

I-76 to Leyden Street Natural Gas Project

Conditional Use Permit Application

February 2021

Presented to:



Commerce City
Department of Community Development
7887 E. 60th Avenue
Commerce City, CO 80022

Submitted by:



Public Service Company of Colorado
1123 West 3rd Avenue
Denver, CO 80223

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February 2, 2021

Jenny Axmacher, Senior Planner
Commerce City Community Development Department
7887 E. 60th Avenue
Commerce City, CO 80022

RE: I-76 to Leyden Street Natural Gas Project, Conditional Use Permit Application

Dear Ms. Axmacher:

Public Service Company of Colorado (PSCo), an Xcel Energy company, is proposing to replace approximately 1 mile of existing 10-inch high-pressure natural gas pipeline in Commerce City. PSCo has prepared this Conditional Use Permit application per the requirements of Article 3 of the Commerce City Land Development Code and Commerce City's Conditional Use Permit Facts to Know.

The Project is required to meet the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) "Mega Rule" (Title 49 of the Code of Federal Regulations Parts 191 and 192) requirement of operators to ensure natural gas pipelines in their systems meet certain record-keeping requirements. The Project will allow PSCo to continue providing safe and reliable natural gas service while maintaining compliance with the PHMSA standards. This Project will serve PSCo customers in Commerce City and surrounding communities.

If you have any questions, please contact me by telephone at (303) 507-9600 or email at tim@tabutler.net or contact our environmental consultant, Stephanie Phippen with Tetra Tech Inc., at (303) 980-3515 or stephanie.phippen@tetrattech.com.

Sincerely,

Tim Butler, Contract Agent
Right of Way & Permits
Public Service Company of Colorado

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1. Introduction

Public Service Company of Colorado (PSCo), dba Xcel Energy, is proposing to replace approximately 1 mile of existing 10-inch high-pressure natural gas pipeline in Commerce City (Figure 1). This mile-long segment (Project) is part of the larger I-76 to Leyden Street Natural Gas Project that will replace 3 miles of a longer natural gas pipeline that was installed in the 1950s. The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a new regulation called the "Mega Rule" (Title 49 of the Code of Federal Regulations [CFR] Parts 191 and 192) in October 2019 requiring operators to ensure natural gas pipelines in their systems meet certain record-keeping requirements. The Project will allow PSCo to continue providing safe and reliable natural gas service while maintaining compliance with the PHMSA standards. This Project is required under the new rule and will serve PSCo customers in Commerce City and surrounding communities.

The existing pipeline to be replaced originates just east of the intersection of Havana Street and 104th Avenue, follows 104th Avenue for approximately 0.25 mile to the west, and then continues approximately 0.75 mile to the northwest to Brighton Road as shown in Figure 1. The Project will replace the existing 10-inch high-pressure natural gas pipeline with a new 10-inch high-pressure pipeline in the same easements and rights-of-way where feasible. The Project is located in Colorado Department of Transportation (CDOT) right-of-way at the eastern end of the alignment near 104th Avenue and Havana Street and where it crosses U.S. Highway 85 (US-85) as shown in Figure 1.

The segment addressed in this Conditional Use Permit application is part of a longer existing natural gas pipeline (between Denver and Lafayette, Colorado) that PSCo must replace to comply with the PHMSA Mega Rule. In 2020, Commerce City approved the Gaylord Natural Gas Project, in which PSCo replaced another short segment of this longer existing pipeline further east in Commerce City.

This Conditional Use Permit Application was prepared per the requirements of Article 3 of the Commerce City Land Development Code (Commerce City 2019) and Commerce City's Conditional Use Permit Facts to Know (Commerce City 2018).

In accordance with the requirements for the Conditional Use Permit application process, PSCo representatives presented a pre-application request to Commerce City and received a written response June 16, 2020. On December 8, 2020, PSCo representatives held a pre-application meeting with Commerce City to confirm whether a Conditional Use Permit was necessary and to discuss the application requirements in more detail. Appendices provided with the Conditional Use Permit application are listed in Table 1.

