



## **COLORADO'S POWER PATHWAY**

**WASHINGTON COUNTY 1041 REGULATIONS**

**AREA AND ACTIVITIES OF STATE INTEREST  
PERMIT APPLICATION**

**JULY 2022**

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## LIST OF ACRONYMS AND ABBREVIATIONS

1041 Permit	Permit for Site Selection and Construction of Major Facilities of a Public Utility
APEN	Air Pollutant Emissions Notice
Application	1041 Permit Application
BMP	Best Management Practice
IEEE	Institute of Electrical and Electronics Engineers
NESC	National Electrical Safety Code
NERC	North American Electric Reliability Corporation
Pathway	Colorado's Power Pathway
USR Permit Application	Use by Special Review Permit Application
USR	Use by Special Review
Washington County §1041 Regulations	Washington County Regulations for Areas and Activities of State Interest
Xcel Energy	Public Service Company of Colorado, a Colorado corporation doing business as Xcel Energy



## 1 INTRODUCTION

Public Service Company of Colorado, a Colorado corporation doing business as Xcel Energy (Xcel Energy), proposes to construct, maintain, and operate Colorado's Power Pathway (Pathway) in eastern Colorado. On June 30, 2022, Xcel Energy submitted to Washington County a Use by Special Review permit application for the Pathway transmission line in Washington County (USR Permit Application) in accordance with Washington County's Use By Special Review Regulations (USR). After discussions with Washington County's attorney, Xcel Energy learned that additional land use approvals were required for the Pathway transmission line in Washington County. Accordingly, in addition to the USR Permit Application Xcel Energy is submitting this 1041 permit application (Application) for a permit for site selection and construction of major facilities of a public utility (1041 permit) pursuant to Chapter 3 of the Regulations for Areas and Activities of State Interest of Washington County (Washington County 1997; Washington County §1041 Regulations) for the Pathway transmission line in Washington County. This Application addresses each requirement of the Washington County §1041 Regulations. Because detailed information about the Pathway transmission line in Washington County was provided with the USR Permit Application, to reduce duplication of materials and streamline review, this Application cross references the materials provided in the USR Permit Application (see Table 1), and includes supplemental information as needed.

**Table 1: Concurrent County Land Use Permit Requirements**

Jurisdiction	Pathway Components	Title	Trigger	Statutory Reference	Status
<b>Concurrent County Land Use Permits</b>					
Washington County	Segment 2	Use by Special Review Permit	Construct, operate, and maintain transmission lines and an optional repeater station in Washington County	Use by Special Review Regulations and the requirements of the Washington County Planning and Zoning permitting process for transmission lines	Submitted June 30, 2022

## 2 CHAPTER 1, ARTICLE 4 PERMITS

### 2.1 GENERAL APPLICATION REQUIREMENTS (§ 1.402)

**Table 2: General Application Requirements**

Requirement – § 1.402	Location of Information
(1) Eight Copies each of the following maps and documents:	NOTE: Additional copies of the provided materials can be provided upon request from Washington County.
(a) A map showing the area to be occupied by the proposed development and related designated area(s) and boundary(is) if applicable;	Maps addressing requirement 1.402(1)(a) were provided in the USR Permit Application: Attachment A.
(b) A document explaining the nature of the proposed project;	A document addressing requirement 1.402(1)(b) was provided in USR Permit Application: Section 2.
(c) General building and construction specification as required by the State of Colorado.	Requirement 1.402(c) is addressed in Section 2.1.a of this Application.
(2) In hazard areas where mitigating structural considerations are taken, a certification by a registered engineer certifying that the methods are reasonably adequate for safe utilization and/or occupation; a record of such certificates shall be maintained by the administrator.	See Section 2.1.b of this Application.
(3) The applicant shall submit such other material as may be required by the Planning Commission in order to determine if appropriate design and performance standards have been met (subject to the specific criteria for the designated area or activity).	Additional materials requested by County staff were included in USR Permit Application: Section 9; Attachment A; and Attachment E.

#### 2.1.a General Building and Construction Specifications (§ 1.402.1.c)

The State of Colorado has adopted the National Electrical Safety Code (NESC) as required for electric utilities. Pathway will be designed to meet the current NESC requirements. Additionally, Xcel Energy's transmission lines are built and maintained to meet or exceed all applicable safety standards from organizations including the American Society of Civil Engineers, Institute of Electrical and Electronics Engineers (IEEE), the American Concrete Institute, and the American Institute of Steel Construction. At the time of construction, Xcel Energy issues an Issued For Construction design drawing package that has the construction specification to ensure conformance with the engineering design.

