

**From:** [James Marshall](#)  
**To:** [Mabry, Brian K.](#)  
**Cc:** [Woolridge, Mary](#); [James, David A](#); [Liu, Emily](#)  
**Subject:** Ordinance No. 037, Series 2016  
**Date:** Thursday, May 05, 2016 2:11:17 PM  
**Attachments:** [Appendix A of 6 CFR 27.gif](#)

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Mr. Mabry:

Confirming our phone conversation this week. In that phone conversation, you stated that you were currently leading the study that was mandated in Ordinance No. 037, Series 2016. You also advised that to date you had not identified any applicable land use regulations from other urban jurisdictions that address anaerobic digestion facilities, i.e., methane plants, and how those jurisdictions address the placement of such facilities.

Also in our phone conversation, you outlined the timeline for the study. The first milestone was to review the findings at an internal Department meeting on or about May 12, 2016. After that review, there are to be additional subcommittee and board reviews. You agreed to advise me in advance in writing of the dates and times of the reviews by both of the subcommittee and board.

During our conversation, I advised that relevant information will be sent to you for study consideration by myself or other interested parties/organizations. I anticipate that information will be available and transmitted to you next week.

As you may be aware that The Chemical Facility Anti-Terrorism Standards (CFATS) program administered by US Department of Homeland Security identifies and regulates high-risk chemical facilities to ensure they have security measures in place to reduce the risks associated with terrorism. Pursuant 6 CFR Section 27, Appendix A (attached), methane generating digesters fall within the purview of the Department of Homeland Security.

I bring the above to your attention now so that your team may conduct the required research to identify applicable risk-based standards and potential modes of terrorist attack including, as applicable, vehicle-borne explosive devices, ground assault, or other potential modes that should be factored into consideration in amending the Land Development Code as it relates to the location of methane plants in an urban area. Based on my initial review, a placement of such a facility in EZ-1 would definitely be inappropriate because of the associated risk of injury to surrounding residents in the event of terrorist attacks.

Regards,

James

James B. Marshall  
[jbmarshall2@gmail.com](mailto:jbmarshall2@gmail.com)

Cell 619 200-087

Anaerobic Digester Amendment Proposed by Tom FitzGerald

ORDINANCE NO. \_\_\_\_\_, SERIES \_\_\_\_\_

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**AN ORDINANCE AMENDING CHAPTERS 1 AND 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO ANAEROBIC DIGESTION OF BIODEGRADABLE MATERIALS**

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WHEREAS the anaerobic digestion of wastes in order to generate biogas is a technology that, when properly sited and buffered from land uses that may be affected by leaks or releases of gases generated during the anaerobic digestion processes, can be of benefit in diverting wastes from land disposal and generating natural gas or electricity through conversion of waste materials, and

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WHEREAS, the potential for generation of nuisance odors from such processes exists, and the design of anaerobic digestion facilities should be subject to review in order to assure that any environmental and health related concerns raised by the operation and associated transportation of materials to and from the site are properly mitigated, and that the location is appropriate for such a facility and is compatible with other land uses, and

WHEREAS, the Louisville Metro Council interprets the existing Land Development Code to include anaerobic digestion facilities within the categories of waste reduction and fertilizer manufacturing which are allowed as conditional uses only in an M-3 Zone, and believes that further clarification of this limitation is in the best interest of the public and of developers of anaerobic digestion facilities, and

WHEREAS, pursuant to KRS 100.211, a proposal to amend the text of any zoning regulation originating with the Louisville Metro Council and shall be referred to the planning commission before adoption,

NOW THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO COUNCIL

SECTION 1

Anaerobic Digester Amendment Proposed by Tom FitzGerald

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*The Louisville Metro Council hereby proposes to adopt these amendments to the Land Development Code and refers these proposed amendments to the Planning Commission for review, public hearing, and recommendations thereon as provided in KRS 100.211;*

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Section 1.2:

\*\*\*\*

**Alternative Energy Systems:** Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy *electricity* from natural forces such as wind, water, sunlight, or geothermal heat, ~~or from biomass~~, for on-site or off-site use. The off-site use shall not be for public usage, which would be deemed a Public Power Plant.

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*Anaerobic digestion means one or more processes of controlled decomposition of biodegradable materials under managed conditions in the absence of oxygen, resulting in generation of a biogas for use or sale on- or off-site, and whole digestate, Biodegradable materials include, but are not limited to, food waste, sewage sludge, and wastes generated from fermentation processes.*

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Section 4.2.43

**4.2.43 Potentially Hazardous or Nuisance Uses**

The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

- A. The Comprehensive Plan;
  - B. Environmental and health related concerns raised by the operation and the applicant’s proposal to mitigate any adverse effects to the public’s health, safety and general welfare;
  - C. The applicant’s site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public’s health, safety and general welfare;
  - D. Any other evidence submitted by the applicant and any other party addressing the issues.
- A Conditional Use Permit under this section shall be issued only if the evidence shows

## Anaerobic Digester Amendment Proposed by Tom FitzGerald

the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

### **EZ-1 and M-3**

Aluminum powder

Brick, fireback, tile, clay products, including refractories: manufacturing, processing or treatment but not including storage