Table 1:
List of Appendices

Appendix	Supplemental Information Provided
Appendix A	General Warranty Deed and Legal Description
Appendix B	Development Plan
Appendix C	Traffic Control Plans

2. Completed Application Form

The completed Conditional Use Permit application form is included as part of the application package and is located behind the cover letter.

3. General Warranty Deeds and Complete Legal Descriptions for the Subject Property

The Project will require the use of temporary use areas (TUAs) located along the Project route. The legal descriptions for the Project TUAs are included in Appendix A. The 30 percent design drawings in Appendix B show all existing easements and the additional easements that need to be obtained for the Project. The proposed 30' permanent easements are shown as hatched areas and identified in the 'Ownership' section on Drawings 2100, 2101, 2102, and 2103 in Appendix B. The existing and proposed easements are also shown in Figure 1.

4. Development Plan

The Development Plan consists of 30 percent design drawings showing the overall alignment of the pipeline. The Development Plan is included in Appendix B.

5. Statement of Operations

5a. A detailed narrative of the operations that will occur on site.

PSCo must replace the existing natural gas pipeline, originally built in the 1950s, to maintain compliance with the new PHMSA Mega Rule. The Project will replace approximately 1 mile of the existing 10-inch high-pressure natural gas pipeline in Commerce City. The replacement is like-for-like: the existing 10-inch high-pressure pipeline will be replaced with a new 10-inch high-pressure pipeline in the same easements and rights-of-way where feasible, and the existing pipeline will be abandoned in place. The Project will not upsize the pipeline or increase gas capacity. The new 10-inch high pressure natural gas pipeline will operate at 1,000 pounds per square inch gauge maximum allowable operating pressure.

Major activities involved in Project construction include surveying, installing best management practices (BMPs), vegetation clearing, staging materials, welding, x-ray analysis of welds, pipeline trenching, pipeline boring, pipeline installation, backfilling the pipeline trenching, pressure-testing, cleanup, re-grading the surface, roadway repair, revegetation, and post-construction monitoring of revegetation. No new above-ground appurtenances are proposed as part of the Project. Existing pipeline markers will be replaced.

PSCo has been working closely with the private landowners along the route to identify locations for TUAs. PSCo also is working with Commerce City Parks to obtain a TUA on Commerce City property. Legal descriptions of the TUAs are included in Appendix A, and the locations of the TUAs are shown on the drawings in Appendix B. PSCo will store equipment and supplies, stage natural gas pipe segments, and conduct construction activities within the TUAs. Following construction, these areas will be returned to pre-construction conditions.

Installation methods include open trenching and horizontal directional drilling (HDD). Most of the pipeline will be installed by open trenching. If water is present, the trench will be dewatered to on-site frac tanks and managed and disposed according to Colorado Department of Public Health and Environment dewatering permit requirements. Where necessary and feasible, portions of the pipeline will be installed via HDD. PSCo intends to install the pipeline under US-85, the adjacent Union Pacific Railroad (UPRR), and other areas via HDD as shown in Appendix B. Small entry and exit work areas are identified in Appendix B for areas that will be installed via HDD.

The pipeline will be buried at a depth of cover of 4 feet where possible. Depending on localized geology and the proximity of other buried utilities, the pipeline depth of cover may be less than 4 feet, but not less than allowed under 49 CFR Part 192. The pipeline will be installed deeper as needed to avoid existing underground utilities or roadway crossings and for installations involving HDD.

PSCo's construction contractor will maintain access to the extent practicable on public roads and bridges during construction and return roads and bridges to the pre-construction conditions following construction. Preliminary traffic control plans are included in Appendix C and include sign locations, cone locations, areas of road closures with detours, one-lane closures with flaggers or temporary traffic signals, and shoulder closures. PSCo will coordinate with the Commerce City Public Works Department and with CDOT regarding traffic control during construction.