#### 2.1.b Hazard Areas (§ 1.402.2.c)

Transmission lines are built and maintained to meet or exceed safety standards, such as those specified by the NESC and NERC. Every effort is made to ensure safety in construction, operation and maintenance of transmission lines. Transmission lines are



designed to withstand extreme weather conditions and protective devices at line terminals stop the electricity flow under abnormal operating circumstances. The transmission poles will be equipped with shield wires above the energized line; this equipment adds to the structure height but also provides protection against lightning strikes.

Xcel Energy's transmission lines are monitored 24 hours a day and 7 days a week for line contact, a term that refers to an object coming into contact with the transmission line conductors. If there is an unanticipated event in the line, the line is isolated from the system to protect the public and the line from operating under unsafe conditions. Xcel Energy's transmission lines are inspected annually to check for line connections and damage. For the safety of the general public, unauthorized personnel are not permitted to come in contact with the transmission line conductor wire.

## **2.2 APPLICATION FEE (§ 1.403)**

**Table 3: Application Fee Requirement**

<b>Requirement – § 1.403</b>	<b>Location of Information</b>
Upon formal acceptance of any permit application subject to these Regulations, a cash bond equal to one (1) percent of the total cost of the proposed project, or such lesser amount as determined by the Planning Commission, shall be remitted. After completion of the permit hearing, and within thirty (30) days, any excess funds and any receipts, vouchers or other proof of expenditure shall be given to the applicant.	See Section 2.2.a.a of this Application.

### **2.2.a Cash Bond (§ 1.403)**

Xcel Energy is coordinating with Washington County to determine the applicable application fee for the USR Permit Application. Xcel Energy requests that Washington County delay the imposition of the cash bond requirement in the Washington County §1041 Regulations while Xcel Energy and Washington County staff discuss a comprehensive approach to assessing permit application fees on the Pathway transmission line in Washington County. After resolution of the discussion regarding application fees, Xcel Energy will otherwise remit the application fee to Washington County in accordance with Section 1.403 of the Washington County §1041 Regulations.

### 3 CHAPTER 3, SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY

#### 3.1 CONDITIONS OF APPROVAL (§ 3.201)

**Table 4: Conditions of Approval**

Requirement – 3.201	Location of Information
No development pursuant to this regulation shall be permitted unless, as determined by the Planning Commission, all of the following conditions have been met:	
(1) Agricultural activities shall not be significantly affected in an adverse manner;	USR Permit Application Section 9.1; USR Permit Application Attachment F, Section 1.1.
(2) Appropriate environmental restraints shall be adhered to so as to cause minimum effect upon the existing environment including but not limited to air, water, and wildlife species;	USR Permit Application Attachment F.
(3) No significant effect upon the tributary and non-tributary waters of Washington County shall be allowed;	USR Permit Application Attachment F, Section 1.12.
(4) Location of a facility shall be reasonably consistent with the Washington County, municipalities, state, and national master plans when in effect, and as stipulated in §30-28-110, C.R.S.;	USR Permit Application Section 9.1.
(5) The socio-economic environment Washington County shall be protected and enhanced;	USR Permit Application Attachment F, Section 1.5.
(6) All alternative locations shall have been presented and assessed such that the best interest of the people are represented and the best utilization of all affected resources is accomplished;	USR Permit Application Attachment C (Segment 2 Routing and Siting Study).
(7) No non-mitigated adverse impact upon community and government services shall be allowed;	USR Permit Application Section 7; USR Permit Application Attachment F, Section 1.10.
(8) A satisfactory program (including any necessary "frontmonies") to mitigate and minimize adverse impacts has been presented;	USR Permit Application Section 1; USR Permit Application Attachment C (Segment 2 Routing and Siting Study).
(9) No adverse effect upon any existing water right;	USR Permit Application Attachment F, Section 1.12.
(10) All buried facilities shall be buried in a manner as to not interfere with existing and continuing land use. Such depth shall not be less than thirty-six (36) inches and a suitable program of surface stabilization shall be employed;	Not Applicable, Pathway is proposing an above ground transmission line.
(11) No pollution which exceeds that allowed by State and Federal environmental laws will be allowed.	USR Permit Application Attachment F, Section 1.2.
	See Section 3.1.a of this Application.