Cement, gypsum, lime, and plaster of paris (but not storage)

Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing

Chemicals, including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting

Coal, coke, or tar products including fuel gas, and coke-oven products

Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products

Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolas, and blooming mills (but not storage of metal products)

Minerals and earths (including sand-lime products), grinding, crushing, processing or storage

Paint manufacture, processing, or treatment (but not storage)

Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products

Plastic, manufacture, processing, treatment, or bulk storage

Radioactive materials

Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products

Waste paper and rag operations

Wood pulp or fiber, reduction or processing (including paper mill operations)

### **M-3 Only**

#### **Anaerobic digestion**

Distillation of wood and bones

Explosives (when not prohibited by other ordinances) including ammunition, fireworks, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, and storage of latter

Exterminating operations where exterminating chemicals or agents are stored

Fertilizer (organic and non-organic), including fish, oils, manure, or peat

Glue and size (vegetable), gelatin (animal), and starch manufacture

Grain storage or grain elevators

Hair, hides, raw fur, leather, curing, dressing, dyeing, finishing, tanning, and storage

Match manufacture, processing, or treatment

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Anaerobic Digester Amendment Proposed by Tom FitzGerald

Meat and fish products, including slaughtering of meat or curing of fish, packing, and storage  
Ore dumps, slag piles  
Rendering, incineration or reduction, and storage of dead animals, garbage, offal, or waste products (the entire operation to be performed within a building)  
Slaughtering of animals or poultry  
Stock yards and feed lots

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SECTION II

*This Ordinance shall take effect upon its passage and approval.*

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**From:** [Clarence Hixson](#)  
**To:** [Mabry, Brian K.](#)  
**Cc:** [James, David A](#); [emily.lui@Louisvilleky.gov](mailto:emily.lui@Louisvilleky.gov); [Woolridge, Mary](#); [Martina Kunnecke](#); [James B Marshall](#)  
**Subject:** Drafting methane digester ordinance  
**Date:** Sunday, May 08, 2016 11:39:35 AM  
**Attachments:** [Public Comments to methane digester.pdf](#)  
[GuideDigester.pdf](#)

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Brian,

At the request of local commenters I am sending you my comments to the BOZA hearing on the methane digester permit in December 2015. I haven't been retained to follow this process so have not studied the current draft form. I attach below some materials that may be of interest.

Particularly I think trucking animal manure from JB Swift to the biodigester site should be disclosed if that will occur—and I oppose it. If a manure biodigester is going to be given a permit in the Phoenix Hill or Crescent Hill area the public needs to know.

Any exemptions from regulation for agricultural uses should be defined carefully in the urban context.

One rule in an ordinance should require keeping a current list of all food, waste and organic inputs fed into the digester.

A permit should identify all input feed stocks and disclose same at permit hearing.

Is there a restriction on the proposed methane digester contracting with the hog slaughterhouse to receive hog shit by truck delivery ? Animal manure is a typical anaerobic digester feedstock. The local slaughterhouse has an abundance of the manure to compost or digest. High volumes of animal waste trucked to the biodigester site have a potential to create odor nuisance. These wastes also harbour viral pathogens—zoonotic corona virus. Trucking shit across town is a nuisance to consider.

If the digester will not accept animal waste —it should say so in the permit.

Other state and local governments are setting up permitting processes

<http://www.calepa.ca.gov/Digester/Documents/GuideDigester.pdf>

<http://www.dec.ny.gov/chemical/98069.html>

Organic recycling facilities include composting, anaerobic digestion, land application and other technologies. Under New York State solid waste regulations, there are three levels of regulatory oversight for facilities: exempt, registered and permitted. Exempt facilities pose limited potential for environmental impacts and therefore owners are not typically required to notify the Department of their existence, although there are often basic conditions they must follow. For registered facilities, prior to operation, a representative of the facility must notify the Department of their intent to operate a facility and must receive acknowledgment for their request. Registered facilities must adhere to a moderate level of operating requirements. Permitted facilities pose greater potential environmental impacts, and therefore must go through the Part 360 permitting application process which includes submission of a detailed engineering report, adherence to comprehensive design and operating requirements and providing an opportunity for public comment.

Registrations and permits for organic recycling facilities are processed through the Division of Materials Management staff in the [NYSDEC Regional Offices](#).

## **More about Organic Recycling Facilities and Regulations:**

- [Regulations for Organic Recycling Facilities](#) - Under New York State solid waste regulations, there are three levels of regulatory oversight for facilities: exempt, registered and permitted. Exempt facilities pose the least potential for environmental impacts, followed by registered facilities and finally permitted that pose greatest potential environmental impacts, and therefore require the most regulatory oversight.
- [Organic Recycling Facility Annual Report Forms](#) - Registered and permitted organic recycling facilities are required to submit an annual report to the Department in accordance with the regulations.