PSCo recognizes the importance of communicating to stakeholders early and often to keep them informed about the Project. PSCo is committed to providing timely information to elected officials and stakeholders. PSCo will provide direct communications to stakeholders located near construction work areas including mailers, flyers, and in-person visits. Project channels of communication include a dedicated hotline, email address, and website.

During construction, PSCo will implement dust control measures such as speed limits for construction vehicles; water application to disturbed areas, dirt access roads, and stockpiles; erosion control techniques; and revegetation of ground disturbance following construction. Crews will purchase water used for dust control during construction from a municipality. No surface waters will be used during construction or operation of the Project.

Disturbed areas will be returned to pre-construction conditions once construction is complete. No long-term impacts to the surrounding area from the operation of the Project are expected.

5b. Hours and days of operation.

Construction of the Project is expected to last approximately 6 months. Work will take place Monday through Saturday between the hours of 7 AM and 8 PM. Once in service, the Project will operate 24 hours per day.

5c. Number of employees.

During construction, it is anticipated that 1 person to a maximum 40 crew members will be onsite daily. This estimate could change once the mechanical contractor is hired and determines construction plans.

During operation of the Project, no on-site employees will be present except those required for routine maintenance or emergencies.

5d. Number of parking spaces required and provided.

Construction vehicles and equipment will park at the TUAs located along the Project route.

No parking will be required following completion of construction.

5e. Average daily peak trips generated.

During construction, daily vehicle trips would be generated from the maximum of 40 employees working on site with up to 20 pickup trucks and from equipment and materials deliveries to the TUAs.

Crews perform occasional maintenance on the existing natural gas pipeline. The same number of vehicle trips will be required during operation of the Project for occasional maintenance or emergency response.

5f. Type of equipment or processes that are used.

PSCo estimates up to 15 pieces of equipment will be used during construction, including excavators, rubber tire back hoes, front end loaders, dozers, graders, cement trucks, dump trucks, sweepers, skid steers, generators, and welders.

5g. The description and process for storing or handling any hazardous materials.

Construction, operation, and maintenance activities that would require PSCo or its construction contractor to bring any hazardous materials onto the Project site would comply with applicable federal, state, and local laws and regulations regarding the use of hazardous substances. In its contract with the construction contractor, PSCo requires the contractor to comply with applicable laws. Construction and operations and maintenance activities will follow BMPs for the management of wastes to avoid and minimize impacts from potential spills or other releases to the environment.

If trenching uncovers previously unknown areas of contamination that are apparent, work would be stopped until the party responsible for such contamination has properly managed and/or disposed of such contamination.

Excavation damage is the most significant threat to natural gas pipelines, often because the individual or contractor who is digging is not aware of the natural gas pipeline's location even when pipeline markers are nearby. To prevent damage, state laws require notification to a "One-Call Center" prior to beginning excavation work or digging. PSCo is an active participant in the State of Colorado's one-call program to proactively prevent third-party damage to its infrastructure.

Interference or damage to the natural gas pipeline would be detected by PSCo employees using continuous electronic monitoring. In the case of an emergency, PSCo would follow their Gas Emergency Plan in Section 18 of the Xcel Energy Pipeline Compliance & Standards Manual, which includes procedures and directions for emergency dispatch in the case of a natural gas pipeline emergency. Crews are available to respond to problems 24 hours a day. Local law enforcement would be contacted based on the type and degree of such an emergency.

In addition, PSCo uses its Integrity Management Program to proactively identify and address problems before they affect the safety and reliability of service. In Colorado, the Transmission Integrity Management Plan (TIMP) focuses on natural gas transmission pipelines, and the Distribution Integrity Management Program (DIMP) focuses on the maintenance of natural gas distribution pipelines. Both TIMP and DIMP are required by PHMSA, which directs PSCo to assess natural gas pipeline conditions, recheck them periodically, and develop and implement plans to ensure reliability and safety. Behind-the-scenes work for integrity management includes data acquisition, improvements in recording and documenting compliance work, and risk software that enables PSCo to identify and weigh the relative risks on various pipe segments.