##### 3.1.a Compliance with State and Federal Pollution Laws (§ 3.201.11)

Pathway is not anticipated to generate pollution during operations and maintenance and will not require permanent pollution control equipment. Best management practices (BMPs) will be used during construction to control sediment and runoff from work areas.



Required construction and waste management procedures will prevent accidental spills or runoff of sediment or contaminants to waterbodies or groundwater. Xcel Energy will apply for a Colorado Department of Public Health and Environment Air Pollutant Emissions Notice (APEN) for land development prior to construction and follow state standards to control the release of fugitive dust related to construction if necessary.

### 3.2 ADDITIONAL SUBMISSION REQUIREMENTS (§ 3.402)

**Table 5: Additional Submission Requirements**

Requirement – § 3.402	Location of Information
<i>Unless waived in writing by the Planning Commission, the following minimum information, maps, reports, and data shall be submitted by all applicants seeking a permit to "Site Selection and Construct a Major Facility of a Public Utility":</i>	
(1) Provisions of Chapter 1.402 including the affected location of agricultural or municipal interests and the nature of said interest;	See Section 2.1 of this Application.
(2) A list of all affected property owners of record, their current addresses, telephone numbers and an original written statement from each with their signature of approval for any related easement, right-of-way, purchase, or lease. If this is on standard form, it must be clearly evident that this document shall be signed only at the discretion of said property owner(s). Said document shall be notarized in the manner prescribed by law;	USR Permit Application Letter of Intent (Exhibit 1), Attachment E.
(3) Relationship of proposed project to city, county, state and federal master plans;	USR Permit Application Section 9.1.
(4) If location is within two (2) miles of a statutory Incorporated Municipality, a statement from said Incorporated Municipality confirming compliance with their master plan;	Not applicable; Pathway is not within two miles of a statutorily Incorporated Municipality.
(5) List and description of all alternative locations reasonable in nature and why these locations were rejected;	USR Permit Application Attachment C (Segment 2 Routing and Siting Study).
(6) Amount of water to be used, historical water right affected and mode of discharge, if any;	Not applicable; Pathway creates no additional demand for water (other than trucked-in water for construction) or wastewater treatment.
(7) Where buried facilities are involved, the necessary proposed conditions of installation and a stabilization program shall be presented;	Not Applicable, Pathway is proposing an above ground transmission line.
(8) Any applicant proposing a facility which may produce an environmental hazard through operation or accident shall be required to provide an Environmental Impact Analysis that comply with State and Federal laws;	Not applicable; Pathway is not required to complete Environmental Impact Analyses under state or federal laws.  See Section 3.2.a of this Application for additional detail.



Requirement – § 3.402	Location of Information
(9) Any applicant proposing a facility which may be any means whatsoever constitute a hazard to public health and safety shall provide;  (a) An acceptable warning and evacuation plan;  (b) An acceptable contractual proposal for clean-up which shall result in the best restoration technologically available.	See Sections 2.1.b and 3.2.b of this Application.
(10) A proposal for monetary assistance for any city or governmental service which will be overburdened;	USR Permit Application Section 7.
(11) Amount governmental services required; and	USR Permit Application Section 7, Attachment F, Section 1.10.
(12) Effect upon socio-economic structure of Washington County:  (a) Number of jobs created;  (b) Amount of capital for jobs;  (c) Term of employment – percent temporary and permanent.	USR Permit Application Attachment F, Section 1.5.  See Section 3.2.c of this Application.

### 3.2.a Potential Environmental Hazards (§ 3.402.8)

Chemicals that may be used during construction and operation of Pathway are those found in diesel fuel, gasoline, coolant (ethylene glycol), and lubricants in machinery. Hazardous materials will not be drained onto the ground or into streams or drainage areas. Enclosed containment will be provided for trash disposal. Construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, will be removed and taken to a disposal facility authorized to accept such materials. No hazardous materials will be used, stored, or generated on site of Pathway facilities. Pathway will not require transportation of hazardous materials.

