of hazardous materials impact associated with Alternative C would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the mixed-use development sites included in Alternative C would avoid or minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for exposure of the public and the environment to hazards as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure of the public and the environment to hazards at another location would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### Conclusion

For the purposes of CEQA and TRPA, taken as a whole, the Alternative C transportation improvements and mixed-use development, including replacement housing, would result in a **less-than-significant** impact as it relates to the exposure of the public and the environment to hazards.

For the purposes of NEPA, the design features of the transportation improvements and the mixed-use development sites as part of Alternative C would minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

## Alternative D: Project Study Report Alternative 2

### Transportation Improvements

The Alternative D transportation improvements include the project components described above under Alternative B, however, the realigned US 50 would proceed east on a new roadway between existing Echo Road and Fern Road, as opposed to the existing Moss Road. As discussed under Alternative B, compliance with the various federal, state, and local regulations would minimize the risk of a spill or accidental release of hazardous materials during construction and operation of the project. Routine storage, use, and transport of hazardous materials would be regulated, as discussed above, and the potential for release of hazardous materials impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative D would avoid or minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

### Mixed-Use Development including Replacement Housing

Alternative D includes development of three mixed-use development sites, which could provide replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). As discussed under Alternative B, compliance with the various federal, state, and local regulations would minimize the risk of a spill or accidental release of hazardous materials during construction and operation of the project. Routine storage, use, and transport of hazardous materials would be regulated, as discussed above, and the potential for release of hazardous materials impact associated with Alternative D would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the mixed-use development sites included in Alternative D would avoid or minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for exposure of the public and the environment to hazards as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure of the public and the environment to hazards at another location would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### Conclusion

For the purposes of CEQA and TRPA, taken as a whole, the Alternative D transportation improvements and mixed-use development, including replacement housing, would result in a **less-than-significant** impact as it relates to the exposure of the public and the environment to hazards.

For the purposes of NEPA, the design features of the transportation improvements and the mixed-use development sites as part of Alternative D would minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

### Alternative E: Skywalk

Alternative E would involve construction of a concrete bridge over the entire width and length of the existing US 50 right-of-way (ROW) between Stateline Avenue and the northeastern end of Montbleu Resort that would serve pedestrians as a “skywalk” walkway along the casino corridor. Construction activities would occur at the same locations and at a similar intensity as under Alternative B. Therefore, compliance with the various federal, state, and local regulations would minimize the risk of a spill or accidental release of hazardous materials during construction and operation of the project, and the potential for release of hazardous materials impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of Alternative E would avoid or minimize the exposure of the public and the environment to hazards such that no additional mitigation measures are needed or feasible to implement.

## Impact 3.12-2: Exposure to recognized environmental conditions

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The transportation improvements could affect properties that are included on a list of hazardous materials sites. The project site is located in an area with a moderate to high potential for naturally-occurring radon gas, exposure to which has the potential to cause lung cancer. In addition, ADL could be present on and near roadway shoulders. Although the project incorporates best management practices, avoidance measures, and regulatory compliance, through construction of the project, it would be possible that previously unidentified contaminants, such as radon gas or ADL, could be disturbed or encountered by residents and workers. Although the project incorporates best management practices, avoidance measures, and regulatory compliance to reduce the potential for adverse effects, there is a risk of exposure of residents to radon gas and workers to ADL or other unknown contaminants.

NEPA Environmental Consequences: Mitigation Measures 3.12-2a, 3.12-2b, 3.12-2c, and 3.12-2d have been incorporated into Alternatives B, C, D, and E to further reduce to the extent feasible the potential for exposure to recognized environmental conditions; No Impact for Alternative A

CEQA/TRPA Impact Determinations: Less Than Significant for Alternatives B, C, D, and E after implementation of Mitigation Measures 3.12-2a, 3.12-2b, 3.12-2c, and 3.12-2d; No Impact for Alternative A

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Temporary impacts could occur if construction were to affect sites of known contamination or inadvertently disturb other hazardous materials or wastes in a manner that could release hazardous materials into the environment, or expose construction workers or nearby sensitive receptors to hazardous conditions. Six

RECs have been identified within or immediately adjacent to the project site. Five of these sites have all undergone remediation and are not expected to present a substantial hazard to construction. No soil contamination is known or suspected in the project site and, although the potential for groundwater contamination is currently under evaluation at two sites (Tahoe Tom's Gas Station and Caesars Tahoe Hotel and Casino), the potential for contaminated groundwater within the project site is low. Other hazardous materials potentially encountered during demolition of existing structures and project construction could include asbestos, lead-based paint and other coatings, ADL, heavy metals, polychlorinated biphenyls, and vapor encroachment conditions. Surveys for and removal of these substances are regulated. The project site could also be affected by undocumented contamination that has not been characterized or remediated and could, therefore, create a hazard to people or the environment.