Clarence H. Hixson  
Attorney at Law  
1336 Hepburn Avenue  
Louisville, KY 40204  
(502) 758-0936

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**From:** [Flora Murray](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** Anaerobic biodigesters and methane plants  
**Date:** Thursday, July 28, 2016 9:59:49 AM

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I am against these plants for this area, we have the landfill, a power plant in this area of the county. Why can't we have something built in our area that would have a positive effect? Flora Murray. 601 Auburn Oaks Drive

Sent from my iPad

**From:** [Liu, Emily](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** FW: Press Release: New Senate Bill Signals Building Support for Nutrient Recycling, Biogas  
**Date:** Friday, July 22, 2016 5:27:32 PM

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**Brian, please incorporate the email below into the record.**

*Thanks.  
Emily*

*Yu "Emily" Liu, AICP  
Planning Director  
Louisville Metro Planning & Design Services  
444 South Fifth Street, Ste. 300  
Louisville, KY 40202-4313  
502-574-6678/502-574-8129 (F)*



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**From:** Zawacki, Theresa M  
**Sent:** Friday, July 22, 2016 4:30 PM  
**To:** Steven G. Estes; Liu, Emily  
**Cc:** BZoeller@bgdlegal.com; Wiederwohl, Mary Ellen  
**Subject:** RE: Press Release: New Senate Bill Signals Building Support for Nutrient Recycling, Biogas

Steve, I'll make sure this gets incorporated into the Planning Commission record of comments on the draft. Emily, can you please make sure this happens?

Theresa

Theresa M. Zawacki  
Senior Policy Advisor to Louisville Forward  
502-574-2657 (office)  
502-593-4508 (cell)  
[Theresa.zawacki@louisvilleky.gov](mailto:Theresa.zawacki@louisvilleky.gov)

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**From:** Steven G. Estes [<mailto:sestes@sehllc.com>]  
**Sent:** Thursday, July 21, 2016 8:59 PM  
**To:** Zawacki, Theresa M  
**Cc:** [BZoeller@bgdlegal.com](mailto:BZoeller@bgdlegal.com); Wiederwohl, Mary Ellen  
**Subject:** FW: Press Release: New Senate Bill Signals Building Support for Nutrient Recycling, Biogas

Good evening Theresa,

I wanted to drop the team an e-mail about a couple things happening in the AD industry. The below is a press release from the American Biogas Council on pending legislation for Biogas production Federal Investment Tax Credits.

The use of this tax credit requires private ownership of the facility receiving the investment tax credit; as an example, we answered the RFQ to Morris Forman and our proposal of using the site we identified would be nullified. With the challenges facing MSD, this solution would be a very good solution.

Also, we have quite a bit of support from folks not wanting to see such a restrictive precedent set in the U. S.

Please consider these factors as some of the current discussions go through their processes?

Regards,

Steven G. Estes

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**From:** Patrick Serfass, Executive Director | American Biogas Council  
[<mailto:info@americanbiogascouncil.org>]

**Sent:** Wednesday, July 20, 2016 1:14 PM

**To:** Steven G. Estes <[sestes@sehllc.com](mailto:sestes@sehllc.com)>

**Subject:** Press Release: New Senate Bill Signals Building Support for Nutrient Recycling, Biogas

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*For Immediate Release*



**Media Contact:**

Caroline Peat

Phone: 202.640.6595

Email address:

[cpeat@ttcorp.com](mailto:cpeat@ttcorp.com)

**New Senate Bill Signals Building Support for  
Nutrient Recycling, Biogas**

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## ***S3248, the companion bill to the Agriculture Environmental Stewardship Act (HR5489) introduced in Senate***

WASHINGTON, DC - July 20, 2016 - Last week, Senators Sherrod Brown (D-OH) and Pat Robert (R-KS) introduced new bipartisan legislation, the Agriculture Environmental Stewardship Act ([S 3248](#)). This latest bill is a companion to identical House legislation (HR 5489) introduced on June 15 by Congressmen Ron Kind (D-WI) and Tom Reed (R-NY). The American Biogas Council, the trade association for the U.S. biogas industry, applauds the bill which will increase the sustainability of farms by helping to deploy new nutrient recovery and biogas systems to recycle organic material into baseload renewable energy and healthy soil products. The legislation provides a 30 percent investment tax credit (ITC) for qualifying biogas and nutrient recovery systems and is the Senate companion bill to [HR.5489](#) introduced last month. The House bill now has 24 Republican and Democratic sponsors and the support of several industry groups.

"With the introduction of these two bills, we believe that there is strong recognition of the need for clean waterways and more productive soils which contribute to healthier communities and a stronger economy. Biogas and nutrient recovery systems make these goals obtainable and this legislation will help incentivize those technologies," said Patrick Serfass, Executive Director of the [American Biogas Council](#). "We are thankful to Senators Brown and Roberts for their leadership and for recognizing the far reaching benefits of sustainable farming where organic material and nutrients are recycled to create beneficial soil products, baseload renewable energy and jobs."

S.3248 reflects the critical need to support economically and environmentally sustainable agricultural practices that protect waterways and enrich soils. Currently no tax incentive exists for nutrient recovery systems which farms increasingly need to properly manage the nutrients found in raw manure. Currently, only biogas projects that generate electricity are eligible for a production tax credit under Section 45 of the federal tax code, omitting other energy uses like production of pipeline quality natural gas and compressed renewable natural gas vehicle fuel.