Construction, operation, and maintenance activities will comply with applicable federal, state, and local laws and regulations regarding the use of hazardous substances. Construction activities will be performed using methods that prevent entrance or accidental spillage of solid matter, contaminants, debris, and other pollutants and wastes into flowing streams or dry watercourses, lakes, and underground water sources. Activities will follow BMPs for the management of wastes to avoid and minimize effects from potential spills or other releases to the environment.

Short-term temporary increases in fugitive dust and construction equipment exhaust (fumes) are anticipated during construction activities. These are not expected to cause a public nuisance. Transmission line operations will not require on-site staff and will be

monitored remotely. Visits from personnel will be limited to emergencies or maintenance and inspection activities. As a result, increased dust or exhaust are not expected during operations.

Xcel Energy will apply for a Colorado Department of Public Health and Environment APEN for land development prior to construction and follow state standards to control the release of fugitive dust related to construction if necessary. The APEN will be required for a disturbance greater than 5 acres and/or a construction duration longer than 6 months.

Pathway will not cause hazardous conditions, potential air or water pollutants, or other noxious influences.

### **3.2.b Hazard to Public Health and Safety (§ 3.402.9)**

Transmission lines are built and maintained to meet or exceed safety standards, such as those specified by the NESC and NERC. Every effort is made to ensure safety in construction, operation, and maintenance of transmission lines. Transmission lines are designed to withstand extreme weather conditions and protective devices at line terminals stop the electricity flow under abnormal operating circumstances. The transmission poles will be equipped with shield wires above the energized line; this equipment adds to the structure height but also provides protection against lightning strikes.

Xcel Energy's transmission lines are monitored 24/7 for line contact, a term that refers to an object coming into contact with the transmission line conductors. If there is an unanticipated event in the line, the line is isolated from the system to protect the public and the line from operating under unsafe conditions. Xcel Energy's transmission lines are inspected annually to check for line connections and damage. For the safety of the general public, unauthorized personnel are not permitted to enter the repeater station site or come in contact with the transmission line conductor wire.

Xcel Energy's facilities are designed, constructed, operated, and maintained to meet or exceed all applicable requirements of the IEEE standards and accepted industry standards and practices including IEEE 979, Guide for Substation Fire Protection. All applicable fire laws and regulations, as outlined in Colorado Revised Statute 31-15-601, will be observed during construction and normal operation of the transmission line.

Fires along transmission lines are very rare. Xcel Energy's substations and powerlines are monitored and controlled remotely from an operations center where event response is coordinated. In the rare event of an emergency, Xcel Energy will likely be aware of an issue before the general public or emergency responders. Nevertheless, the public is



encouraged to contact Xcel Energy's emergency number in the event of an emergency involving the transmission line: 800-895-1999. Unauthorized personnel, including emergency responders, should not approach the facilities and should not touch the electric lines or anyone or anything in contact with them. In the event of an outage or transformer failure, the affected substation equipment is immediately de-energized by the breaker equipment and Xcel Energy personnel are dispatched to the site. Xcel Energy personnel receive safety training for emergency situations relating to high-voltage electrical equipment. Xcel Energy also coordinates closely with local fire departments and first responders and consults with them to discuss any concerns within their response area. Xcel Energy offers free online safety training to fire departments and first responders that is based on national standards through the Responding to Utility Emergencies Program.

### 3.2.c Effect on Socio-economic Structure (§ 3.402.12)

Information regarding Pathway's effect on socio-economics in Washington County is provided in USR Permit Application Attachment F, Section 1.5.

Table 6 below addresses the maximum number of employees, number of shifts, and employees per shift during the construction, operation, and maintenance phases of the project. The construction phase is 100 percent temporary employment and the maintenance phase is 100 percent permanent employment.

**Table 6: Employees and Shifts per Phase**

Phase	Employees	Shifts	Employees per Shift
Construction	25 employees for transmission line	One 10-hour shift (Monday to Saturday)	Up to 25 employees
Operations	None – the facilities are unstaffed with the exception of remote monitoring	Remotely monitored 24/7/365	None
Maintenance	2 to 6 employees	1 to 2 times a month, as needed	2 to 6 employees

Pathway is a necessary capital improvement to expand the existing electric transmission grid system in Colorado and is estimated to cost approximately \$1.7 billion.

## REFERENCES

Washington County. 1997. Regulations for Areas and Activities of State Interest of Washington County. March 1997.

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