



STATE OF RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF COMPLIANCE AND INSPECTION
235 Promenade Street, Suite 220
Providence, RI 02908-5767

August 12, 2026

CERTIFIED MAIL

Jean Lussier d/b/a Bitumar USA, Inc.
11155 Sainte-Catherine E St,
Montreal-Est, QC, H1B 0A4
Canada

Re: NOTICE OF VIOLATION
File No.: OCI-AIR-26-22

Dear Jean Lussier:

Enclosed please find a Notice of Violation ("NOV") relating to alleged violations of Rhode Island's *Air Pollution Control Regulations* including but not limited to *Air Pollution Control Permits* (250-RICR-120-05-9) and *Record Keeping and Reporting* (250-RICR-120-05-14) for a facility located at 275 Compass Circle, North Kingstown, Rhode Island.

PLEASE READ THIS DOCUMENT CAREFULLY. Pursuant to R.I. General Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35 each named Respondent is entitled to request an administrative hearing regarding the alleged violations, orders, and/or penalties set forth in the NOV. Further details regarding each Respondent's right to an administrative hearing are provided within the NOV.

If Jean Lussier d/b/a Bitumar USA, Inc ("Bitumar") wishes to request an administrative hearing concerning the NOV, the request must **be made in writing and be received within 20 days of your receipt of the NOV**. A written request for an administrative hearing must be submitted to:

Administrative Clerk
Rhode Island Department of Environmental Management ("RIDEM") –
Administrative Adjudication Division ("AAD")
235 Promenade Street, Room 350
Providence, RI 02908-5767

A copy of the request for an administrative hearing must also be forwarded to:

Jenna Giguere, Esq.
RIDEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, Rhode Island 02908-5767

Bitumar may also wish to arrange an informal meeting to discuss the NOV with representatives of RIDEM. At that informal meeting, representatives of RIDEM will be prepared to discuss the facts set forth in the NOV, steps that may be necessary to comply with the orders contained therein, pertinent regulatory requirements, as well as issues related to the penalty assessed in the NOV. If agreement on resolution of the enforcement action can be reached, a Consent Agreement may be entered that both resolves the NOV and eliminates the need for an administrative hearing.

Representatives of RIDEM are prepared to discuss a resolution of this matter with Bitumar; however, please be advised that correspondence with RIDEM, including a request for an informal meeting to discuss the NOV, does not constitute a formal request for a hearing and will not protect Bitumar's right to a formal hearing before AAD.

If Bitumar wishes to arrange an informal meeting to discuss the NOV, please contact:

Anna Maria Cole, Chief Implementation Aide
RIDEM Office of Compliance and Inspection
Telephone: (401) 537-4443
Email: anna.cole@dem.ri.gov

Bitumar has a right to be represented by legal counsel before AAD or in an informal meeting with RIDEM. Bitumar is not obligated to do so, but if Bitumar plans on having legal representation present at an informal meeting with RIDEM, please inform us at the time of the request for an informal meeting so that we can arrange to have legal counsel present.

Sincerely,



Susan Forcier, Deputy Director
RIDEM Bureau of Environmental Protection

enc: Notice of Violation

cc: Laurie Grandchamp, Administrator, RIDEM Office of Air Resources
John Melcher, EPA Region 1

**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

IN RE: Jean Lussier d/b/a Bitumar USA, Inc.

FILE NO.: OCI-AIR-26-22

NOTICE OF VIOLATION

A. INTRODUCTION

Pursuant to Sections 42-17.1-2(21) and 42-17.6-3 of the Rhode Island General Laws, as amended, (“R.I. Gen. Laws”) you are hereby notified that the Director of the Rhode Island Department of Environmental Management (“Director” of “RIDEM”) has reasonable grounds to believe that the above-named party (“Respondent”) has violated certain statutes and/or administrative regulations under RIDEM's jurisdiction.

