



Department of Transportation
Division of Highway and Bridge Maintenance
360 Lincoln Avenue
Warwick, RI 02888

September 9, 2016

Mr. Todd Anthony Bianco
Principal Policy Associate
Rhode Island Public Utilities Commission
Rhode Island Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

**IN RE: INVENERGY THERMAL DEVELOPMENT LLC :
APPLICATION TO CONSTRUCT AND :
OPERATE THE CLEAR RIVER ENERGY CENTER : SB-2015-06
BURRILLVILLE, RHODE ISLAND :**

**RHODE ISLAND DEPARTMENT OF TRANSPORTATION
ADVISORY OPINION**

Background

Invenergy Thermal Development LLC (Invenergy) filed an application with the Energy Facility Siting Board (Board) on October 29, 2015. The application requested to construct and operate the Clear River Energy Center (Facility), a combined-cycle electric generating facility to be located on Wallum Lake Road (Route 100) in Burrillville, Rhode Island. The Board, through Preliminary Decision and Order, requested that Rhode Island Department of Transportation (RIDOT)

“Render an advisory opinion as to whether a Utility Permit, R.I. Gen. Laws §24-8-1 and §24-10-1; Physical Alternation Permit, R.I. Gen. Laws §24-8-1; or any other Department of Transportation permits are required and should be issued for the Facility, including the construction of transmission lines across state roads or highways.

Such advisory opinion should specifically consider the potential impacts upon traffic and road conditions associated with the Facility during construction and operation”

To date, Invenergy has not filed any applications for permits with RIDOT.

Finding

Based upon the above facts and in accordance with Rule 1.11(a) of the Energy Facility Siting Board's Rules of Practice and Procedures (Rules) along with the provisions of the Rhode Island Administrative Procedures Act, RI General Laws §§ 42-35-1 to 42-35-18, regarding Decisions and Orders, Rhode Island Department of Transportation (RIDOT) provides as follows; For any alterations to the State Highway system, Invenergy must submit a Physical Alteration Permit Application (PAPA) to RIDOT for review and approval. Alterations include the proposed new driveway access to Route 100, traffic impacts and any alterations that affect the drainage within the State Highway Right-of-Way (ROW). There should be no net increase of storm water runoff entering the State's drainage system. Since the proposed facility will store fuel on site, all newly generated storm water runoff should be contained on site, and not directed to the State Highway ROW.

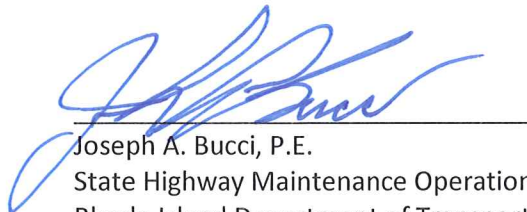
Invenergy must also submit a Utility Permit Application to RIDOT for review and approval for the proposed sewer and water lines and for any other proposed utility lines (overhead and underground) along Route 100 and any other State road. The roadway will have to be resurfaced as part of the restoration work.

Conclusion

Until applications with the detailed design plans and required documentation are submitted by Invenergy, there will be no formal review done by RIDOT. Construction within and/or affecting the State Highway ROW shall not commence until RIDOT approves and issues both the Physical Alteration Permit and the Utility Permit.

The permit applications, instructions and requirements can be accessed from our website, <http://www.dot.ri.gov>. A pre-application meeting with RIDOT can also be scheduled at the request of the applicant if desired.

Matthew Ouellette and I will be available to sponsor RIDOT's advisory opinion at the scheduled hearing(s) if necessary.



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