



Jennifer R. Cervenka
(401) 542-1726
jcervenka@cgesq.com

August 21, 2026

Administrative Adjudication Division
RI Department of Environmental Management
235 Promenade Street, Room 350
Providence, RI 02908-5767

Attn: Mary Dalton, Administrative Clerk
mary.dalton@dem.ri.gov

Re: Request for Administrative Hearing on Notice of Violation issued to Jean Lussier, d/b/a Bitumar USA, Inc., File No. OCI-AIR-26-22 ("NOV")

Dear Chief Hearing Officer Spinella:

On behalf of the Bitumar USA, Inc. ("Bitumar") and pursuant to R.I. Gen. Laws §§ 42-17.6-4 and 42-17.7-9 and Section 1.7(A) of the Rules and Regulations for the Administrative Adjudication Division (250-RICR-10-001), we hereby request an administrative hearing on the NOV, a copy of which is attached hereto. As an initial matter, Jean Lussier is a former officer of Bitumar and is no longer employed by the company. In any event, Jean Lussier did not do business under the name Bitumar USA, Inc. Bitumar is foreign corporation domiciled in Maryland.

Bitumar contests allegations that it failed to comply with 250-RICR-120-05-9 ("Part 9"), 250-RICR-120-05-14 ("Part 14"), and 250-RICR-120-05-17 ("Part 17") of the Rhode Island Air Pollution Control Regulations. Specifically, notwithstanding references

cervenka green llc

41 Romano Vineyard Way, #6153, North Kingstown, RI 02903

www.cgesq.com

to Parts 9 and 14 in the cover letter accompanying the NOV, the NOV itself contains no factual allegations or conclusions of law establishing a violation of either regulation.

As to the alleged violation of Part 17, Bitumar contests whether RIDEM's observations on July 8, 2026 constitute "objectionable odor" beyond the property line of Bitumar's facility, located at 275 Compass Circle, North Kingstown, within the meaning of that regulation. The NOV also lacks sufficient information concerning the inspector's training, location, methodology, and findings to permit Bitumar to meaningfully evaluate the basis for that determination.

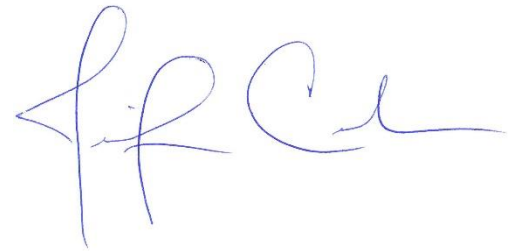
Bitumar further disputes whether the compliance requirements imposed in the Order (Section D of the NOV) are reasonably related to the single alleged violation and whether they are appropriate under the circumstances, particularly given the isolated and first-time nature of the alleged violation.

Finally, Bitumar disputes the characterization of the penalty as a "major deviation" from the standard and resulting penalty as excessive. The alleged incident was reported to be of limited and intermittent duration, RIDEM's numerous inspections preceding July 8, 2026 did not identify any violations, and the penalty does not adequately account for Bitumar's efforts to-date to minimize odors at the facility or its previously communicated plans to implement additional odor controls.

Bitumar seeks dismissal of the NOV, including the Order and Penalty, with prejudice, together with such other relief as may be appropriate.

Sincerely,

CERVENKA GREEN LLC

A handwritten signature in blue ink, appearing to read 'JRC', is written over the company name.

Jennifer R. Cervenka

Attachment

cc: Jenna Giguere, Esq., RIDEM OLS