### **Why is nutrient recycling important?**

To have both healthy watersheds and soils, sustainable agricultural practices are critical. If excessive amounts of nutrients are applied to soils within the short windows available between planting crops, the nutrients often do not have an opportunity to be used by the crop and run into waterways especially during heavy rains that often occur in spring and fall. The excess nutrients can then create harmful algal blooms that starve fish and desirable aquatic plants of the oxygen they need to thrive. By deploying nutrient recovery systems that allow farms to apply nutrients when and where they are needed throughout the year, farms greatly reduce the potential environmental impact and the use of expensive chemical fertilizers which are often imported.

While nutrient recovery systems can be used alone, their performance is enhanced when



used with a biogas system. [Biogas systems](#) transform manure and other organic residuals like food waste using a natural, microbial process (not too different than what happens in a cow's stomach) producing a digestate containing all of the nutrients but in more bioavailable forms. Since the digestate is already warm and homogenous as it leaves the biogas system, nutrient separation is more efficient and the reliability of separating or concentrating the nutrients from the digestate is increased. This allows farmers and landscapers greater control of how much of each nutrient (e.g., nitrogen, phosphorus, potassium) is applied to the soil. Concurrently, the digestate leaving the biogas system is 95% free of odor, fly larvae - and importantly - as much as 99% free of pathogens, preventing the spread of E. coli in watersheds. Finally, biogas systems capture all of the methane to generate baseload renewable energy, preventing greenhouse gas emissions and reducing reliance on fossil fuels. Combined, the biogas and nutrient recovery systems create jobs both during construction and ongoing operation of new systems through the daily input and processing of organics and the use and sale of energy and nutrients.

### **U.S. Biogas Market**

Currently, the United States has more than [2,100 sites producing biogas](#), and still, the potential for growth of the U.S. biogas industry is huge. A recent industry assessment conducted with the USDA, EPA and DOE as part of the Federal [Biogas Opportunities Roadmap](#) estimates nearly 11,000 sites are ripe for development. If fully realized, these new biogas systems could produce enough energy to power 3.5 million American homes and reduce emissions equivalent to removing up to 11 million passenger vehicles from the road. It would also result in an estimated \$33 billion in construction spending, creating approximately 275,000 short-term construction jobs and 18,000 permanent jobs to operate the biogas systems and manage ongoing business activities.

For more about how biogas systems work, visit:

[http://www.americanbiogascouncil.org/biogas\\_howSystemsWork.asp](http://www.americanbiogascouncil.org/biogas_howSystemsWork.asp)

### ***About the American Biogas Council***

The American Biogas Council is the only national trade association representing the biogas industry in the U.S. The ABC represents over 200 companies covering the entire biogas supply chain who are dedicated to maximizing the production and use of biogas from organic waste. Find us online at [www.AmericanBiogasCouncil.org](http://www.AmericanBiogasCouncil.org), Twitter [@ambiogascouncil](#), LinkedIn in the American Biogas Council group and on [YouTube](#).

Find a link to a PDF of this release [here](#) and for the House bill, HR5489, [here](#).

STAY CONNECTED:



American Biogas Council, 1211 Connecticut Avenue, NW,  
Suite 650, Washington, DC 20036

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Sent by [info@americanbiogascouncil.org](mailto:info@americanbiogascouncil.org) in collaboration with



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**From:** [Mabry, Brian K.](mailto:Mabry, Brian K.)  
**To:** [Mabry, Brian K.](mailto:Mabry, Brian K.)  
**Subject:** FW: Develop Louisville: Potential Locations for Anaerobic Digester  
**Date:** Wednesday, July 27, 2016 11:17:23 AM

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-----Original Message-----

From: mtsappteam@louisvilleky.gov [<mailto:mtsappteam@louisvilleky.gov>] On Behalf Of jhillman@jcsoky.org  
Sent: Wednesday, July 27, 2016 9:16 AM  
To: Wethington, Jessica  
Subject: Develop Louisville: Potential Locations for Anaerobic Digester

Submission:

Submitted by Anonymous (not verified) on July 27, 2016 - 9:15am

Your Email Address:  
[jhillman@jcsoky.org](mailto:jhillman@jcsoky.org)

Your Subject:  
Potential Locations for Anaerobic Digester

Your Comment:

1. I have reviewed the map for the potential eligible sites. Are you proposing the area near MSD & Morris Forman Waste Treatment Plant located off Algonquin Pkwy & Southwestern Pkwy? Is one of the bio-digesters of MSD that was mentioned in the paper located here already?

To my knowledge the only available land, is where the old refinery pipes were located, they were removed several years ago. My family and friends have lived in that area for years.

Then there is the Marathon Petroleum Co.

Rohm & Haas and the other factories had emergency plans, still there were mishaps.

We have already dealt with all kinds of odors, truck traffic, deaths, etc.

2. Leet said the green technology can be an "asset enonomically" , for WHO and HOW???
3. Why not use the Ag space shown on the map, I am sure some of it is more than 1/4 mile from residential areas.
4. Doesn't Waste Management have a dumping area already off the Outer Loop?? If so, build them there where gases are already building up.

