

From: [Mabry, Brian K.](#)
To: [Mabry, Brian K.](#)
Subject: FW: California notes
Date: Thursday, July 28, 2016 1:09:14 PM

Brian Mabry

From: Mabry, Brian K.
Sent: Tuesday, July 26, 2016 11:24 AM
To: 'Beth Jones'
Subject: RE: California notes

Received. Thank you.

Brian Mabry

From: Beth Jones [<mailto:jones3219@aol.com>]
Sent: Tuesday, July 26, 2016 11:17 AM
To: Mabry, Brian K.
Subject: California notes

California Meeting 6/26

Person claimed we don't want it and we don't believe the city will listen us. We've already told city council several times and it still keeps coming up again.

Person recommended Consult with the Center for Health Equity within the health dept. for zoning and development in general in the future.

Person claimed they are already here but they're not places people want to live near. Has anyone looked at effects on property values?

Person asked who is going to monitor? What is recourse when people don't follow the agreement?

Person claimed he/she lives less than 1/4 mile from MSD biodigester and it is a problem. Odors are a big problem. Cancer rate is high too, because of air pollution and other pollutants in the area.

Councilman James is doing his homework.

Person asked why not put it at the dump where it is most useful.

Person claimed most people feel like metro govt is not upfront about what they're doing.

Person claimed existing biodigester has created enemies.

Person claimed we want to protect our children and have them stay in their community.

Person claimed small article in the paper for such a monumental change in our community.

Person recommended Zone of Hope health initiative, grant from Humana (Urban League)

Person claimed these are regulations so they're ready for the next time somebody comes.

Person claimed when they lift moratorium, we need transparency on who wants this on what sites.
Transparency.

Person recommended reuse existing infrastructure and buildings instead of bringing new things in.

From: [Mabry, Brian K.](#)
To: [Mabry, Brian K.](#)
Subject: FW: SW Library Notes
Date: Tuesday, July 26, 2016 8:33:44 AM

From: Davis, Brian
Sent: Monday, July 25, 2016 7:58 PM
To: Liu, Emily; Reverman, Joe; Haberman, Joseph E; Mabry, Brian K.; Ford, Will F; Bilitski, Deborah; Marchal, David
Subject: SW Library Notes

Here are the notes from the SW Library meeting:

July 25 - Biodigester meeting @ SW Library 6:00 pm (began meeting at 6:10 pm)

Joe H., Brian D., Zach, Anthony, Andrea, Lauren Haberle

(See sign in sheet for others)

*** Had a request to have the binder information available online prior to transmittal to the PC.

Lauren introduced the meeting.

Joe H. stated why we are here, what has been prepared (it is a draft), went over the high points of the draft regulations, and explained the maps. Explained that we would like written comments from people so we can pass along their comments and concerns to the Planning Commission and Metro Council.

One person asked a question about the agricultural exemption. Said he is concerned about ag operations not controlling smell and what impact that may have on surrounding residential uses. We explained the difference between a biodigester as part of an ag operation and a biodigester as a stand alone industrial use.

Another person asked about the transportation of materials to and from a biodigester. What kind of review or requirements would there be for that transportation. Need to be sure to evaluate road capacity (in terms of weight) to make sure these trucks won't be destroying the road. Had someone ask about extending notice to any residents who may be along the route where trucks go along local streets.

Has the planning office found any bio digesters or regulations in urban areas/settings like Louisville? Joe explained that we didn't find any other regulations specifically crafted to regulate bio-digesters in urban and suburban areas similar to those in Jefferson County. There are some urban biodigesters in England and Germany. Person said he believes the regulations read just like the neighborhood agreement that had been presented by STAR back when they applied for the biodigester last year, which were rejected by the community. Would prefer to have odor elimination, not minimization. Brought up Swift and how the city deals/has dealt with their odor issues over the years. Brought it back to the discussion in regards to concerns about enforcement and requiring neighborhoods to report issues to the city. Said there needs to be more teeth to the regulations to strengthen enforcement/monitoring. Possibly a

mechanism that if they have too many violations within a certain period of time they be shut down/CUP taken away.

Someone asked how the methane is stored/transported (truck, pipe).

One person said he'd read some info from Penn State about how attempts to make the process cheaper have resulted in impurities and such in the methane, accidental explosions, corrosion of materials, etc.

Someone asked how much interest there had been in establishing these types of facilities in Louisville. We explained there had only been the two that were proposed last year, both of which were withdrawn after much discussion amongst the community.

Someone asked if we could add proximity to other gas/chemical producing/hazardous uses as a regulation.

Had someone say that 65 Decibels at the property is too high. One guy said some campgrounds have 45 decibel restrictions at night time so maybe that is a more appropriate level. Joe said maybe we should consider separate day/night levels for sound.

Question about why the use has been expanded in the draft, going from just previously being allowed in the M-3 and now an alternative in five different zoning classifications. Would like to see it only allowed in M-3 and use the residential restrictions that are proposed (or another distance) to further restrict it.