## **Recognized Environmental Conditions**

### **Gas Station Facilities**

The Tahoe Tom's Gas Station facility, 4029 Lake Tahoe Boulevard, is listed on the Lahontan RWQCB Leaking Underground Storage Tank (LUST) database. According to a Denial to Rescind April 23, 1997, No Further Action letter, dated January 18, 2007, two releases have occurred at the facility. The first released occurred in 1989 and a no further action status was granted for the release on April 23, 1997. A second release was discovered in 1998 and on-going monitoring assessment is being conducted for that release. According to a Second Quarter 2014 Quarterly Monitoring Report, dated May 30, 2014, MTBE impacted groundwater extends to the west of the facility and the direction of groundwater flow was reported to be to the south, toward Park Avenue. Based on the information reviewed, off-site concerns are noted from potential petroleum hydrocarbon impacted soils at the facility.

The former Shell Service Station facility at 3953 Lake Tahoe Boulevard (now a vacant site) is listed on the Lahontan RWQCB LUST database. According to a Lahontan RWQCB letter, dated November 8, 2004, the facility received a no further action status. Based on the information review during this assessment, this former facility is not suspected of contaminating the project site at this time.

The former Tosco #3553 facility at 4115 Lake Tahoe Boulevard is listed on the Lahontan RWQCB LUST database. According to a Lahontan RWQCB letter, dated March 1, 2005, the facility received a no further action status. The property has been redeveloped with the Chateau development that includes shops and restaurants. Based on the information reviewed during this assessment, this facility is not suspected of contaminating the project site at this time.

### **Former Retail Facility**

The former T-Shirt Connection/SLT Redevelopment Agency facility, 4054 Lake Tahoe Boulevard, is listed on the Lahontan RWQCB LUST database. According to the Lahontan RWQCB GeoTracker website, the facility received a no further action status on September 18, 2003. Based on the information reviewed, this facility is not suspected of contaminating the project site at this time.

### **Former U.S. Post Office**

The former Post Office facility at 3962 Lake Tahoe Boulevard is listed on the Lahontan RWQCB LUST database. According to the Lahontan RWQCB GeoTracker website, the facility received a no further action status on June 11, 2003. Based on the information reviewed, this facility is not suspected of contaminating the project site at this time.

### **Former Caesars Tahoe Hotel and Casino**

The former Caesars Tahoe Hotel and Casino at 55 U.S. Highway 50 is listed on the Nevada Department of Environmental Protection Corrective Actions/Leaking Underground Storage Tanks database (NDEP 2016). According to the database, a release of TPH, PCE, and BTEX to groundwater was reported in 1994. Based on the information reviewed, off-site groundwater contamination could be a concern from the release of TPH, PCE, and BTEX at this location, if construction activities extend below the existing ground surface.

## Disturbance of Materials Containing Asbestos, Lead, or other Hazardous Materials

Existing features within the project site are believed to contain hazardous materials, including asbestos, lead, and heavy metals—primarily because many of the existing structures were constructed before the use of these materials was known to cause health concerns and, therefore, became regulated. Demolition of structures and roadways could result in inadvertent release or improper disposal of debris containing potentially hazardous materials; however, federal, state, and local regulations have been developed to address potential impacts related to the handling and disposal of hazardous materials during demolition. Potential impacts can be minimized through adherence to regulatory standards that prescribe specific methods of material characterization and handling. Specific actions incorporated into the build alternatives include the following:

- ▲ **Aerially deposited lead.** Exposed soils adjacent to existing roadways may contain elevated levels of lead. Surveying and sampling would be required to determine presence.
- ▲ **Asbestos.** All structures requiring demolition would be tested for the presence of asbestos-containing materials. Any asbestos would be removed and disposed of by an accredited contractor in compliance with federal, state, and local regulations (including the Toxic Substances Control Act and the National Emission Standard for Hazardous Air Pollutants). Compliance with these regulations would result in the safe disposal of asbestos-containing materials.
- ▲ **Lead-based paint or other coatings.** A survey for indicators of lead-based coatings would be conducted before demolition to further characterize the presence of lead on the project site. For the purposes of compliance with Cal-OSHA regulations, all coated surfaces would be assumed to potentially contain lead. There is also a potential for soil contamination because of deposition of deteriorated (i.e., flaked, peeled, chipped) lead-based paint adjacent to structures where lead-based exterior paints were used. Loose or peeling paint may be classified as a hazardous waste if concentrations exceed total threshold limits. Cal-OSHA regulations require air monitoring, special work practices, and respiratory protection during demolition where even small amounts of lead have been detected.
- ▲ **Vapor encroachment conditions.** If future properties include human occupancy of habitable structures, a screening for VEC should be performed, based on the type of facility, the information regarding the type of contaminant and groundwater flow, and the distance from the contaminant to the property. The screening would indicate if a full VEC study would be necessary; the study would then determine appropriate remediation as needed.
- ▲ **Heavy metals and polychlorinated biphenyls.** Spent fluorescent light bulbs and ballasts, thermostats, and other electrical equipment may contain heavy metals, such as mercury, or polychlorinated biphenyls. If concentrations of these metals exceed regulatory standards, they must be handled as hazardous waste in accordance with hazardous waste regulations.