Choose a Department:  
Develop Louisville

Department Email:  
[jessica.wethington@louisvilleky.gov](mailto:jessica.wethington@louisvilleky.gov)

**From:** [Haberman, Joseph E](#)  
**To:** [Larry Carter](#)  
**Cc:** [Mabry, Brian K.](#)  
**Subject:** RE: Anaerobic digester Community Forum Comments  
**Date:** Wednesday, July 27, 2016 1:24:35 PM

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Mr. Carter,

Thank you for the comments. I forwarded your email to Brian Mabry, the case manager, to add to the file and provide to the Planning Commission to consider. As you are aware, the preliminary draft does not address some of the subjects presented in your questions. Additional language could be added to address the questions. Let us know if you were thinking about anything specific to address your questions.

1. What are the plans for road improvements to and from any site locations for Digesters? **Per the preliminary draft, a traffic study is required. Based on the findings, road improvements may be required to accommodate a facility. The need for such improvements will be considered by the Board of Zoning Adjustment (BOZA) on a case by case basis during the Conditional Use Permit (CUP) process. Public Works provides their input and recommendations to the BOZA. Additional language could be added to the ordinance to require additional standards that would be required of all facilities.**
2. Who is going to do the environmental study and who is going to review this study and determine the guidelines? **Per the preliminary draft, an environment impact study is not required. In any event, as part of the CUP process, the BOZA reviews the proposal to find whether or not there would be any adverse impacts. If there would be adverse impacts, the BOZA could add conditions to mitigate the impacts or deny the application. Additional language could be added to the ordinance to require additional standards that would be required of all facilities**
3. Noise level distance from any adjoining property must be set so that adjoining property owner is not disturbed  
and the noise level is set to zero after 10:00 pm. **We have noted this comment and will forward to the Planning Commission for consideration.**
4. Vehicles used to transport waste to Digester must be able to contain odor in vehicle until it is secured  
inside secure storage building. Also, any product transported from same site must use same security. **We have noted this comment and will forward to the Planning Commission for consideration.**
5. All residents inside area of Digester must have a copy of Emergency Management Plan and the opportunity  
to review and approve said plan. I would suggest inside area be a five mile radius of Digester. **We have noted this comment and will forward to the Planning Commission for consideration.**
6. What is the office of Homeland Security have to say about explosive factor impact on the community? **Good suggestion, Brian may have talked with them already, but if not we will try to contact the office and get their thoughts.**
7. Who is going to be in charge of reviewing safety and quality history of companies requesting to install

systems? Per the preliminary draft, the applicant must submit a safety/emergency response plan that would be reviewed by Metro's emergency management agency and an odor strategy that would be reviewed by the Air Pollution Control District. In addition, the facility would be reviewed for compliance with building and life safety codes as part of the building permit process. In addition, the facility will be subject to all applicable federal standards related to safety. Additional language could be added to the ordinance to require additional standards that would be required of all facilities.

8. **Suggestion**, install the first Biodigester at the Landfill on outer loop so people can see how effective it will be at containing the smell of methane gas coming from land fill. Also, it will give people a chance to review a working facility. We have noted this comment and will forward to the Planning Commission for consideration.

Thank you again and let us know if you have any additional comments or questions, Joe

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**From:** Larry Carter [mailto:luke002@att.net]  
**Sent:** Wednesday, July 27, 2016 12:50 PM  
**To:** Haberman, Joseph E  
**Cc:** Larry Carter  
**Subject:** Anaerobic digester Community Forum Comments

1. What are the plans for road improvements to and from any site locations for Digesters?
2. Who is going to do the environmental study and who is going to review this study and determine the guidelines?
3. Noise level distance from any adjoining property must be set so that adjoining property owner is not disturbed and the noise level is set to zero after 10:00 pm.
4. Vehicles used to transport waste to Digester must be able to contain odor in vehicle until it is secured inside secure storage building. Also, any product transported from same site must use same security.
5. All residents inside area of Digester must have a copy of Emergency Management Plan and the opportunity to review and approve said plan. I would suggest inside area be a five mile radius of Digester.
6. What is the office of Homeland Security have to say about explosive factor impact on the community?
7. Who is going to be in charge of reviewing safety and quality history of companies requesting to install systems?
8. **Suggestion**, install the first Biodigester at the Landfill on outer loop so people can see how effective it will be at containing the smell of methane gas coming from land fill. Also, it will give people a chance to review a working facility.