B. FACTS

- (1) The property is located at 275 Compass Circle in the Town of North Kingstown, Rhode Island (“Property”).
- (2) The Property includes a facility for the purpose of the production and sale of asphalt products (“Facility”).
- (3) Bitumar USA, Inc. (“Bitumar”) operates the Facility. The *Certificate of Organization/Registration* for Bitumar was revoked by the Rhode Island Secretary of State on 30 December 2020. Respondent Jean Lussier is the last know president of Bitumar.
- (4) The Facility is a stationary source of air pollutants subject to Rhode Island’s Air Pollution Control (“APC”) Regulations (“APC Rules”) including, but not limited to, *Odors* 250-RICR-120-05-17 (“Part 17”).
- (5) Between March 26 to July 15, 2026, RIDEM received 164 odor complaints pertaining to “strong asphalt fumes” coming from the Property.
- (6) On 8 July 2026, RIDEM inspected the area beyond the Property line in response to the complaints. The inspection revealed the following:
 - (a) Odors were detected that were determined to be objectionable;
 - (b) odors were described as asphalt / metallic;
 - (c) winds were from the north, and the odors were determined to be emanating from the Facility;

- (d) the objectionable odors were observed during the time periods 5:35 to 5:48 a.m. and 6:44 to 6:50 a.m. during the inspection; and
- (e) the odors were so strong that it caused the inspector to feel nauseous, cough, and return to the car to avoid the odors.

C. VIOLATION

Based on the foregoing facts, the Director has reasonable grounds to believe that you have violated the following statutes and/or regulations:

- (1) **APC Rules Part 17.5** – prohibiting any person from emitting or causing to be emitted into the atmosphere any air contaminant or combination of air contaminants which creates an objectionable odor beyond the property line of said person.

D. ORDER

Based upon the violations alleged above and pursuant to R.I. Gen. Laws Section 42-17.1-2(21), you are hereby ORDERED to:

- (1) **IMMEDIATELY** take all actions necessary to comply with APC Part 17.
- (2) **Within 1 business day of Respondent's receipt of a complaint about odors at the Property from other than RIDEM**, Respondent shall notify RIDEM by electronic correspondence sent to DEM.Compliance2@dem.ri.gov. The notification shall include the date and time of the complaint, the name of the person that filed the complaint and contact information (if provided) and a description of the complaint.
- (3) **Within 3 business days of Respondent's receipt of a complaint about odors from RIDEM or complaint pursuant to section D(2) above**, Respondent shall complete an investigation of the complaint and submit a report to RIDEM that includes the following information: a summary of the complaint (including date and time of the complaint, the name of the complainant and contact information if provided, and a description of the complaint); the actions taken to investigate the complaint; the findings of the investigation; and any changes made to the practices or procedures of the Facility resulting from the investigation. Investigations of odor complaints shall include an evaluation of the Facility activities, arrival and type of deliveries, weather conditions at the time of the complaint (if known), including wind direction and wind speed, an inspection of the Facility and area(s) which were the subject of the odor complaint, and interviews with relevant Facility personnel. Reports submitted to RIDEM pursuant to this paragraph shall be submitted by electronic mail to the Administrator of RIDEM's Office of Compliance and Inspection ("OC&I") with copies to the air pollution program managers within OC&I. The names and email addresses of the individuals currently in these positions are as follows:

Sean Zeiger, Environmental Scientist III
sean.zeiger@dem.ri.gov

Patrick Hogan, Environmental Engineer IV
patrick.hogan@dem.ri.gov

Christina Hoefsmit, Administrator
christina.hoefsmit@dem.ri.gov

- (4) **Within 30 days of receipt of the Notice of Violation (“NOV”)** retain a qualified environmental consultant to prepare an Odor Management Plan (“OMP”) that includes, but is not limited to, the following:
- (a) A diagram that shows all the major process equipment and components at the Facility.
 - (b) A description of the process and the purpose of each piece of equipment and components at the Facility.
 - (c) Identifies all sources of odors at the Facility.
 - (d) Describes how odors are controlled from each identified source.
 - (e) Addresses the need for equipment to control odors and/or other regulated air pollutants.
 - (f) If the report concludes that equipment is needed to control odors and/or other regulated pollutants, the report must describe the equipment to be installed and/or operational or process changes to monitor and prevent objectionable odors beyond the Property line.
 - (g) Describes how the OMP will be implemented, including a proposed schedule.

The plan shall be submitted to RIDEM **within 60 days of receipt of the NOV.**

- (5) The OMP described in D (4) above shall be subject to RIDEM’s review and approval. Upon review, RIDEM shall provide written notification either granting formal approval or stating the deficiencies therein. Within 30 days (unless a longer time is specified) of receiving a notification of deficiencies, Respondent must submit to RIDEM a modified plan or additional information necessary to correct the deficiencies.