Question about how 50 foot setback from perimeter was established in the draft. Joe explained that while 50 feet is required setback from property line, there currently is a 1/4 mile setback from residential uses/zoned areas. Recommendation saying it should be 1/2 mile based on what he knows to be the evacuation radius for a leak situation.

Someone asked about methane at outer loop facility. Air pollution explained that it is currently burned off. Residents said maybe an experimental methane capture system should be established at outer loop before installing them in other parts of the city.

Went over how a code change is typically reviewed and approved. Had a question about timeframe for review and when it would get to Metro Council. How additional comments could be given at PC and Metro Council.

Had a request to reword the location of the Oldham County biodigester (on the FAQ) because it is on an industrial property behind a building, not "beside" the OC Y.

*** One person stated they believed there should be no relief of standards/waivers of requirements for the biodigester facilities (Fowler liked this).

Something about a European standard for biodigesters that is out there.

Had a comment about how there are too many hazardous uses in the west end already, need to be relocated elsewhere.

Are there restrictions from putting biodigester facilities being located near parks? What about

in parks? Joe explained parks are included in the 1,320 setback. Resident commented that maybe natural features (like Jefferson Memorial Forest) should be included in the buffer.

Request to have an environmental impact **study** be required with an application. These should be reviewed for approval by an appropriate agency (who are these agencies?)

In regards to distances, feels 50 feet is too close to property line from a Homeland Security standpoint. Believes Homeland Security should be involved in advance and not after construction, what their safety requirements are for methane plants.

***Fowler asked about the Louisville Loop and would it be considered part of the protected parkland.

One last call for comments, asked people to get them to us sooner than later so we can include them in whatever materials are sent to the PC members Friday.

Concluded the meeting at 7:41.

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From: [Brian Mabry](#)
To: [Mabry, Brian K.](#)
Subject: Beechmont meeting notes
Date: Tuesday, July 26, 2016 7:50:52 PM

Beechmont community center
Biodigester community forum
07/26/16

CM Johnson opened the meeting at 6:08

Lauren Heberle Introduced the topic

5 positive reasons to have a biodigester
5 negative reasons to not had on

Can they not take place within 100-year flood plain?

A woman wanted the dates to be pushed back

Ms. Bilitski responded by referring back to the moratorium

Metro Council asked Planning staff to conduct the research

They gave 180 days to research

Staff sought an extension from Metro Council

Audience member asked Metro Council member to push deadline
back

CM Welch asked that when people speak they give what
neighborhood they are from

Man from downtown spoke saying he has some vital information.
Claimed that staff is trying to push the regulations down people's
throats.

Joe emphasized that under current regulations, aren't the moratorium, digesters are allowed with a CUP in a lot of districts

Rep. Donahue compared digesters to the new form of entertainment, zip lining, new regs were needed for the new form of entertainment

A woman wanted the 1/4 mile distance translated to blocks. It is 3 blocks

No comparable cities with regs.

Landfill is a logical spot. Only good spot for them

Claim that once city says these are the regulations, that is laying the ground work for future digesters.

Gentleman from the west side. Recapped Heaven Hill situation. Listed chemicals used in biodigesters
Repeated what he said at California Meeting

Claim that the draft is based on what Rep. Reiner proposed and what mayor fought

Woman from West Louisville repeated information from the California meeting. Concerned that people's opinions are being shut down.

Staff can remap at 1/2 mile or 1 mile

Comment that they should be regulated out of Metro

One gentleman emphasized that the public just doesn't want one

CM Welch west end and south end gets dumped on

5 miles isn't big enough

Asked what Council committee it will go to? Planning & Zoning
or Ad Hoc LDC

Use the blast pattern from OKC as the separation

Gentleman from west end wants to start a coalition to remove
political office holders who have a hand in approving
biodigesters

Regional office for homeland security could play a role in
suggesting a separation distance

Don't allow them within the main flight paths of the airport Keep
the separation requirement so large that they aren't possible in
Metro

In regs don't ban all but have a maximum square footage

7:35 suggestion came From stakeholder to work on tables

CM Johnson suggested an open meeting of the Council after
Planning Commission hearing.

Meeting closed at approximately 8 PM

Sent from my iPad

From: [Davis, Brian](#)
To: [Haberman, Joseph E](#); [Liu, Emily](#); [Mabry, Brian K.](#); [Reverman, Joe](#); [Bilitski, Deborah](#); [Marchal, David](#)
Subject: East Govt. Center Notes
Date: Wednesday, July 27, 2016 8:06:40 AM

July 26 - Biodigester Meeting @ East Govt. Center - 6:00 pm (meeting began at 6:15 pm)

Emily, Joe H., Brian D., Steve L., Moderator (missed her name)

(See sign in sheet for attendance)

Emily Liu provided some background information. Explained this is a working draft, no proposed biodigesters at this time, and we are here to get information on this working draft.