Thank you  
Larry J. Carter



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

WHAT IS THE CLOSEST SEPARATION/PROXIMITY TO HOMES, SCHOOLS, HOSPITALS, FOR EXISTING LARGE-SCALE BIO DIGESTERS ELSEWHERE? (NOT INCLUDING SMALL, PLANT ACCESSORY STATUS)

- ADD SIZE RESTRICTIONS
• ADD DISTANCE FOR SEPARATION - 5 MILES
• INSTEAD OF CRETZBLANCH EXEMPTIONS FOR LAND ZONED AGRICULTURAL, CHANGE THOSE ZONING REGS SO THEY WOULD HAVE TO FOLLOW REGULATIONS FOR THIS KIND OF ACTIVITY. (PROXIMITY/SEPARATION, SOUND, ODOR)



For more information, or to submit your comments electronically, please contact: Brian Mabry, Planning & Design Supervisor 444 S. 5th St., Ste. 300, 40202 (502) 574-5256 brian.mabry@louisvilleky.gov

Name (Optional): DAVID HORVATH
Address (Optional): 1831 WOODFULL WY LOUISVILLE, 40205 502-435-3265





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

- Use a 5 mile separation area instead of a quarter-mile separation, and show this on a new version of the "Locations Potentially Eligible for Bio-digesters" map.

Multiple horizontal lines for additional handwritten comments.

For more information, or to submit your comments electronically, please contact:  
Brian Mabry, Planning & Design Supervisor  
444 S. 5th St., Ste. 300, 40202  
(502) 574-5256  
brian.mabry@louisvilleky.gov

Name (Optional): \_\_\_\_\_  
Address (Optional): \_\_\_\_\_







Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

- "MORE TIME SO THE PUBLIC HAS TIME TO REVIEW."
- "NOWHERE IN THE COUNTY."
- "THEY'RE PUSHING IT DOWN OUR THROATS."
- "THIS REGULATION IS PAVING THE WAY FOR BIO DIGESTERS TO COME INTO THE CITY."
- "CONSIDER THE LANDFILL AS A LOCATION FOR A BIODIGESTER."
- LUCRATIVE PROPERTY IN WEST END
- PAINT RESIDUE ON HOUSES
- 20% UNEMPLOYMENT IN THE WEST END
- PLANT THAT BREAKS DOWN WASTE, CARLIE PLANT
- ONLY 10 JOBS
- USES HYDROGEN PEROXIDE
- AMONIUM NITRATE
- TOXIC VINYL CHLORIDE (USED IN CLEANING)
- EARTHQUAKE COULD RELEASE GASES.
- "BIOGAS IS MORE DANGEROUS THAN GASOLINE"
- HB 449 - PROCESSING OF METHANE PLANTS - NOT ADOPTED
- POSSIBILITY OF A BIODIGESTER BEING HIT BY A PLANE AND EXPLODING. "OUT OF THE FLIGHT PATH"
- EZ - HEAVEN HILL, COINCIDENCE?

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Name (Optional): \_\_\_\_\_

Address (Optional): \_\_\_\_\_

10. - AGRICULTURAL ZONES - "SNEAKY"



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

① Needs to be at least 5 miles away all neighborhoods.

② Wants to know hazards to the population. 5 miles buffer = Charlotte Jones

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Name (Optional): Barbara Diveraux Address (Optional): 1106 Camden Ave





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

What are the location requirements/sites base

What are positive issue and what are negative issue concerning Anaerobic Digester

if your site research are location's selection evenly spread throughout the city of Louisville. Down town East, South, North and West

All regulation more available before zoning meeting or meeting decisions

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Name (Optional): Rep M Donohue 37  
Address (Optional): \_\_\_\_\_

Cell 439-6115  
office 564-8100 ext 629



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

- 1) I am not convinced we need biodigesters.
- 2) Any biodigesters allowed to come in should not be anywhere (5<sup>w/n</sup>-10 miles of residential props.)
- 3) close to residential areas
- 3) there should be a distinction between biodigesters built as a single large facility & ones attached to an existing plant. The size should be considered. We don't want large facilities in the Jefferson County area even if they are attached to a plant.
- 4) Concerned there could be a biodigester near the airport if the regulations aren't changed.  
~~Or~~ We, in Bechtmont, don't need more trucks, more noise & more smell.

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Name (Optional): Debbie Thompson  
Address (Optional): 4834 Southern Plany.





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

It seems suspicious that all the potential sites are in West or South Louisville. Locations are too limited the way it is written now.

My main concern is not the biogas itself. It is the traffic going in and out. We already have issues with inappropriate truck traffic in Beechmont

This is not a zoning issue per se, but what precautions are in place in the event of an accident/explosion?

Regarding the biogas & the distillery, separate regulations need to apply to digesters handling waste created on-site

What about the size of the digesters? Are multiple small digesters safer than one large one?

Bio digesters larger than quantity must be located ~~distance~~ from schools & residences  
How big is too big?

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Name (Optional): Betsy Ruhe  
Address (Optional): 4553 Southern Pkwy



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

\*Continue to band this type of operation  
in West Louisville. ~~USA~~

\*I don't think a quarter mile radius is  
~~not~~ a safe distance from any residential  
or insititual, business, etc. area

\*I don't think the truck traffic this type  
of operation would be safe to the residents

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**Anaerobic Digester Community Forum Comments**

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

*Will the city conduct any research related to the science of digesters to justify the 1/4 mile setback?*

*Are you looking at changing any other requirements for industrial uses like recycling or transfer stations?*

Multiple horizontal lines for writing additional comments.