E. PENALTY

- (1) Pursuant to R.I. Gen. Laws Section 42-17.6-2, the following administrative penalty, as more specifically described in the attached penalty summary and worksheets, is hereby ASSESSED, jointly and severally, against each named respondent:

\$ 8,500

- (2) The proposed administrative penalty is calculated pursuant to Rhode Island's *Rules and Regulations for Assessment of Administrative Penalties* (250-RICR-130-00-1) ("Penalty Rules") and must be paid to RIDEM within 30 days of your receipt of the NOV. Penalty payments shall be by one of two methods:

- (a) By certified check, cashier's check, or money order made payable to the **General Treasury – Water and Air Protection Program** and forwarded to:

Administrator, RIDEM Office of Compliance and Inspection
235 Promenade Street, Suite 220
Providence, RI 02908-5767.

- (b) By wire transfer in accordance with instructions provided by RIDEM.

- (3) Penalties assessed against Respondent in the NOV are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.
- (4) If any violation alleged herein shall continue, then each day during which the violation occurs or continues shall constitute a separate offense and the penalties and/or costs for that violation shall continue to accrue in the manner set forth in the attached penalty summary and worksheets. The accrual of additional penalties and costs shall be suspended if RIDEM determines that reasonable efforts have been made to comply promptly with the NOV.

F. RIGHT TO ADMINISTRATIVE HEARING

- (1) Pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35, each named respondent is entitled to request a hearing before RIDEM's Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Sections A through E above. All requests for hearing MUST:
- (a) Be in writing. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.6-4(b).
- (b) Be **RECEIVED** by RIDEM's Administrative Adjudication Division, at the following address, within 20 days of your receipt of the NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
RIDEM - Administrative Adjudication Division
235 Promenade Street, Room 350
Providence, RI 02908-5767

- (c) Indicate whether you deny the alleged violations and/or whether you believe that the administrative penalty is excessive. See R.I. Gen. Laws Section 42-17.6-4(b).
 - (d) State clearly and concisely the specific issues which are in dispute, the facts in support thereof and the relief sought or involved, if any. See Part 1.7(B) of Rhode Island's *Rules and Regulations for the Administrative Adjudication Division* (250-RICR-10-00-1).
- (2) A copy of each request for hearing must also be forwarded to:

Jenna Giguere, Esquire
RIDEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, RI 02908-5767

- (3) Each named respondent has the right to be represented by legal counsel at all administrative proceedings relating to this matter.
- (4) Each respondent must file a separate and timely request for an administrative hearing before RIDEM's Administrative Adjudication Division as to each violation alleged in the written NOV. If any respondent fails to request a hearing in the above-described time or manner regarding any violation set forth herein, then the NOV shall automatically become a Final Compliance Order enforceable in Superior Court as to that respondent and/or violation and any associated administrative penalty proposed in the NOV shall be final as to that respondent. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and (vi) and 42-17.6-4(b) and (c).
- (5) Failure to comply with the NOV may subject each respondent to additional civil and/or criminal penalties.
- (6) The NOV does not preclude the Director from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Jenna Giguere of RIDEM's Office of Legal Services at (401) 537-4409 or at jenna.giguere@dem.ri.gov. All other inquiries should be directed to Sean Zeiger of RIDEM's Office of Compliance and Inspection at (401) 537-4146 or at sean.zeiger@dem.ri.gov

Please be advised that any such inquiries do not postpone, eliminate, or otherwise extend the need for a timely submittal of a written request for a hearing, as described in Section F above.

FOR THE DIRECTOR:



Susan Forcier, Deputy Director
RIDEM Bureau of Environmental Protection

Dated: 8/12/26

CERTIFICATION

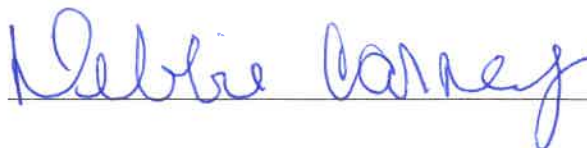
I hereby certify that on the 12th day of August, 2026
the within NOV was forwarded to:

Jean Lussier d/b/a Bitumar USA, Inc.
c/o CT Corporation System, Registered Agent
450 Veterans Memorial Parkway, Suite 7A
East Providence, RI 02914

Jean Lussier d/b/a Bitumar USA, Inc.
11155 Sainte-Catherine E St,
Montreal-Est, QC, H1B 0A4
Canada

Jean Lussier d/b/a Bitumar USA, Inc.
6000 Pennington Ave
Baltimore, MD, 21226

by Certified Mail.