Hazardous waste would be transported and disposed in compliance with applicable federal, state, and local regulations, including the federal Hazardous Materials Transportation Act.

## Inadvertent Disturbance of Hazardous Materials or Wastes

The disturbance of undocumented hazardous wastes could also result in hazards to the environment and human health. Adverse impacts could result if construction activities inadvertently disperse contaminated material into the environment. For example, soils containing PCBs could be disturbed during site grading. Potential hazards to human health include ignition of flammable liquids or vapors, inhalation of toxic vapors in confined spaces such as trenches, and skin contact with contaminated soil or water. In addition, inadvertent disturbance of asbestos in structures and underground utilities could result in airborne asbestos fibers.

**Alternative A: No Build (No Project)**

With implementation of Alternative A, no construction activities would occur that could disturb hazardous sites. No new structures would be constructed and no existing structures would be removed. Thus, there would be **no impact** from exposure to environmental contaminants for the purposes of NEPA, CEQA, and TRPA.

**Alternative B: Triangle (Locally Preferred Action)****Transportation Improvements**

Construction and operation of the Alternative B transportation improvements would result in the full or partial acquisition of 99 parcels, and the demolition of associated buildings and other structures on the 42 parcels that would be fully acquired. Although there would be no direct adverse impact on the Tahoe Tom's Gas Station facility, the alternative does include roadwork near the station; activities would be limited to sidewalk improvements just south of the facility. Concerns are noted from potential petroleum-affected soils located along Park Avenue at the Tahoe Tom's Gas Station facility and potentially impacted groundwater at the former Caesars Tahoe Hotel and Casino. The structures contributing to the listing for the Shell Service Station facility, Tosco facility, former T-Shirt Connection, or former U.S. Post Office facility have been removed and, as discussed above, no evidence suggests that these sites present a current hazard within the project site.

Underground utilities, existing roadways, and the structures to be demolished could contain asbestos and lead-based paints and coatings that require special consideration during demolition and may have affected surrounding soils. Surface soils along US 50 could also contain ADL. The project site could also be affected by undocumented contamination that has not been characterized or remediated. Therefore, this is a **potentially significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into the transportation improvements included in Alternative B to further reduce to the extent feasible the environmental consequences related to the potential for exposure to RECs.

**Mixed-Use Development including Replacement Housing**

Alternative B includes the redevelopment of three mixed-use redevelopment sites, which could include replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). Use of the three sites would require additional parcel acquisitions beyond that required for the transportation improvements. Certain hazardous materials and conditions present an elevated risk to residential populations.

Vapor encroachment occurs when volatile chemicals migrate from contamination in the soil or groundwater up into a building's interior space. Vapor encroachment can pose a potential health threat to the occupants of the building, especially to sensitive populations such as children. Vapor encroachment can be caused by contamination on-site or off-site from a property. The ISA performed for the project recommended that screening for VEC should be performed if residential properties were to be developed.

The project is located in an area with a moderate to high potential for naturally-occurring radon gas. Radon gas can be released from underlying soil and rock into houses and become concentrated in interior spaces without adequate ventilation, which has the potential to cause lung cancer.

Incorporation of standard best management practices into the project, along with coordination with regulatory agencies, would reduce the potential for adverse effects that could result from construction on known contaminated sites. However, the project site could be affected by undocumented contamination that has not been characterized or remediated, and construction of utility lines and transportation improvements along US 50 could result in exposure of workers to ADL. Furthermore, because of the potential for naturally-occurring radon gas in the region, there is a risk of elevated radon levels inside project residences or

structures; VECs are also a concern in residential properties. Therefore, this is a **potentially significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into the construction of the Alternative B mixed-use development sites to further reduce to the extent feasible the potential for exposure to RECs.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for exposure to RECs as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure to RECs at another location would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative B transportation improvements and mixed-use development, including replacement housing, would result in a **potentially significant** impact as it relates to the potential for exposure to RECs.

