



AIR POLLUTION CONTROL DISTRICT  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

KEITH H. TALLEY, SR.  
DIRECTOR

July 29, 2016

Planning & Design Services  
444 S. 5<sup>th</sup> Street, Suite 300  
Louisville, KY 40202

**VIA EMAIL**

Attn: Brian Mabry

**Re: Proposed Biodigester Regulation**

Dear Mr. Mabry:

The Louisville Metro Air Pollution Control District (APCD) offers the following comments on the draft Biodigester Regulation proposed for public comment on July 18, 2016.

As a technology, biodigestion provides numerous environmental benefits, including waste minimization and landfill conservation, methane management, and the production of a biogas that can be used as a renewable source of fuel to generate heat or electricity. These latter benefits can play a role in improving air quality by using methane, a potent greenhouse gas, as a cleaner burning fuel, an important component in meeting national air quality standards, a principal part of APCD's mission. For these reasons, APCD supports biodigestion technology.

That said, APCD's mission also includes implementing local air quality standards, including those that regulate objectionable odors. *See* APCD Regulation 1.13 *Control of Objectionable Odors in the Ambient Air*, a copy of which is attached for your convenience. Based on our experience, APCD believes that location is one of the most important considerations for avoiding odors that may violate Regulation 1.13. For operations with the potential to generate objectionable odors, we believe that requiring a robust operational plan, which focuses on preventing odors from occurring in the first place, but includes measures to mitigate objectionable odors if they occur, is a necessary part of that consideration.

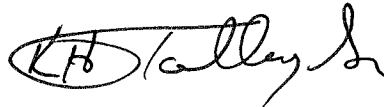
For that reason, APCD looks forward to working with the Planning and Design Services to establish the framework for the odor mitigation plan referenced in section 4.2.63(G) of the draft regulations for siting new biodigesters. We will recommend that the odor mitigation plan include many of the elements in the sample odor minimization plans from

CalRecycle and the Escondido Disposal, Inc.<sup>1</sup> that we previously shared with you. These include, but are not limited to, negative air pressure and odor control for enclosures in which feedstocks, chemicals, and digestate are stored or managed; protocols for monitoring odors, responding to complaints, materials processing, handling, and storage practices; personnel training; and contingency plans in the event objectionable odors occur. With that, please be aware that the odor mitigation plan is just that – a plan that should minimize, but may not eliminate, all potentially objectionable odors. For that reason, in the event odors exceed Regulation 1.13, additional efforts may be required even if an odor mitigation plan has been fully implemented, including additional mitigation, revisions to the odor mitigation plan itself, and/or enforcement by APCD. Consistent with the intent of section 4.2.63(I), we expect that nothing in the odor mitigation plan will limit APCD's legal rights or remedies to seek enforcement or take any other action it deems necessary for violations of Regulation 1.13.

Finally, we recommend that section 4.2.63(G) be revised to state that "Planning and Design Services shall provide APCD with an opportunity to review and comment on said application, including the odor mitigation plan, prior to the Board of Zoning Adjustment's public hearing" to allow us to consider the odor mitigation plan within the context of the project as a whole. This review will be in addition to APCD's review required under the Land Development Code for air quality impacts related to traffic and construction that may result from a proposed project. The project may be subject to further review by APCD for applicable requirements related to the operation of the stationary source.

We appreciate the opportunity to provide comments on behalf of APCD and to work with you on this issue. Should you need any further information, please do not hesitate to contact me directly at (502) 574-7229.

Respectfully,



Keith H. Talley, Sr.  
Director, Louisville Metro Air Pollution Control District

cc: Deborah Bilitski, Develop Louisville  
Emily Liu, Planning and Design Services  
Stacy Dott, Jefferson County Attorney

---

<sup>1</sup> Available at <http://www.calrecycle.ca.gov/swfacilities/compostables/Odor/OIMP/Sample.pdf> and [https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EDIMRF/Att\\_2\\_Odor\\_Minimization\\_Plan.pdf](https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EDIMRF/Att_2_Odor_Minimization_Plan.pdf).