ADMINISTRATIVE PENALTY SUMMARY

Program: Air Pollution
File No.: OCI-AIR-26-22
Respondent: Jean Lussier d/b/a Bitumar USA, Inc.

GRAVITY OF VIOLATION SEE ATTACHED "PENALTY MATRIX WORKSHEETS."					
VIOLATION No. & CITATION	APPLICATION OF MATRIX		PENALTY CALCULATION		AMOUNT
	Type	Deviation	Penalty from Matrix	Number or Duration of Violations	
C (1) Objectionable odors on 8 July 2026	Type I (\$10,000 Max. Penalty) *	Major	\$8,500	1 violation	\$8,500
SUB-TOTAL					\$8,500

*Maximum Penalties represent the maximum penalty amounts per day, per violation.

ECONOMIC BENEFIT FROM NONCOMPLIANCE

COSTS OF COMPLIANCE, EQUIPMENT, O&M, STUDIES OR OTHER DELAYED OR AVOIDED COSTS, INCLUDING INTEREST AND/OR ANY COMPETITIVE ADVANTAGE DERIVED OVER ENTITIES THAT COMPLY. NOTE: ECONOMIC BENEFIT MUST BE INCLUDED IN THE PENALTY UNLESS:

- THERE IS NO IDENTIFIABLE BENEFIT FROM NONCOMPLIANCE, OR
- THE AMOUNT OF ECONOMIC BENEFIT CAN NOT BE QUANTIFIED.

A review of the record in this matter has revealed that Respondent has either enjoyed no identifiable benefit from the noncompliance alleged in this enforcement action or that the amount of economic benefit that may have resulted cannot be quantified.

COST RECOVERY

ADDITIONAL OR EXTRAORDINARY COSTS INCURRED BY THE DIRECTOR DURING THE INVESTIGATION, ENFORCEMENT AND RESOLUTION OF AN ENFORCEMENT ACTION (EXCLUDING NON-OVERTIME PERSONNEL COSTS), FOR WHICH THE STATE IS NOT OTHERWISE REIMBURSED.

A review of the record in this matter has revealed that RIDEM has not incurred any additional or extraordinary costs during the investigation, enforcement, and resolution of this enforcement action (excluding non-overtime personnel costs), for which the State is not otherwise reimbursed.

TOTAL PENALTY PROPOSED UNDER PENALTY RULES = \$8,500

PENALTY MATRIX WORKSHEET

CITATION: Objectionable odors on 8 July 2026

VIOLATION NO.: C (1)

TYPE

 X TYPE I

DIRECTLY related to protecting health, safety, welfare, or environment.

 TYPE II

INDIRECTLY related to protecting health, safety, welfare, or environment.

 TYPE III

INCIDENTAL to protecting health, safety, welfare, or environment.

DEVIATION FROM THE STANDARD

THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.

FACTORS CONSIDERED:

Taken from Part 1.10(A)(1)(b) of the Penalty Rules.

- (1) **The extent to which the act or failure to act was out of compliance:** Respondent failed to prevent objectionable odors from the Facility from migrating beyond the Property line. The Facility is a stationary source of air pollutants subject to state air pollution control regulations. Compliance with the air pollution control regulations is of major importance to the regulatory program.
- (2) **Environmental conditions:** The area surrounding the Property is urban and developed with numerous commercial and industrial businesses and a residential neighborhood with a population density of approximately 1,130 residents within a 1-mile radius of the Facility. Ozone in the area is in the 82nd percentile relative to the State of Rhode Island.
- (3) **Amount of the pollutant:** Unknown.
- (4) **Toxicity or nature of the pollutant:** The objectionable odor was described by RIDEM's inspectors as asphalt / metallic. The odors were so strong that it caused the inspector to feel nauseous, cough, and return to the car to avoid the odors.
- (5) **Duration of the violation:** The odor that traveled beyond the Property line was for sufficient duration and concentration to be objectionable to RIDEM's inspectors.
- (6) **Areal extent of the violation:** Full areal extent of the violation is not known. The objectionable odor was detected by RIDEM's inspectors on the property that is located to the south of the Facility.
- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent has informed RIDEM that they are taking steps to mitigate the bituminous odor by hiring an environmental consultant and evaluating the use of granular activated carbon to treat the bituminous odor prior to atmospheric discharge.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered but not utilized for this calculation.