For the purposes of NEPA, additional mitigation measures have been incorporated into the Alternative B transportation improvements and mixed-use development sites to further reduce to the extent feasible the environmental consequences related to the potential for exposure to RECs.

### **Alternative C: Triangle One-Way**

#### **Transportation Improvements**

The Alternative C transportation improvements include the same components described above under Alternative B, except that it would split eastbound and westbound directions on US 50 from the Pioneer Trail/US 50 intersection in California to Lake Parkway/US 50 intersection in Nevada. Construction and operation of Alternative C would result in the full or partial acquisition of 97 parcels and the demolition of associated buildings and other structures on the 40 parcels that would be fully acquired. As discussed under Alternative B, incorporation of standard best management practices and avoidance measures into the project, and coordination with regulatory agencies would reduce the potential for adverse effects that could result from construction on known contaminated sites. However, the project site could be affected by documented contamination at the site of the former Caesars Tahoe Hotel and Casino and undocumented contamination that has not been characterized or remediated, and construction of utility lines and transportation improvements along US 50 could result in exposure of workers to ADL. Construction activities would occur at the same locations and at a similar intensity as under Alternative B. Therefore, Alternative C has the potential to increase exposure of people or structures to RECs, and this impact is considered **potentially significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into the transportation improvements included in Alternative C to further reduce to the extent feasible the environmental consequences related to the potential for exposure to RECs.

#### **Mixed-Use Development including Replacement Housing**

Alternative C includes the development of three mixed-use development sites, which could provide replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). As discussed under Alternative B, the mixed-use development could expose people to additional hazardous conditions. Due to the potential for naturally-occurring radon gas in the region, there is a risk of elevated radon levels inside project residences or structures. VECs are also a concern in residential properties. Construction activities and the mixed-use development would occur at the same locations and at a similar intensity as under Alternative B. Therefore, Alternative C has the potential to increase exposure of people or structures to RECs, and this impact is considered **potentially significant** for the purposes of CEQA and TRPA.



For the purposes of NEPA, additional mitigation measures have been incorporated into the construction of the Alternative C mixed-use development sites to further reduce to the extent feasible the potential for exposure to RECs.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for exposure to RECs as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure to RECs at another location would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### Conclusion

For the purposes of CEQA and TRPA, taken as a whole, the Alternative C transportation improvements and mixed-use development, including replacement housing, would result in a **potentially significant** impact as it relates to the potential for exposure to RECs.

For the purposes of NEPA, additional mitigation measures have been incorporated into the Alternative C transportation improvements and mixed-use development sites to further reduce to the extent feasible the environmental consequences related to the potential for exposure to RECs.

## Alternative D: Project Study Report Alternative 2

### Transportation Improvements

The Alternative D transportation improvements include the project components described above under Alternative B; however, the realigned US 50 alignment would proceed east on a new roadway between existing Echo Road and Fern Road, as opposed to Moss Road. Construction and operation of Alternative D would result in the full or partial acquisition of 78 parcels and the demolition of associated buildings and other structures on the 37 parcels that would be fully acquired. As discussed under Alternative B, incorporation of standard best management practices and avoidance measures into the project, and coordination with regulatory agencies would reduce the potential for adverse effects that could result from construction on known contaminated sites. However, the project site could be affected by documented contamination at the site of the former Caesars Tahoe Hotel and Casino and undocumented contamination that has not been characterized or remediated, and construction of utility lines and transportation improvements along US 50 could result in exposure of workers to ADL. Construction activities would occur at the same locations and at a similar intensity as under Alternative B. Therefore, Alternative D has the potential to increase exposure of people or structures to RECs, and this impact is considered **potentially significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into the transportation improvements included in Alternative D to further reduce to the extent feasible the environmental consequences related to the potential for exposure to RECs.

### Mixed-Use Development including Replacement Housing

Alternative D includes the development of three mixed-use development sites, which could provide replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). As discussed under Alternative B, the mixed-use development sites could expose people to additional hazardous conditions. Due to the potential for naturally-occurring radon gas in the region, there is a risk of elevated radon levels inside project residences or structures. VECs are also a concern in residential properties. Construction activities and the mixed-use development would occur at the same locations and at a similar intensity as under Alternative B. Therefore, Alternative D has the potential to increase exposure of people or structures to RECs, and this impact is considered **potentially significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into the construction of the Alternative D mixed-use development sites to further reduce to the extent feasible the potential for exposure to RECs.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for exposure to RECs as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure to RECs at another location would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

#### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative D transportation improvements and mixed-use development, including replacement housing, would result in a **potentially significant** impact as it relates to the potential for exposure to RECs.

