



## COUNCIL OF THE DISTRICT OF COLUMBIA

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1350 PENNSYLVANIA AVENUE, N.W.  
SUITE 102  
WASHINGTON, D.C. 20004

**ZACHARY PARKER**  
COUNCILMEMBER, WARD 5

**COMMITTEE MEMBER**  
Facilities and Family Services  
Health  
Hospital and Health Equity  
Housing  
Transportation and the Environment

November 3, 2023

Richard Jackson  
Director, Department of Energy and Environment  
1200 First Street NE  
Washington, DC 20002

### VIA EMAIL

Director Jackson,

I am writing to request an update on the National Engineering Products (NEP) facility located at 1950 Capitol Avenue NE and the status of the efforts by the Department of Energy and the Environment (DOEE) to ensure this facility's compliance with applicable permitting and air quality regulations. As you know, NEP has been operating without an air pollutant permit for over thirty years and has been a subject of considerable concern for Ivy City residents even longer. Earlier this year, we learned that those concerns were warranted: DOEE found that three pollutants were measured at concentrations above screening levels—formaldehyde, acetonitrile, and methylene chloride—and that further evaluation was required.<sup>1</sup> DOEE has also indicated that it may yet require this facility to obtain an odor control plan or air pollutant permit, but the status of these efforts is unclear.

DOEE has the power to enforce regulation and issue fines and other penalties for facilities that are not in compliance with local requirements. What the residents are suffering from in Ivy City is not in alignment with DOEE's values to "protect public health and safety" and its commitment to "addressing disproportionate impacts faced by some communities."<sup>2</sup> Accordingly, I am requesting that DOEE provide by November 20, 2023, a written response to this letter or an in-person briefing for my team and I detailing:

- Whether NEP is required to operate under an odor control plan pursuant to 20 DCMR § 903.3 and, if not, DOEE's willingness to exercise this authority given the history of odor complaints at this location;

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<sup>1</sup> According to DOEE, formaldehyde was detected in both PF-1 and PF-2 samples (PF-1 was detected at 0.048 milligrams per cubic meter (mg/m<sup>3</sup>) (0.039 ppm) and PF-2 was detected at 0.039 mg/m<sup>3</sup> (0.032 ppm)). DOEE has previously noted that "[b]oth of these concentrations are above the EPA RSL for Industrial Air (or 0.000940 mg/m<sup>3</sup>)."

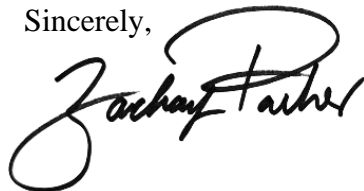
<sup>2</sup> *Id.*

- Whether DOEE is requiring NEP to obtain an air pollutant permit, and if so, what new controls NEP is required to address the formaldehyde, acetonitrile, and methylene chloride that were detected above screening levels; and
- What steps DOEE is taking to address the cumulative environmental impacts in Ivy City, including air pollution, heat island effect, exposure to hazardous chemicals, and other conditions impacting public health that are subject to DOEE's jurisdiction.

I cannot underscore enough my desire that DOEE take whatever means necessary to protect the health and quality of life of Ivy City and other Ward 5 residents. For far too long, these communities have been a proverbial dumping ground for land uses that residents and political leaders across the city find unattractive. In the absence of much more aggressive action by DOEE to take needed steps at NEP, I will explore other paths forward, including emergency legislation compelling DOEE's action, or the authorization of the use of eminent domain to use industrial land in Ivy City to address some of the many needs that have gone unmet for decades.

Thank you for your prompt attention to this matter. Please contact my Legislative Director Kendra Wiley, at [kwiley@dccouncil.gov](mailto:kwiley@dccouncil.gov) or 202-724-8192 to coordinate next steps. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink that reads "Zachary Parker". The signature is written in a cursive style with a large, looping initial "Z".

Zachary Parker  
Ward 5 Councilmember

cc: Councilmember Charles Allen, Chair of the Committee on Transportation and Environment  
Director Tommy Wells, Office of Policy and Legislative Affairs