(continued)

(continued from the previous page)

- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent has complete control over the violation. Respondent operates the Facility. The violation was foreseeable by Respondent.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered but not utilized for this calculation.

 X MAJOR

MODERATE

MINOR

Penalty Matrix where the applicable statute provides for a civil penalty up to \$10,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$5,000 to \$10,000 \$8,500	\$2,500 to \$5,000	\$1,000 to \$2,500
	MODERATE	\$2,500 to \$5,000	\$1,000 to \$2,500	\$500 to \$1,000
	MINOR	\$1,000 to \$2,500	\$500 to \$1,000	\$100 to \$500



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August 12, 2026

CERTIFIED MAIL

Jean Lussier d/b/a Bitumar USA, Inc.
c/o CT Corporation System, Registered Agent
450 Veterans Memorial Parkway, Suite 7A
East Providence, RI 02914

Re: **NOTICE OF VIOLATION**
File No.: OCI-AIR-26-22

Dear Registered Agent:

Enclosed please find a Notice of Violation ("NOV") relating to alleged violations of Rhode Island's *Air Pollution Control Regulations* including but not limited to *Air Pollution Control Permits* (250-RICR-120-05-9) and *Record Keeping and Reporting* (250-RICR-120-05-14) for a facility located at 275 Compass Circle, North Kingstown, Rhode Island.

PLEASE READ THIS DOCUMENT CAREFULLY. Pursuant to R.I. General Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35 each named Respondent is entitled to request an administrative hearing regarding the alleged violations, orders, and/or penalties set forth in the NOV. Further details regarding each Respondent's right to an administrative hearing are provided within the NOV.

If Jean Lussier d/b/a Bitumar USA, Inc ("Bitumar") wishes to request an administrative hearing concerning the NOV, the request must **be made in writing and be received within 20 days of your receipt of the NOV**. A written request for an administrative hearing must be submitted to:

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Bitumar may also wish to arrange an informal meeting to discuss the NOV with representatives of RIDEM. At that informal meeting, representatives of RIDEM will be prepared to discuss the facts set forth in the NOV, steps that may be necessary to comply with the orders contained therein, pertinent regulatory requirements, as well as issues related to the penalty assessed in the NOV. If agreement on resolution of the enforcement action can be reached, a Consent Agreement may be entered that both resolves the NOV and eliminates the need for an administrative hearing.

Representatives of RIDEM are prepared to discuss a resolution of this matter with Bitumar; however, please be advised that correspondence with RIDEM, including a request for an informal meeting to discuss the NOV, does not constitute a formal request for a hearing and will not protect Bitumar's right to a formal hearing before AAD.

If Bitumar wishes to arrange an informal meeting to discuss the NOV, please contact:

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Sincerely,



Susan Forcier, Deputy Director
RIDEM Bureau of Environmental Protection

enc: Notice of Violation

cc: Laurie Grandchamp, Administrator, RIDEM Office of Air Resources
John Melcher, EPA Region 1



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Baltimore, MD, 21226

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Sincerely,

A handwritten signature in blue ink, appearing to read 'S Forcier', with a long horizontal flourish extending to the right.

Susan Forcier, Deputy Director
RIDEM Bureau of Environmental Protection

enc: Notice of Violation

cc: Laurie Grandchamp, Administrator, RIDEM Office of Air Resources
John Melcher, EPA Region 1

**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF COMPLIANCE & INSPECTION**

IN RE: Jean Lussier d/b/a Bitumar USA, Inc.

FILE NO.: OCI-AIR-26-22

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A. INTRODUCTION

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B. FACTS

- (1) The property is located at 275 Compass Circle in the Town of North Kingstown, Rhode Island (“Property”).
- (2) The Property includes a facility for the purpose of the production and sale of asphalt products (“Facility”).
- (3) Bitumar USA, Inc. (“Bitumar”) operates the Facility. The *Certificate of Organization/Registration* for Bitumar was revoked by the Rhode Island Secretary of State on 30 December 2020. Respondent Jean Lussier is the last known president of Bitumar.
- (4) The Facility is a stationary source of air pollutants subject to Rhode Island’s Air Pollution Control (“APC”) Regulations (“APC Rules”) including, but not limited to, *Odors* 250-RICR-120-05-17 (“Part 17”).
- (5) Between March 26 to July 15, 2026, RIDEM received 164 odor complaints pertaining to “strong asphalt fumes” coming from the Property.
- (6) On 8 July 2026, RIDEM inspected the area beyond the Property line in response to the complaints. The inspection revealed the following:
 - (a) Odors were detected that were determined to be objectionable;
 - (b) odors were described as asphalt / metallic;
 - (c) winds were from the north, and the odors were determined to be emanating from the Facility;

- (d) the objectionable odors were observed during the time periods 5:35 to 5:48 a.m. and 6:44 to 6:50 a.m. during the inspection; and
- (e) the odors were so strong that it caused the inspector to feel nauseous, cough, and return to the car to avoid the odors.

