



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

May 24, 2016

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Dear Attorney McElroy:

Rhode Island Department of Transportation (RIDOT) is in receipt of your letters dated April 4th, 2016 and April 21st, 2016 regarding RIDOT's ordered advisory opinion from the Energy Facility Sitting Board. RIDOT is aware that our input concerning the evaluation of Invenergy Thermal Development LLC's (Invenergy) construction of Clear River Energy Center in the town of Burrillville as it relates to "the potential impacts upon traffic and road conditions associated with the Facility during construction and operation" is due on or before September 10, 2016.

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 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 along Route 100. The roadway will have to

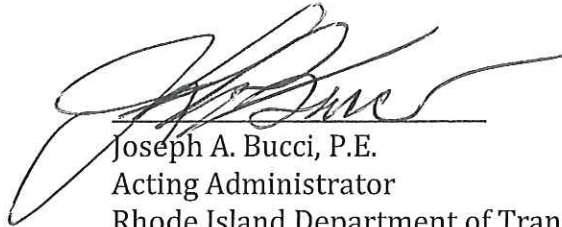
be resurfaced as part of the restoration work. Until applications are submitted by Invenergy, there will be no formal review done by RIDOT.

If Invenergy eventually applies for permits, all documents during the review period would be considered working and preliminary documents, not subject to public disclosure under the Access to Public Records Act. Although we appreciate your interest in wanting to be included in the permitting process, there is no process for such intervention.

Once a final determination is made, the final document would be considered public and at your request, RIDOT would be able to share the information with you.

The permit applications, instructions and requirements can be accessed from our website, <http://www.dot.ri.gov>. If you have any questions, please contact this office.

Very Truly Yours,



Joseph A. Bucci, P.E.
Acting Administrator
Rhode Island Department of Transportation
Division of Highway & Bridge Maintenance

cc: Michael Wood, Town Manager
Oleg Nikolyszyn, Esq., Town Solicitor
Peter V. Alviti, Jr., P.E.
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