

January 18, 2023

STATEMENT OF BARLETTA HEAVY DIVISION

Barletta Heavy Division, Inc. (Barletta) respectfully rejects the criminal charges that the Rhode Island Attorney General has chosen to bring, which incorrectly contend that Barletta illegally disposed of solid waste at the Route 6-10 highway job in Providence, Rhode Island. None of the soil and stone transported to the 6-10 job was solid waste. The soil and stone transported to the 6-10 highway job was the same in composition and makeup as the urban soil already present in, around and under the 6-10 highway for generations, a fact that has been established through rigorous testing performed by a highly respected and reputable geotechnical engineering firm. Barletta's work on this project did not violate any criminal laws and the charges are baseless, both legally and factually. Barletta intends to fight these charges vigorously and is confident that it will prevail and restore its impeccable reputation once the facts are fully and accurately presented in court.

Barletta has an unblemished history and record as a highly respected and trusted heavy civil construction company. We look forward to the opportunity to demonstrate that for the following reasons, the Rhode Island Department of the Attorney General's decision to bring these charges is unreasonable:

- The Rhode Island Department of the Attorney General's application of the criminal statutes to Barletta's actions is misguided. Barletta did not dispose of solid waste, which is the central factor necessary to apply the criminal statute.
- If any soil and stone was delivered to the Route 6-10 highway project from Massachusetts or the Pawtucket-Central Falls train station, those deliveries were overseen and coordinated solely by Barletta's former employee, Dennis Ferreira, without the knowledge or authorization of Barletta.

- Any soil and stone delivered to the Route 6-10 highway project in Providence was to be used on the job. No delivered materials were intended to be simply discarded there. Thus, such conduct was not illegal. The soil at issue is “urban fill”, which is commonly found in city settings throughout the United States, particularly around highways located in urban areas like the 6-10 highway project.
- The Rhode Island Department of Environmental Management (RIDEM) approved the reuse of the existing urban fill at the 6-10 job. It was also confirmed that the type of soil at the 6-10 job is typical of the soils found in urban areas.
- Even though the soil brought to the job was not solid waste, Barletta removed certain unused soil and stone. Barletta contacted three locations to bring the soil to: the Rhode Island Resource Recovery Corporation that operates the landfill in Johnston, Rhode Island; the landfill in Tiverton, Rhode Island; and the landfill in Clinton, Massachusetts. Each of these facilities agreed to accept the soil and to put it to good use as landfill cover, because it is not solid waste but rather soil that can be appropriately used to cover the waste. Solid waste cannot be used as a cover for waste. This method of covering waste is how RIDEM has treated this same situation in the past – use as cover, not solid waste. Multiple experts agree that soil put to good use as landfill cover is not solid waste, including the environmental consulting firms for the Tiverton and Clinton landfills as well as two prominent environmental consulting firms that Barletta retained, GZA and GeoInsight.
- The Rhode Island Department of the Attorney General is unfairly applying a criminal statute to actions alleged by Barletta which the State of Rhode Island itself has engaged, therefore demonstrating that Barletta did not engage in any criminal conduct. Specifically, the RIDEM-approved plan for soil management at the 6-10 highway job allowed RIDOT to transport and reuse urban fill soils from the 6-10 highway job at other RIDOT sites within the State of Rhode Island,

such as around Route 295. RIDOT reused these same types of soils or "urban fill from the 6-10 highway job at a site near 295.

The Department of the Attorney General has also brought a misdemeanor charge against Barletta for the additional unauthorized actions of former employee, Dennis Ferreira, who according to the State submitted false test results. Barletta looks forward to the opportunity to demonstrate that Mr. Ferreira acted independently without the authorization, knowledge or consent of Barletta, and that upon Barletta learning of that employee's conduct, his employment was terminated.

Barletta should not be accused of a crime based on Mr. Ferreira's alleged actions. Mr. Ferreira acted without Barletta's authorization in allegedly submitting false test results to the state. In fact, Barletta cooperated fully with the State's investigation regarding that employee's independent conduct.

Over 108 years old, Barletta is a family-owned company headquartered in Massachusetts. Barletta has an excellent record and a well-earned reputation for safely completing projects to specification while combining strong project management with the latest construction-related technology.

Barletta has a positive history of working in Rhode Island successfully. The company is a consistent low bidder on projects, which has saved Rhode Island taxpayers more than \$170 million in just the past 5 years, while contributing to important infrastructure projects. These baseless charges may harm Rhode Island and other taxpayers by preventing a responsible contractor from bidding on public projects, leading to higher costs for infrastructure projects.

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