

From: [James, David A](#)
To: [Mabry, Brian K.](#); [Liu, Emily](#)
Cc: [Smith, Wanda M](#)
Subject: Fwd: Proposed Biodigester Regulations
Date: Monday, August 01, 2016 12:55:07 AM

Sent from my iPhone

Have A Great Day !!

David James

Begin forwarded message:

From: Srwade1 <srwade1@aol.com>
Date: July 31, 2016 at 23:11:24 EDT
To: <david.james@louisvilleky.gov>, <wanda.smith@louisvilleky.gov>
Subject: Proposed Biodigester Regulations

I attended the July 28th meeting of the Planning Committee to discuss the proposed regulations to amend the Land Development Code (LDC) for Anaerobic Biodigesters. The following are some of my concerns:

1. 4.2.63 Biodigesters

The nature of the biodigesters along with the potential for possible expansion (users of a biodigester) should only be permitted in the most intense of the industrial districts (M-3), with a Conditional Use Permit.

2. A. (Distance)

I would like to see this minimum distance increased. In the event of some type of accident, no distance assigned will be far enough. However, in some areas of the Urban Service District the proposed 1,320 feet (1/4 mile) is as little as three (3) blocks.

I would like to see the minimum distance increased to 2,640 feet (1/2 mile); this would approximately be six (6) blocks. Particularly since there was no real reason why 1,320 feet was selected.

As was noted in Mr. Mabry's report, other areas in the US have minimums from 500-3,000 feet.


For the above reasons, I would also like to see the distance (**D**) from a perimeter property line adjacent to a public right-of-way (ROW) increased from the proposed 50 feet to 100 feet.

3. The proposed regulations require that plans be *submitted* to both Metro Air Pollution Control District (APCD) and Metro Emergency Management

Agency/Metro Safe. I feel that the wording should require that the plans be submitted and approved by the aforementioned agencies; along with a requirement for annual resubmission. This would allow for any changes (Federal, State, or Local) to be incorporated into the plans; and I think that these plans should also be submitted (and approved) to the Metro Fire Department. This being the agency that will more than likely be the first responder.

4. In requesting a Conditional Use Permit (CUP), it is **pertinent** that all deliveries of the materials to the site have a time restriction; said time can be discussed during that application process. But an example would be, deliveries only between the hours of 7:00am-7:00pm.

I couldn't help but notice the particular emphasis upon the fact that 'agricultural uses' are exempt from the zoning regulations. While this is granted by State law, it caused me to think about the West Louisville Food Port. The proposed Food Port originally included biodigesters in their proposal. If this is considered an 'agricultural use', it would be possible for them to resubmit the original plan including the biodigester. Just a thought.

These are some of my concerns and I'm certain that there are many others from the meetings that took place elsewhere. Hopefully, those concerns have been compiled for your review; and an opportunity for your comments and concerns can be addressed (for the record) after the Planning Commission forwards them for your approval. 

Sincerely,
Sheila Wade