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Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

*Dante's Notes*

House Bill 449 - KY Legislature proposed

bill - Rip ~~the~~ River

chase ↑ 4 mile setback

Home values harmed

Human H.H. not a good neighbor - can't trust  
also not Metro

Safety

who is responsible H.H. using & not  
responsibly for safety

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Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

14 - miles from nearest neighborhood before any plans are approved responsibility for running the ~~must~~ facility must be established.

For example GE equipment L&E will capture the gas who will be in charge of building & running this facility.

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Address (Optional): \_\_\_\_\_





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

Anaerobic biogas should not be put in residential neighborhoods. They can blow up. There is one in California that did blow. Stillage from Heaven Hill should be used as Ugly is using it to make batteries. This is energy production that is "green" and a money maker.

The regulation should say that the Biogas should be fourteen miles away from houses, schools, malls etc.

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Name (Optional): Debra S. Eidos

Address (Optional): 1758 Dumasville St.



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

IS "METHANE" THE ONLY PRODUCT PRODUCED BY THE DIGESTER?

CAN THE DIGESTER BE USED <sup>TO</sup> REMOVE LEAD, AND OTHER METALS AND POLLUTANTS FROM URBAN SOIL INCLUDING BROWNFIELDS?

IF THIS IS POSSIBLE CAN SOIL RECLAMATION BE DONE WITH THE BIODIGESTER SO THAT OUR HOMES CAN HAVE CLEAN SOIL?

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Name (Optional): THEODORE SCOTT

Address (Optional): tscott.scott6@gmail.com





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

If project is approved:  
Traffic issues related to road deterioration  
and traffic increases and increased pollution.  
Will companies help monetarily maintain  
roadways.

Do not put in metro Louisville  
city area — put only in  
non residential areas in forest like  
grounds.

How does this help the  
workers needing job? How  
many to be hired.

1/4 mile says biogas digester  
will be placed too close to  
people.

I am not in favor of project.

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Name (Optional): F. West

Address (Optional): 6809 Dixdale





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

There should be no methane plants or digesters in the west end of the city period. There are enough poisonous plants here to make people sicker.

1/4 of a mile from humans is not nearly far enough for methane plants - property in the east end of town that's not populated would be the ideal place for these plants.

Traffic would increase greatly in an already densely populated area w/ schools + businesses. Smelly garbage trucks is not conducive to have hauling garbage through a residential community. The roads that the trucks would travel would be torn to shreds. The west end is opposed to all forms of bio-digesters in this portion of the city.

Why would a bio-digester be placed in the midst of a community when not enough of a study has been done?

~~NO~~ would like to have feedback on my comments

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Name (Optional): Sandra Withrus  
Address (Optional): P.O. Box 3461  
40201



**Anaerobic Digester Community Forum Comments**

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

It is IMPERATIVE that the LMG properly vet its zoning/development, + planning procedures for any chance of ~~racial~~ race/class/sex disparity perpetuations

Multiple horizontal lines for writing additional comments.

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Name (Optional): Byron Barber

Address (Optional): bybarber@gmail.com

502 777 8270







Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

What is the legal definition of agricultural use?

What ~~is~~ the determiner whether the biodigester's odor impact rather odor <sup>via</sup> drainage, and run-off is within or out of limits?

Were there any environmental impact studies conducted on ground water contamination? are there any chemicals that may have an adverse affect on air quality, and soil in the city limits.

The people in the west Louisville, Cave Run, Lake dreamland area are miles from industrial power plants, refineries, and other polluting facilities located in and around west Louisville so what is a 1/4 mile barrier exactly going to cover?

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Name (Optional): Ken Leonard Hickerson

Address (Optional):



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

CHANGE PROPOSED: NO!! I DO NOT WANT A TRIGGER DEVICE 2 BLOCKS FROM MY PROPERTY. MICHAEL AURELIAN

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Name (Optional): \_\_\_\_\_ Address (Optional): \_\_\_\_\_





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

~~Why does it have to be in Louisville?~~

California methane leak largest  
in US history Back in October 2015  
and still have not been fix!

8,000 people EVACUATE.

SO why not put it in the country, like  
Hardin CO.?

Why not ~~INDIANA~~ INDIANA?

Bullett County.

If there was a leak of methane, what will  
be done to fix the problem?

WHY Louisville?

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Address (Optional): \_\_\_\_\_



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

In the proposed Section 4.2.63A why is zoning EZ-1 the only Zoning district where the distance from residence cannot be waived or modified?

In proposed Section 4.2.63D, the methane plant is to be positioned 50 feet from the "perimeter property line." How was that distance established?

It is general knowledge that a hand grenade will injure individuals in a fifty foot radius. Should one of the four story plant tanks fail, what is the blast radius? Should the tank blast radius dictate the distance from the perimeter property line the plant should be located?

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Name (Optional): \_\_\_\_\_

Address (Optional): \_\_\_\_\_

From: Water & Health

Date: 7-26-16 at East Government Center Methane meeting

Submitted by Teena Halbig, 6505 Echo Trail, Louisville, KY 40299, 267-6883,

[TeenaHal@aol.com](mailto:TeenaHal@aol.com)

Toxic gas has been spewing from the Aliso Canyon Storage Facility near Porter Ranch, Los Angeles since October 23, 2015 with no clear end in sight.

