



## Ward 5 Environmental Justice Task Force

---

January 31, 2022

Lauren Maxwell  
DC Department of Energy and Environment  
Office of the General Counsel  
1200 First Street, N.E.  
Washington, D.C. 20002

RE: Proposed Amendments to Nuisance Odor Requirements

Dear Ms. Maxwell,

We are writing on behalf of the Ward 5 Environmental Justice Task Force with comments on the Department of Energy and Environment's Proposed Rulemaking on Amendments to Nuisance Odor Requirements. The Ward 5 EJ Task Force was established by Ward 5 DC Councilmember Kenyan McDuffie to address the impacts of industrial uses on the health, safety, and quality of life of Ward 5 residents.

The majority of the city's industrial zoned property is located in Ward 5. Residents who live near such industrial uses have for decades endured the impacts of adjacent industrial activity, including malodorous and unhealthy air pollutants arising from such activities. We appreciate that DOEE is acting to strengthen the Department's ability to enforce requirements for controlling and abating odorous emissions from industrial activities.

The Ward 5 Environmental Justice Task Force offers the following comments on DOEE's proposed rulemaking:

### General Comments

- The proposed rule addresses odorous air pollutants from stationary sources. We urge DOEE to act swiftly to promulgate analogous regulations for abating odorous air pollutants from mobile sources.
- We appreciate DOEE's willingness to host a public question-and-answer information session for this rulemaking. We are pleased that, going forward, DOEE hopes to provide these information sessions as a regular feature of its rulemaking process. DOEE should also consider establishing accessible public dockets for each rulemaking similar to the dockets established by US EPA for each of its rulemakings. The dockets would contain complete records of each

rulemaking (e.g., background information documents, supporting analyses, rulemaking drafts, copies of comments received, comment/response documents, any and all variance requests, etc.) and would be available on-line for public inspection. This would add enormously to the transparency of DOEE's rulemaking and to the public's understanding of and ability to participate effectively in DOEE's regulatory work.

### Specific Comments

- Section 903.2. Under the proposed rule, if DOEE receives three or more complaints about odorous air pollution from a stationary source, DOEE may require the owner or operator of such source to submit an Odor Control Plan. The proposed rule does not address how or where complaints should be submitted. The final rule should specify where such complaints should be submitted and the information that is required. Following issuance of the final rule, DOEE should conduct community outreach and education about its program for abating nuisance odors and about submitting complaints.
- Sections 903.4 and 903.5. The proposed rule sets forth requirements for the timing of OCP submissions and information that must be addressed in such submissions. Among other things, OCPs must identify administrative and engineering procedures and practices that will be followed to effectively prevent nuisance odors. Proposed Section 903.5(d) requires a timeline for implementing OCP odor mitigation practices, but it does not set a deadline for completing such practices and abating odors. The final rule should include a deadline for completing OCP implementation and abating odors.
- Section 903.7(b). The proposed rule specifies that if DOEE disapproves an OCP for a source, the owner or operator of the source must cease odor-emitting activities 'upon issuance of an order under Section 106'. Insofar as odorous air pollutants can be hazardous to health (i.e., worse than nuisance), the final rule should make it clear that, if it is determined that the odors emitted may endanger the health or safety of residents, property or the environment, then the source must cease odor-emitting activities immediately.

Thank you for the opportunity to provide comments on this important rulemaking action. If you have any questions about these comments, please direct them to Caroline Petti at [carolinepetti@yahoo.com](mailto:carolinepetti@yahoo.com).

Sincerely,

Members of the Ward 5 Environmental Justice Task Force  
Washington, D.C.