For the purposes of NEPA, additional mitigation measures have been incorporated into the Alternative D transportation improvements and mixed-use development sites to further reduce to the extent feasible the environmental consequences related to the potential for exposure to RECs.

#### **Alternative E: Skywalk**

Alternative E would involve construction of a concrete bridge over the entire width and length of the existing US 50 ROW between Stateline Avenue and the northeastern end of the Montbleu Resort that would serve pedestrians as a “skywalk” walkway along the casino corridor. As discussed under Alternative B, incorporation of standard best management practices and avoidance measures into the project, and coordination with regulatory agencies would reduce the potential for adverse effects that could result from construction on known contaminated sites. However, the project site could be affected by documented contamination at the site of the former Caesars Tahoe Hotel and Casino and undocumented contamination that has not been characterized or remediated, and construction of utility lines and transportation improvements along US 50 could result in exposure of workers to ADL. Therefore, this is a **potentially significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into Alternative E to further reduce to the extent feasible the environmental consequences related to the potential for exposure to RECs.

### **Impact 3.12-3: Exposure of people or structures to a significant risk of loss, injury, or death involving wildfires**

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Implementation of all of the build alternatives would result in construction activities associated with the proposed transportation improvements and mixed-use development, including replacement housing. There would be a temporary, elevated risk of accidental ignition of a wildland fire, because of increased construction activity in a forested area that has a moderate to very high fire hazard; however, standard construction practices include provisions to avoid ignitions, so the probability of starting a wildland fire would be very low. Implementation of Alternatives B, C, and D also includes three mixed-use development sites, which could provide replacement housing as well as other commercial uses (e.g., retail, restaurant). The mixed-use development could be exposed to potential risk of wildfire because of the siting of mixed-use development within an area containing very high risk of wildfire.

NEPA Environmental Consequences: The design features of Alternatives B, C, and D would avoid or minimize the potential to increase exposure of people or structures to wildland fire; No Impact for Alternatives A and E

CEQA/TRPA Impact Determinations: Less Than Significant for Alternatives B, C, and D; No Impact for Alternatives A and E

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The US 50/South Shore Community Revitalization Project is located in two states that use different systems for determining wildland fire threat. In the California portion of the project site, wildland fire hazard threat is

moderate, high, and very high. In the Nevada portion of the project site, the fire hazard threat is moderate. Additionally, the project site is within a WUI in which there is an existing increased likelihood of ignition.

#### **Alternative A: No Build (No Project)**

With implementation of Alternative A, no construction activities would occur that could increase ignition risk or fuel loading or place people or structures in an area containing moderate to very high FHSZ. There would be **no impact** from the risk of wildfire for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative B: Triangle (Locally Preferred Action)**

##### **Transportation Improvements**

Implementation of the Alternative B transportation improvements would result in the use of construction vehicles and equipment within portions of a vegetated and forested area with a moderate to very high fire hazard. Construction activities associated with road construction and the pedestrian bridge to Van Sickle, and intersection, bicycle, and pedestrian improvements would include activities such as excavation, grading, vegetation removal, demolition of existing structures, structure erection, laying of concrete and asphalt, finishing, and cleanup. Heat or sparks from construction vehicles or equipment activity could ignite dry vegetation and cause a fire. However, construction activities would be required to adhere to International Building Code standards and City of South Lake Tahoe, El Dorado County, and Douglas County Code standards for fire prevention during construction activities, which require that fire prevention practices be followed and that basic fire suppression equipment be maintained within the project site limits at all times. Removal of woody vegetation from the ROW and staging areas, and the demolition of structures identified in Chapter 2, "Proposed Project and Project Alternatives," would occur during the first phases of construction and could further reduce the potential for ignition of wildland fire during the remaining construction phases. In addition, construction activities would not increase fuel loading in the Tahoe Region or reduce defensible space. In fact, the US 50/South Shore Community Revitalization Project has been designed to ease congestion on US 50 through the Stateline area, potentially easing evacuation of the area in the event of a major hazard and improving access for emergency crews.

The realignment of US 50 would be a source of ignition risk because of cigarette butts or accidents along the southeast portion of the project site, which includes Van Sickle Bi-State Park. However, this risk currently exists from drivers using Montreal Road and Lake Parkway. Additionally, this area received fuels reduction and forest health treatments by the California Tahoe Conservancy under the supervision of a registered professional forester and in accordance with the terms of a TRPA Forest Health and Fuels Reduction Permit between December 2013 and spring 2014 to reduce some of the hazardous fuels that could contribute to a wildfire. Therefore, the potential for Alternative B to increase exposure of people or structures to wildland fire would be considered a **less-than-significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative B would avoid or minimize the potential to increase exposure of people or structures to wildland fire such that no additional mitigation measures are needed or feasible to implement.