5h. A list of any regulating agencies with inspection information.

In addition to the Conditional Use Permit, PSCo will obtain necessary permits (listed in Table 2) and provide necessary notifications prior to the initiation of related construction activities. PSCo already has easements to complete most of the Project and will obtain necessary property rights and easements prior to construction. Crews will complete Project construction activities in accordance with permit requirements.

PSCo is also coordinating with agencies to obtain permits outside of Commerce City's jurisdiction. PSCo has coordinated with CDOT regarding construction along 104th Avenue and US-85 within CDOT right-of-way (see Figure 1). PSCo will apply for a Utility/Special Use Permit from CDOT and will obtain this permit prior to construction. PSCo also has executed a Railroad Crossing Agreement with UPRR to complete the HDD installation of the pipeline under the existing railroad east of US-85.

Table 2:
Anticipated Permits for the Project

Jurisdiction	Permit	Status
State		
Colorado Department of Public Health and Environment (CDPHE)	General Construction Stormwater Permit	PSCo will submit the Stormwater Management Plan to CDPHE prior to construction
CDPHE	Construction Dewatering Permit	If needed, PSCo will submit a construction dewatering permit application to CDPHE prior to construction

Jurisdiction	Permit	Status
CDPHE	Hydrostatic Testing Permit	The Project will use PSCo's CDPHE-approved permit for the disposal of hydrostatic test water
Colorado Department of Transportation (CDOT)	Utility/Special Use Permit Application	PSCo will submit the Utility/Special Use Permit application prior to construction
Commerce City		
Commerce City Public Works Department	Right-of-Way Permit	PSCo will submit Right-of-Way Permit applications for the portions of the Project in Commerce City Road ROW prior to construction
Commerce City Public Works Department	Grading Permit	PSCo will submit a Grading Permit application for the surface-disturbing activities prior to construction
Commerce City Floodplain Administrator	Floodplain Development Permit	PSCo will submit Floodplain Development Permit applications for the portions of the Project in designated floodplain prior to construction
Other		
Union Pacific Railroad (UPRR)	Pipeline Crossing Agreement	PSCo has obtained a Pipeline Crossing Agreement from UPRR for the installation of the Project in railroad ROW

5i. Any other relevant information.

PSCo will provide other relevant information to the Commerce City Department of Community Development, as needed, upon request.

6. Description of the Proposed Use that describes how any impacts will be mitigated.

6a. Compliance with the purpose, goals, and objectives of the Comprehensive Plan.

Natural gas pipelines and associated facilities are common throughout Colorado's Front Range and are compatible with a wide variety of land uses, including residential, commercial, industrial, and agricultural uses. This Project involves an in-kind replacement of a natural gas pipeline that predates the annexation and development of this area by Commerce City.

The Project is located within the I-3, I-1 zone districts and within the Belle Creek and Barclay Subdivision. The Project is subject to the goals and objectives of Section 4, Land Use and Growth, and Section 12, Public Facilities and Infrastructure, of the Comprehensive Plan (Commerce City 2010). The Project's compliance with the purpose, goals, and objectives of the Commerce City Comprehensive Plan are described below.

Purpose: The purpose of this Plan is to set forth the vision, goals, and policies of the community to help guide development and investment decisions.

This Project will allow for continued reliability of the existing natural gas system infrastructure in the area. It will contribute to, enhance, and promote the welfare of the area community by providing safe, reliable, and economical natural gas services for current and future residents and businesses.

Goal LU 1—Maintain a balanced mix of land uses citywide and within Strategic Planning Areas

The Project will be located in an area with existing natural gas infrastructure and is crucial to support the continuance of all land uses within the area served by the Project.

Goal LU 3—Strengthen city neighborhoods as attractive, livable places

The Project is crucial to support the neighborhoods within the area served by the Project to continue providing natural gas services to existing and future residences.