**This week Governor Brown finally declared a state of emergency in California<sup>1,2</sup>**, which opens up more resources to address this crisis. This is a huge victory — which came after weeks of organizing by Save Porter Ranch and Food & Water Watch<sup>3</sup> — and will start to provide residents the assistance they need.

But Brown's decision came late in the game, after months of gas polluting the air, and isn't enough. We need Governor Brown to take even stronger steps to stop this crisis and shut down the Aliso Canyon Storage Facility!

— This disaster is making people sick —

Exposure to methane, the gas leaking into Porter Ranch's air, is linked to a variety of chronic ailments, including bloody noses, headaches, vomiting and rashes.

Already more than **2,500 families have been relocated**, with another **1,800 requesting assistance** to leave the area. **Two schools have been closed down and the students moved.** Hundreds have been getting sick, and residents have submitted **over 1,700 health and odor complaints with local air quality regulators.**

The only way to stop hurting people's health is to shut down the facility!

— This crisis is damaging our climate —

The amount of methane (a potent greenhouse gas) leaking into the air is equivalent to **one-quarter of the state's methane emissions from all sources.** By the end of January, the blowout will have spewed about *110,000 tons of methane.*

At a time when Governor Brown is touting California as a climate leader, it's impossible to ignore the implications that this blowout is having on climate change. As the *Los Angeles Times* put it, **"The Porter Ranch leak makes clear the hidden costs of our dependence on fossil fuels."**<sup>4</sup>

Governor Brown can't claim to be a climate leader and allow this blowout to continue one more minute!





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

At least 1/2 mile or more away from residential areas. Not in Rubbertown - Rubbertown has been bombarded w/ toxic waste. Ask yourself if you want a methane facility in your neighborhood.

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Address (Optional): \_\_\_\_\_



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

- ① I would support/recommend allowing biodigesters only in M-3 zones with a 1/2 mile buffer from all residences
  - ② biodigesters must not be constructed in flood prone areas or flood plains, using a 1/2 mi. buffer from same.
  - ③ Biodigesters must not be built within 1/2 mi of <sup>other</sup> gas storage facilities or gas stations or similar combustible materials.
- In summary, I support a ban on all primary use biodigesters in Metro Louisville / Jefferson Co. Obviously, there is no ~~good~~ rational site in Metro Louisville for primary use biodigesters due to odors, truck traffic, air quality concerns & risk to health & welfare of residents in the event of vermin, leaks, or "failures" or <sup>gas</sup> explosions, as occurred in L.A. in Oct., 2005.

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Name (Optional): Kate Cunningham  
Address (Optional): 8606 Whippys Bend Rd  
40232



- How was the distance to residential properties determined? (1/4 mile?!)?

- Will the biodigester draw rodents, birds, etc? What measures will be taken to control these unwanted vermin, etc.?

- How will taxpayers be impacted by disposal rates, energy rates, etc? Have disposal + associated costs historically gone up or down?

- Wouldn't the landfill area be more conducive to a biodigester? Has this ever been considered?

Rita Olson  
13416 Kuster High Ct  
40299

District of Stuart, Arizona 266-6253



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

- Investigation of both successful & failed biodigesters & apply or accommodate those findings into regulations?

- A quarter of a mile doesn't seem far enough. How was this arrived at?

- What are short term & long term effects & costs of a biodigesters?

- What extensive studies have been done to examine both the pros & cons of biodigesters in similar communities like Louisville?

Benefit/cost

Environmental impact

Seems all I've seen reported emphasizes economic benefits.

What impact can this have on water & other environmental quality? What are safety concerns from methane?

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Name (Optional): Tim Olson

Address (Optional): 13416 Kristen Leigh Ct.  
40299

266-6253  
(Stuart Benson's district)



Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

~~I~~

The set back of 1,320 ft seems arbitrary. No data was presented as to the harms caused by these digesters.

~~Since each digester will be reviewed separately it appears like this is a~~

Set back distances should relate to the potential harm. Size and type of use should be factors for set back distances

~~Replies express~~

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**DEVELOP LOUISVILLE**  
LOUISVILLE FORWARD

Anaerobic Digester Community Forums  
July 25-27, 2016

Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

Lined area for handwritten comments. The text "TRUCKS = Dangerous Material" is written in blue ink on the first line.

TRUCKS = Dangerous Material

Name (Optional): \_\_\_\_\_

Address (Optional): \_\_\_\_\_

For more information, or to submit your  
comments electronically, please contact:  
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Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

*we don't want to  
submit 2 at all*

Lined area for writing additional comments.

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Address (Optional): \_\_\_\_\_





Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

*Don't put  
~~the~~  
 the Biogas  
 Biodigestion  
 n  
 plus heat 2.*

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Anaerobic Digester Community Forum Comments

What changes, if any, would you like to see in the proposed anaerobic digester regulations?

*We don't need this or want this. Why is the public or Residents ask to give input when the final decision is made by Metro Council.*

*When we know that some have taken money to pass this. That's why those that were against it is now for it because their pockets have been lined with money. Put it out in the Country in the Wilderness.*

Multiple horizontal lines for additional handwritten comments.

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