##### **Mixed-Use Development including Replacement Housing**

Alternative B includes the redevelopment of three mixed-use development sites, which could provide replacement housing for displaced residents, as well as commercial uses (e.g., retail, restaurant). The potential for ignition risk associated with construction of the mixed-use development would be similar to that described above for the Alternative B transportation improvements. The ignition risk associated with construction of the mixed-use development sites would be minimized similarly to that described above for Alternative B. People and structures occupying the mixed-use development sites would be exposed to the risk of wildfires similar to existing levels of severity in the surrounding neighborhood. The residential buildings would incorporate fire-resistant roofs, fire suppression systems, fire-resistant vegetation, and defensible space in accordance with the requirements of the City of South Lake Tahoe. Additionally, as identified in Impact 3.5-6, adequate fire protection services are available to serve the site. Because the mixed-use development sites are located in an area that is characterized with Very High FHSZ and that

currently includes housing units and hotel/motels, construction of the mixed-use development would not change existing conditions related to wildland fire hazards. In fact, wildland fire threat to these structures could be reduced after the new construction because it would include new fire-resistant roofing and updated fire suppression systems, as required by City of South Lake Tahoe General Plan Policy HS-2.1. Furthermore, implementation of Alternative B would not substantially increase the number of residents in this neighborhood residing in a Very High FHSZ, because the new residential construction is intended to provide replacement housing for residents that already live in Very High FHSZ areas.

With implementation of Alternative B, although there would be elevated levels of mechanical equipment activity in a forested area that has a very high fire hazard, the potential for standard construction practices to result in wildland fire would be very low. The mixed-use development sites and associated residents would be exposed to significant risk of loss, injury, or death involving wildland fires similar to the existing risk in the surrounding neighborhood. Additionally, the project site is adequately served by fire protection services. This, along with fire-resistant building materials, defensible space, fire-resistant vegetation and strategic planting, and installation of a fire suppression system incorporated into the design of the project, reduces the risks associated with wildland fires. Therefore, the potential for Alternative B to increase exposure of people or structures to wildland fire would be considered a **less-than-significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the mixed-use development sites included in Alternative B would avoid or minimize the potential to increase exposure of people or structures to wildland fire such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential to increase exposure of people or structures to wildland fire as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure of people or structures to wildland fire would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative B transportation improvements and mixed-use development, including replacement housing, would result in a **less-than-significant** impact as it relates to the exposure of people or structures to wildland fire.

For the purposes of NEPA, the design features of the transportation improvements and the mixed-use development sites as part of Alternative B would minimize the exposure of people or structures to wildland fire.

### **Alternative C: Triangle One-Way**

#### **Transportation Improvements**

The Alternative C transportation improvements includes the same project components described above under Alternative B, except that it would split eastbound and westbound directions on US 50 from the Pioneer Trail/US 50 intersection in California to Lake Parkway/US 50 intersection in Nevada. As discussed under Alternative B, although there would be elevated levels of mechanical equipment activity in a forested area that has a very high fire hazard, the potential for standard construction practices to result in wildland fire would be low. Construction activities and the transportation improvements would occur at the same locations and at a similar intensity as under Alternative B. Therefore, the potential for Alternative C to increase exposure of people or structures to wildland fire would be considered a **less-than-significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into the transportation improvements included in Alternative C to further reduce to the extent feasible the environmental consequences related to the potential for exposure of people or structures to wildland fire.

#### **Mixed-Use Development including Replacement Housing**

Alternative C includes the redevelopment of three mixed-use development sites, which could provide replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). As discussed under Alternative B, the mixed-use development sites would pose a potential fire ignition risk during construction and expose people and structures to the risk of wildfires similar to the type of risk to people and structures that currently exists in the surrounding neighborhood. Construction activities and the mixed-use development sites would occur at the same locations and at a similar intensity as under Alternative B. Therefore, the potential for Alternative C to increase exposure of people or structures to wildland fire would be considered a **less-than-significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the mixed-use development sites included in Alternative C would avoid or minimize the potential to increase exposure of people or structures to wildland fire such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential to increase exposure of people or structures to wildland fire as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure of people or structures to wildland fire would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

#### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative C transportation improvements and mixed-use development, including replacement housing, would result in a **less-than-significant** impact as it relates to the exposure of people or structures to wildland fire.

For the purposes of NEPA, the design features of the transportation improvements and the mixed-use development sites as part of Alternative C would minimize the exposure of people or structures to wildland fire.