C. VIOLATION

Based on the foregoing facts, the Director has reasonable grounds to believe that you have violated the following statutes and/or regulations:

- (1) **APC Rules Part 17.5** – prohibiting any person from emitting or causing to be emitted into the atmosphere any air contaminant or combination of air contaminants which creates an objectionable odor beyond the property line of said person.

D. ORDER

Based upon the violations alleged above and pursuant to R.I. Gen. Laws Section 42-17.1-2(21), you are hereby ORDERED to:

- (1) **IMMEDIATELY** take all actions necessary to comply with APC Part 17.
- (2) **Within 1 business day of Respondent's receipt of a complaint about odors at the Property from other than RIDEM**, Respondent shall notify RIDEM by electronic correspondence sent to DEM.Compliance2@dem.ri.gov. The notification shall include the date and time of the complaint, the name of the person that filed the complaint and contact information (if provided) and a description of the complaint.
- (3) **Within 3 business days of Respondent's receipt of a complaint about odors from RIDEM or complaint pursuant to section D(2) above**, Respondent shall complete an investigation of the complaint and submit a report to RIDEM that includes the following information: a summary of the complaint (including date and time of the complaint, the name of the complainant and contact information if provided, and a description of the complaint); the actions taken to investigate the complaint; the findings of the investigation; and any changes made to the practices or procedures of the Facility resulting from the investigation. Investigations of odor complaints shall include an evaluation of the Facility activities, arrival and type of deliveries, weather conditions at the time of the complaint (if known), including wind direction and wind speed, an inspection of the Facility and area(s) which were the subject of the odor complaint, and interviews with relevant Facility personnel. Reports submitted to RIDEM pursuant to this paragraph shall be submitted by electronic mail to the Administrator of RIDEM's Office of Compliance and Inspection ("OC&I") with copies to the air pollution program managers within OC&I. The names and email addresses of the individuals currently in these positions are as follows:

Sean Zeiger, Environmental Scientist III
sean.zeiger@dem.ri.gov

Patrick Hogan, Environmental Engineer IV
patrick.hogan@dem.ri.gov

Christina Hoefsmit, Administrator
christina.hoefsmit@dem.ri.gov

- (4) **Within 30 days of receipt of the Notice of Violation (“NOV”)** retain a qualified environmental consultant to prepare an Odor Management Plan (“OMP”) that includes, but is not limited to, the following:
- (a) A diagram that shows all the major process equipment and components at the Facility.
 - (b) A description of the process and the purpose of each piece of equipment and components at the Facility.
 - (c) Identifies all sources of odors at the Facility.
 - (d) Describes how odors are controlled from each identified source.
 - (e) Addresses the need for equipment to control odors and/or other regulated air pollutants.
 - (f) If the report concludes that equipment is needed to control odors and/or other regulated pollutants, the report must describe the equipment to be installed and/or operational or process changes to monitor and prevent objectionable odors beyond the Property line.
 - (g) Describes how the OMP will be implemented, including a proposed schedule.

The plan shall be submitted to RIDEM **within 60 days of receipt of the NOV.**

- (5) The OMP described in D (4) above shall be subject to RIDEM’s review and approval. Upon review, RIDEM shall provide written notification either granting formal approval or stating the deficiencies therein. Within 30 days (unless a longer time is specified) of receiving a notification of deficiencies, Respondent must submit to RIDEM a modified plan or additional information necessary to correct the deficiencies.

E. PENALTY

- (1) Pursuant to R.I. Gen. Laws Section 42-17.6-2, the following administrative penalty, as more specifically described in the attached penalty summary and worksheets, is hereby ASSESSED, jointly and severally, against each named respondent:

\$ 8,500

- (2) The proposed administrative penalty is calculated pursuant to Rhode Island's *Rules and Regulations for Assessment of Administrative Penalties* (250-RICR-130-00-1) ("Penalty Rules") and must be paid to RIDEM within 30 days of your receipt of the NOV. Penalty payments shall be by one of two methods:

- (a) By certified check, cashier's check, or money order made payable to the **General Treasury – Water and Air Protection Program** and forwarded to:

Administrator, RIDEM Office of Compliance and Inspection
235 Promenade Street, Suite 220
Providence, RI 02908-5767.