Gave an overview of the upcoming meeting schedule. Did not present an overview of the regulation because an attendee wanted to get straight to questions.

Attendee stated they have concerns about the environmental impact on surrounding neighborhoods. Asked why there aren't any requirements to have this type of study (specifically talked about nuisances such as rats, flies, etc.).

Another attendee asked if we currently have a zoning classification for landfills. Staff explained yes. Question came up asking if there is a biodigester at the outer loop landfill.

Said she had heard they had one and it wasn't economically feasible. Staff was unsure of the answer.

Attendee (Sonya) stated that 1/2 mile would be her preferred buffer from residential uses/zones. Are there any other biodigesters that are located in "neighborhoods" or residential areas. Emily explained there aren't many in the US, some in Europe, but again not many in populated urban areas. Joe H. provided some info about the facility he visited do in Ohio.

Mr. Marshall said in Europe they are no longer allowed in neighborhoods.

Emily gave an explanation of the review that would take place if an application was submitted.

Attendee said there are different processes depending on the feedstock being used to produce the gas. Feels there needs to be regulations to deal with each type of process.

Another person said she feels 1/4 mile is too little. Did not provide a distance that she thought was more appropriate. Was asked if 1/4 mile was used based on explosion area, evacuation area, or some other thing based on potential accident. Air Pollution said it is probably more odor related.

Question was raised about the ag exemption. Emily explained that it has to be a bonafide agricultural use and the biodigester would have to be associated with that operation. Would this be monitored if an ag operation had one, Emily said it would be up to the state to regulate/monitor that. Joe added that Code Enforcement would be able to respond to this type of use if a complaint was filed.

*** Had someone say that it may make sense to just limit to M-3 and not allow it in any other zoning districts. Others liked this idea.

We had someone say that they didn't think 1/2 mile was needed and a more appropriate number is 1/8 of a mile. Another attendee said that more needs to be considered than just explosions, need to consider other things.

Had someone question if a biodigester could be 50 feet from something like a gas station. What kind of impacts could that have in the event of a leak/explosion. Emily stated MetroSafe is reviewing regulation and hopes to have feedback on this type of situation.

From a building standpoint there isn't anything that would regulate construction standards for a biodigester.

Air Pollution said they can't guarantee that a facility will not produce odor. They would have the ability to enforce if there are odor issues, but they can't "prevent" odor. "Mitigation" no "elimination."

Explained 65 decibel level. Said the draft is currently written as 65 dB at the property line.

Teena Halbig read a written statement (she did submit this). She thinks no biodigesters should be allowed anywhere in Jefferson County and an ordinance should be passed to completely prohibit them. Talked about a methane plant in LA and the problems associated with it, it wound up shutting down because of the huge costs they were facing with relocating families, air issues, etc. Doesn't believe it should be allowed as an agricultural use because it opens up the Floyds Fork corridor to this type of use and the problems associated with them.

Question about if a facility came in, would a developer then be allowed to come in afterwards and encroach into their designated buffer. This type of development shouldn't be allowed, no variances at all for something like this.

Staff requested people fill out comment sheets and return them immediately so the comments may be included in the data presented to Planning Commission and Metro Council.

Meeting was adjourned at 7:37 p.m.

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Newburgh meeting Wednesday 7/27/16

Claim that 1/4 mile not far enough

Concern that trying to stick them in communities for poor people

Concern of why are these areas having meetings? Trying to cut us apart so we can't protest. Having six meetings because they're wanting to put six of these in.

Concern that the city lies, doesn't play fair.

Concern of no economic benefits, no jobs except receptionist and cleanup crew.

A person asked why not in east end? Because they feel the same way.

Concern that the Mayor is "behind" this. Digester companies try to pay some of these pastors to allow it.

Question of what does agricultural waste have to do with the city.

Concern that the odors will kill people.

A man spoke of distillers using tunnels to send to facility. He stated that Heaven Hill has done nothing for the community. That they are takers, not givers.

Claim that anything you can burn will stink.

Concern about lots of traffic.

Man spoke of flammable chemicals. Falls under the Homeland Security Act because it's attractive to terrorists.

Very concerned about explosives – chemicals used in process and gas end product.

Concern that the Committee that will be hearing this lives in the east end, so don't expect any help.

Question of what infrastructure is available for catastrophe? Mayor will say we didn't anticipate this.

Existing facility (basin) near area. Storage heap is feces piped in from Fern Creek and East End for over a year, claim that Metro snuck the facility in.

Concerned that these will lower property values.

Gas goes to LG&E, raise the price for all of us, goes to BP. Question of how does it benefit us?

Statements still too close. We don't want it. Bottom line.

Question of as big as Kentucky is, why do you keep coming here (to poor areas)?
They gonna build this but we have a choice of where. Our job is to make sure we tell them where. We suggest the landfill.

Concern that Heaven Hill will make a mint because it's close to them. Statements of we need to vote. We need to get it the way we want it. We're supposed to be governed by the people.

Question of would you want it behind your business?