#### **Alternative D: Project Study Report Alternative 2**

##### **Transportation Improvements**

The Alternative D transportation improvements include the same project components described above under Alternative B; however, the realigned US 50 would proceed east on a new roadway between existing Echo Road and Fern Road, as opposed to the existing Moss Road. As discussed under Alternative B, although there would be elevated levels of mechanical equipment activity in a forested area that has a very high fire hazard, the potential for standard construction practices to result in wildland fire would be low. Construction activities and the transportation improvements would occur at the same locations and at a similar intensity as under Alternative B. Therefore, the potential for Alternative D to increase exposure of people or structures to wildland fire would be considered a **less-than-significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, additional mitigation measures have been incorporated into the transportation improvements included in Alternative D to further reduce to the extent feasible the environmental consequences related to the potential for exposure of people or structures to wildland fire.

##### **Mixed-Use Development including Replacement Housing**

Alternative D includes the redevelopment of three mixed-use development sites, which could provide replacement housing for displaced residents as well as other commercial uses (e.g., retail, restaurant). As

discussed under Alternative B, the mixed-use development sites would pose a potential fire ignition risk during construction and expose people and structures to the risk of wildfires similar to the type of risk to people and structures that currently exists in the surrounding neighborhood. Construction activities and the mixed-use development sites would occur at the same or similar locations and at a similar intensity as under Alternative B. Therefore, the potential for Alternative D to increase exposure of people or structures to wildland fire would be considered a **less-than-significant** impact for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the mixed-use development sites included in Alternative D would avoid or minimize the potential to increase exposure of people or structures to wildland fire such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential to increase exposure of people or structures to wildland fire as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential for exposure of people or structures to wildland fire would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

#### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative D transportation improvements and mixed-use development, including replacement housing, would result in a **less-than-significant** impact as it relates to the exposure of people or structures to wildland fire.

For the purposes of NEPA, the design features of the transportation improvements and the mixed-use development sites as part of Alternative D would minimize the exposure of people or structures to wildland fire.

#### **Alternative E: Skywalk**

Alternative E would construct a concrete bridge over the entire width and length of the existing US 50 ROW between Stateline Avenue and the northern end of the Montbleu Resort that would serve pedestrians as a “skywalk” walkway along tourist core near the resort-casinos. Construction activities would occur in an isolated portion of the project site and in area free of forested areas. Therefore, Alternative E would have **no impact** related to increasing the exposure of people or structures to wildland fire for the purposes of NEPA, CEQA, and TRPA.

### **3.12.4 Avoidance, Minimization, and/or Mitigation Measures**

#### **Mitigation Measure 3.12-2a: Conduct surveys for asbestos-containing materials, aerially deposited lead, and lead-based paints and coatings**

*This mitigation would apply to the transportation improvements and mixed-use development sites associated with Alternatives B, C, and D, and Alternative E for the purposes of NEPA, CEQA, and TRPA.*

1. Demolition of buildings and roadways containing asbestos and lead-based materials shall require specialized procedures and equipment, and appropriately certified personnel, as detailed in the applicable regulations. Buildings and roadways intended for demolition that were constructed before 1980 shall be surveyed for asbestos, while those constructed before 1971 shall be surveyed for lead.

Prior to construction, all existing road right-of-ways in the project site shall be surveyed for lead contamination because of ADL and use of paint and coatings containing lead. All sampling shall be conducted consistent with applicable Caltrans and NDMV requirements.

2. A demolition plan shall be prepared for any location with positive results for asbestos or lead. The plan will specify how to appropriately contain, remove, and dispose of the asbestos and lead-containing material while meeting all requirements and BMPs to protect human health and the environment. A lead compliance plan shall be prepared by a Certified Industrial Hygienist (consistent with the requirements of Caltrans' SSP 14-11.07).

Prior to demolition, the project applicant shall submit the written plan to the El Dorado County Department of Environmental Management, Hazardous Waste Division, describing the methods to be used to, including, but not limited to, the following: (a) identify locations that could contain hazardous residues; (b) remove plumbing fixtures known to contain, or potentially containing, hazardous materials; (c) determine the waste classification of the debris; (d) package contaminated items and wastes; and (e) identify disposal site(s) permitted to accept such wastes. Demolition shall not occur until the plan has been accepted by the El Dorado County Department of Environmental Management, Hazardous Waste Division and all potentially hazardous components have been removed to the satisfaction of El Dorado County Environmental Health Department staff. The project applicant shall also provide written documentation to the County that lead-based paint and asbestos testing and abatement, as appropriate, have been completed in accordance with applicable state and local laws and regulations. Lead abatement shall include the removal of lead-contaminated soil (i.e., soil with lead concentrations greater than 400 parts per million).