Goal LU 4—Retain existing industrial areas and land for future jobs

The Project is crucial to support the industrial facilities within the area served by the Project to continue providing natural gas services to existing and future industrial facilities.

Goal PF 1—Coordinate utilities and infrastructure with future growth

The Project will allow for continuous natural gas services and infrastructure to support the continuance of orderly development and future growth within the area served by the Project.

6b. Harmony with the character of the neighborhood.

The natural gas pipeline will be buried underground and not visible after construction and restoration. Therefore, the Project would have no effect to the character of the neighborhood.

6c. General compatibility with the surrounding area.

The natural gas pipeline will be buried underground and therefore not visible after construction and restoration. The Project is required by the PHMSA Mega Rule so that PSCo can continue to provide natural gas services to the area served by the Project.

6d. Community need for the proposed use.

PSCo maintains the goal of reliably serving customers in this area. The existing natural gas pipeline must be replaced to maintain compliance with the PHMSA standards. This Project is necessary to ensure safe, continuous natural gas service to customers in Commerce City and surrounding communities.

6e. Effects on adjacent property and how they will be mitigated.

The Project is not anticipated to have impacts to environmental resources, including wetlands or waterbodies. During construction, erosion and stormwater BMPs will be implemented to minimize impacts to adjacent areas. Disturbed areas will be reseeded and returned to pre-construction conditions to stabilize the soil and prevent the emergence of noxious weeds. No alteration in the pattern or intensity of surface drainage will result from construction or operation of the Project. PSCo is also pursuing a Floodplain Development Permit from Commerce City for the portions of the natural gas pipeline within the floodplain.

6f. Effects on public infrastructure and services and how they will be mitigated.

The Project is a public infrastructure project and is required to provide continuous natural gas service to the area served by the Project.

6g. Site characteristics.

The Project site is located within or adjacent to existing right-of-way along 104th Avenue, US-85 right-of-way, UPRR right-of-way, and mixed industrial and residential areas as shown in Figure 1. The Project will largely be constructed within PSCo's existing natural gas pipeline easement. The natural gas pipeline will be buried underground and therefore not visible after construction and restoration.

6h. Landscaping and screening strategies to mitigate impacts.

The natural gas pipeline will be buried underground and therefore not visible after construction and restoration. Landscaping, aside from post-construction restoration, is not proposed as a part of the Project.

6i. Noise, dust, odor or other nuisances that may impact the surrounding area.

Local temporary impacts to the surrounding areas are anticipated during construction and include an increase in traffic, dust from construction activities, odors from construction equipment exhaust (fumes), vibrations from heavy construction equipment, and visual effects from the presence of construction equipment and active work areas.

During Project construction and pipeline testing operations, there may be elevated levels of noise. As construction of the Project is expected to take place between the hours of 7 AM and 8 PM in accordance with Section 6-2011, Unreasonable Noise, of the Commerce City Revised Municipal Code (Commerce City 2020), the Project will be exempt from the unreasonable noise regulation.

6j. Any other relevant information.

PSCo will provide other relevant information to the Commerce City Department of Community Development, as needed, upon request.

7. References

Commerce City. 2020. Commerce City Revised Municipal Code. Updated September 21, 2020. Available online at https://library.municode.com/co/commerce_city/codes/municipal_code. Accessed December 2020.

_____. 2019. Land Development Code. Updated November 18, 2019. Available online at: <https://www.c3gov.com/government/code-central/land-development-code>. Accessed December 2020.

_____. 2018. Conditional Use Permit Facts to Know. Available online at <https://www.c3gov.com/home/showpublisheddocument?id=1934>. Accessed December 2020.

_____. 2010. City of Commerce City C3 Vision Comprehensive Plan. Effective May 1, 2010. Available online at <https://www.c3gov.com/government/city-charter-master-plans/comprehensive-plan>. Accessed December 2020. This page intentionally left blank.