- (b) By wire transfer in accordance with instructions provided by RIDEM.

- (3) Penalties assessed against Respondent in the NOV are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.
- (4) If any violation alleged herein shall continue, then each day during which the violation occurs or continues shall constitute a separate offense and the penalties and/or costs for that violation shall continue to accrue in the manner set forth in the attached penalty summary and worksheets. The accrual of additional penalties and costs shall be suspended if RIDEM determines that reasonable efforts have been made to comply promptly with the NOV.

F. RIGHT TO ADMINISTRATIVE HEARING

- (1) Pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35, each named respondent is entitled to request a hearing before RIDEM's Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Sections A through E above. All requests for hearing MUST:
- (a) Be in writing. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.6-4(b).
- (b) Be **RECEIVED** by RIDEM's Administrative Adjudication Division, at the following address, within 20 days of your receipt of the NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
RIDEM - Administrative Adjudication Division
235 Promenade Street, Room 350
Providence, RI 02908-5767

- (c) Indicate whether you deny the alleged violations and/or whether you believe that the administrative penalty is excessive. See R.I. Gen. Laws Section 42-17.6-4(b).
 - (d) State clearly and concisely the specific issues which are in dispute, the facts in support thereof and the relief sought or involved, if any. See Part 1.7(B) of Rhode Island's *Rules and Regulations for the Administrative Adjudication Division* (250-RICR-10-00-1).
- (2) A copy of each request for hearing must also be forwarded to:
- Jenna Giguere, Esquire
RIDEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, RI 02908-5767
- (3) Each named respondent has the right to be represented by legal counsel at all administrative proceedings relating to this matter.
 - (4) Each respondent must file a separate and timely request for an administrative hearing before RIDEM's Administrative Adjudication Division as to each violation alleged in the written NOV. If any respondent fails to request a hearing in the above-described time or manner regarding any violation set forth herein, then the NOV shall automatically become a Final Compliance Order enforceable in Superior Court as to that respondent and/or violation and any associated administrative penalty proposed in the NOV shall be final as to that respondent. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and (vi) and 42-17.6-4(b) and (c).
 - (5) Failure to comply with the NOV may subject each respondent to additional civil and/or criminal penalties.
 - (6) The NOV does not preclude the Director from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Jenna Giguere of RIDEM's Office of Legal Services at (401) 537-4409 or at jenna.giguere@dem.ri.gov. All other inquiries should be directed to Sean Zeiger of RIDEM's Office of Compliance and Inspection at (401) 537-4146 or at sean.zeiger@dem.ri.gov

Please be advised that any such inquiries do not postpone, eliminate, or otherwise extend the need for a timely submittal of a written request for a hearing, as described in Section F above.

FOR THE DIRECTOR:



Susan Forcier, Deputy Director
RIDEM Bureau of Environmental Protection

Dated: 8/12/26

CERTIFICATION

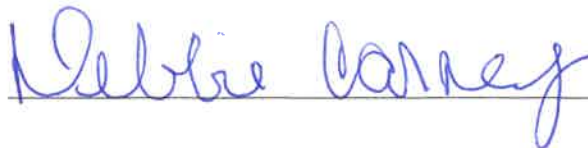
I hereby certify that on the 12th day of August, 2026
the within NOV was forwarded to:

Jean Lussier d/b/a Bitumar USA, Inc.
c/o CT Corporation System, Registered Agent
450 Veterans Memorial Parkway, Suite 7A
East Providence, RI 02914

Jean Lussier d/b/a Bitumar USA, Inc.
11155 Sainte-Catherine E St,
Montreal-Est, QC, H1B 0A4
Canada

Jean Lussier d/b/a Bitumar USA, Inc.
6000 Pennington Ave
Baltimore, MD, 21226

by Certified Mail.





ADMINISTRATIVE PENALTY SUMMARY

Program: Air Pollution
File No.: OCI-AIR-26-22
Respondent: Jean Lussier d/b/a Bitumar USA, Inc.