3. Prior to ground disturbance of any soils adjacent to the Tahoe Tom's Gas Station facility, soil samples shall be collected from the proposed construction footprint at this location to evaluate potential impacts from a petroleum hydrocarbon release that was discovered in 1998. Based on the results of the sampling, and consistent with standard industry practice, remediation measures shall be developed and implemented to the satisfaction of the El Dorado County Department of Environmental Management, Hazardous Waste Division.

### **Mitigation Measure 3.12-2b: Prepare a construction hazardous materials management plan**

*This mitigation would apply to the transportation improvements and mixed-use development sites associated with Alternatives B, C, and D, and Alternative E for the purposes of NEPA, CEQA, and TRPA.*

A construction hazardous materials management plan shall be developed to address potentially contaminated soil, contaminated groundwater, lead-based paint, and asbestos-containing materials that may be encountered during project construction activities. The construction hazardous materials management plan shall include provisions for agency notification, managing contaminated materials, sampling and analytical requirements, and disposal procedures. The plan shall include identification of construction site BMPs to minimize the potential for water quality impacts.

The construction hazardous materials management plan shall cover, at a minimum, the following:

- ▲ petroleum hydrocarbon-contaminated soils and/or groundwater that may be encountered during project construction activities in areas where construction depths exceed 2 feet below ground surface (bgs) in the vicinity of the RECs described above;
- ▲ soils identified by the ADL surveys as being contaminated by lead within survey area ROWs;
- ▲ materials identified by the lead-based paint and asbestos-containing materials surveys as contaminated by lead-based paint and asbestos-containing materials within bridge, pipe, and building materials;
- ▲ guidance for relocation, removal, or repair of hazardous materials storage facilities (USTs or ASTs) that are affected by project construction; and
- ▲ information on assessment and potential handling of contaminated soils found during relocation.

The plan shall include procedures to stop work if evidence of potential hazardous materials or contamination of soils or groundwater is encountered during construction, including the applicable requirements of the Comprehensive Environmental Response, Compensation, and Liability Act and CCR Title 22 regarding the disposal of wastes.

### **Mitigation Measure 3.12-2c: Conduct radon investigation and implement radon-resistant construction techniques**

*This mitigation would apply to mixed-use development sites associated with Alternatives B, C, and D for the purposes of NEPA, CEQA, and TRPA.*

Prior to the occupancy of housing units associated with the three future mixed-use development sites, the applicant or construction manager shall retain a licensed radon contractor to determine if radon is detected beyond the 4 pCi/L threshold. If the amount of radon exceeds the established threshold, the applicant shall retain a licensed radon contractor to reduce the radon in the affected residences to below the established threshold. Methods include, but are not limited to, the soil suction radon reduction system, which entails the installation of a vent pipe system and fan that pull radon from beneath the house and vent it to the outside. The radon contractor shall develop clear instructions for proper maintenance of the radon monitoring systems that would be installed in each residence, as well as the radon monitoring and reduction system, if required. The property disclosure statements shall indicate that the site is within an area with a moderate potential for indoor radon levels.

### **Mitigation Measure 3.12-2d: Conduct screening for VECs and, if necessary, conduct sampling and develop and implement remediation measures**

*This mitigation would apply to the mixed-use development sites associated with Alternatives B, C, and D for the purposes of NEPA, CEQA, and TRPA.*

Prior to ground disturbance on any parcel intended for human occupancy, the applicant or construction manager shall retain an Environmental Professional as defined in 40 CFR Section 312.10 to perform a screening-level VEC evaluation based on the type of facility, information regarding the type of contaminant and groundwater flow, and the distance from the contaminant to the property to determine whether further study and sampling is warranted. If recommended by the screening, sampling shall be designed and conducted in coordination with DTSC and the CUPA, as appropriate. Based on the results of the sampling, and consistent with standard industry practice, remediation measures shall be developed and implemented to the satisfaction of the appropriate approval agency before building occupancy.

#### **Significance after Mitigation**

Implementation of Mitigation Measures 3.12-2a, 3.12-2b, 3.12-2c, and 3.12-2d would require that asbestos-containing building materials, lead-based paint, and other hazardous substances in building components are identified, removed, packaged, and disposed of in accordance with applicable state laws and regulations. This would minimize the risk of an accidental release of hazardous substances that could adversely affect human health or the environment. This would substantially reduce the potential hazards to construction personnel and the public from encountering documented or undocumented hazardous materials, including ADL and radon, to a **less-than-significant** level for all the build alternatives for the purposes of CEQA and TRPA.

Because of the reasons stated above, for the purposes of NEPA, the environmental consequences of implementing the build alternatives with Mitigation Measures 3.12-2a, 3.12-2b, 3.12-2c, and 3.12-2d **would not be adverse**.