GRAVITY OF VIOLATION SEE ATTACHED "PENALTY MATRIX WORKSHEETS."					
VIOLATION No. & CITATION	APPLICATION OF MATRIX		PENALTY CALCULATION		AMOUNT
	Type	Deviation	Penalty from Matrix	Number or Duration of Violations	
C (1) Objectionable odors on 8 July 2026	Type I (\$10,000 Max. Penalty) *	Major	\$8,500	1 violation	\$8,500
SUB-TOTAL					\$8,500

*Maximum Penalties represent the maximum penalty amounts per day, per violation.

ECONOMIC BENEFIT FROM NONCOMPLIANCE

COSTS OF COMPLIANCE, EQUIPMENT, O&M, STUDIES OR OTHER DELAYED OR AVOIDED COSTS, INCLUDING INTEREST AND/OR ANY COMPETITIVE ADVANTAGE DERIVED OVER ENTITIES THAT COMPLY. NOTE: ECONOMIC BENEFIT MUST BE INCLUDED IN THE PENALTY UNLESS:

- THERE IS NO IDENTIFIABLE BENEFIT FROM NONCOMPLIANCE, OR
- THE AMOUNT OF ECONOMIC BENEFIT CAN NOT BE QUANTIFIED.

A review of the record in this matter has revealed that Respondent has either enjoyed no identifiable benefit from the noncompliance alleged in this enforcement action or that the amount of economic benefit that may have resulted cannot be quantified.

COST RECOVERY

ADDITIONAL OR EXTRAORDINARY COSTS INCURRED BY THE DIRECTOR DURING THE INVESTIGATION, ENFORCEMENT AND RESOLUTION OF AN ENFORCEMENT ACTION (EXCLUDING NON-OVERTIME PERSONNEL COSTS), FOR WHICH THE STATE IS NOT OTHERWISE REIMBURSED.

A review of the record in this matter has revealed that RIDEM has not incurred any additional or extraordinary costs during the investigation, enforcement, and resolution of this enforcement action (excluding non-overtime personnel costs), for which the State is not otherwise reimbursed.

TOTAL PENALTY PROPOSED UNDER PENALTY RULES = \$8,500

PENALTY MATRIX WORKSHEET

CITATION: Objectionable odors on 8 July 2026

VIOLATION NO.: C (1)

TYPE		
<u> X </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.	<u> </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.	<u> </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<u>FACTORS CONSIDERED:</u> Taken from Part 1.10(A)(1)(b) of the Penalty Rules. (1) The extent to which the act or failure to act was out of compliance: Respondent failed to prevent objectionable odors from the Facility from migrating beyond the Property line. The Facility is a stationary source of air pollutants subject to state air pollution control regulations. Compliance with the air pollution control regulations is of major importance to the regulatory program. (2) Environmental conditions: The area surrounding the Property is urban and developed with numerous commercial and industrial businesses and a residential neighborhood with a population density of approximately 1,130 residents within a 1-mile radius of the Facility. Ozone in the area is in the 82nd percentile relative to the State of Rhode Island. (3) Amount of the pollutant: Unknown. (4) Toxicity or nature of the pollutant: The objectionable odor was described by RIDEM's inspectors as asphalt / metallic. The odors were so strong that it caused the inspector to feel nauseous, cough, and return to the car to avoid the odors. (5) Duration of the violation: The odor that traveled beyond the Property line was for sufficient duration and concentration to be objectionable to RIDEM's inspectors. (6) Areal extent of the violation: Full areal extent of the violation is not known. The objectionable odor was detected by RIDEM's inspectors on the property that is located to the south of the Facility. (7) Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance: Respondent has informed RIDEM that they are taking steps to mitigate the bituminous odor by hiring an environmental consultant and evaluating the use of granular activated carbon to treat the bituminous odor prior to atmospheric discharge. (8) Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce: Considered but not utilized for this calculation.		

(continued)

(continued from the previous page)

- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent has complete control over the violation. Respondent operates the Facility. The violation was foreseeable by Respondent.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered but not utilized for this calculation.

 X **MAJOR**

MODERATE

MINOR

Penalty Matrix where the applicable statute provides for a civil penalty up to \$10,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$5,000 to \$10,000 \$8,500	\$2,500 to \$5,000	\$1,000 to \$2,500
	MODERATE	\$2,500 to \$5,000	\$1,000 to \$2,500	\$500 to \$1,000
	MINOR	\$1,000 to \$2,500	\$500 to \$1,000	\$100 to \$500