

## **COMPLIANCE STATEMENT**

Midwestern Environmental Services, Inc.

4185 Algonquin Parkway

Docket No. 21-CUPPA-0019

### **INTRODUCTION**

Midwestern Environmental Services, Inc. is applying for a conditional use permit under LDC 4.2.42, Potentially Hazardous or Nuisance Uses. It proposes to operate on a 6 acre site at 4185 Algonquin Parkway. Midwestern Environmental is regional business, operating in Ohio and Indiana. It currently leases the property at this Charlestown, Indiana site and it intends to move those operations to Louisville where it can own its real estate and benefit from a larger employment pool. This CUP will allow Midwestern Environmental to expand its operations with the larger local employment pool. Additionally, the proposed site preserve the buildings and re-use the current tanks on the site without any current expansion. The proposed site has more immediate access to the arterial road system (Algonquin Parkway and Shawnee Expressway) which eliminates the truck traffic (typically three per hour). Additionally, Midwestern Environmental will provide services to the many industries in the area, increasing the safety of the industrial operations of the area, with the expertise to provide emergency spill and clean-up services for hazardous waste spills which could occur in the area considering its high intensity, industrial base. This proposal is a "win-win" for the Midwestern Environmental company, it will help with "environmental justice" with its business model of recycling and reusing industrial oil, not to mention its expertise in emergency waste services and safety training services available. Lastly, the many high paying, full benefit jobs, it will bring to the area will complement the goal of "economic justice" for the area.

### **COMPLIANCE WITH LDC 4.2.42**

Midwestern Environmental will operated in compliance with all new and current federal, state, and local environmental and air pollution regulations.

Additionally, the operations will not create any odor, pollution, or noise nuisances of any appreciable amounts, but regardless, even any modest potential adverse effects to the public's health, safety and general welfare will be mitigated by the natural and man-made buffering between the site and any residential uses. The site only comprises about 6 acres. The property is heavily buffered from any residential activity, with a large green space owned by Louisville Metro and a railway yard separating it from all residential properties. The closest residential home is about a third of a mile from the property line. Most of the residential properties in the vicinity are further separated by the Waterson Expressway, creating significant natural and man-made buffers from this site.

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The business that Midwest Environmental performs includes recycling of industrial waste, safety training programs, waste disposal, site remediation, underground storage tank services (such as testing, analyzing, and cleaning), and production of asphalt fuel blends from recycled oil. It also conducts safety training programs for other industries and offers the services of an emergency spill response team. Midwest Environmental's goals are to minimize and recycle wastes, thus limiting dumping in the wastes in landfills, minimizing risk from accidents with waste, minimizing pollution, and protecting the environment and public.

In addition to complying with all current environmental and safety regulations, Midwest Environmental operates its own truck fleet, which handle's 98% of the incoming oil, in order to make certain that the vehicles are capable of safely handling the wastes. Its vehicles are fully permitted and DOT approved for handling the wastes. They are specialty vehicles fitted precisely for these operations. They are also vigorously maintained by Midwest Environmental. The truck fleet includes Super Suckers, King Vacs, Cusco Turbo Vacs, and others. These trucks allow Midwestern Environmental to deal with a problem even if power was cut off. Many of the fleet trucks have a vacuum system operate from their own power, so even a loss of power would not increase the danger or risk to the public or environment.

Midwest Environmental also requires that any potential customer certify the materials being taken by it and the materials are independently tested and analyzed. This process ensures that Midwest Environmental knows and can handle the materials it is using in a safe way and comply with all related regulations for safety and the environment.

Its adjoining neighbors are MSD, Ashland Oil refinery, the Louisville Police Training Center, Wayne Supply, a concrete plant, and many other high intensity industries. The oil processing activities will be conducted entirely indoors or in closed system tank systems. The only outdoor activity will be vehicles entering and leaving the property to load or unload oil they collect. The operation will not have or require any oil burning, smoke or fumes from such operations. Only mild heat would be applied to the oil to facilitate its movement and the process of removing impurities without any burning of the material. The operations will be safe, quiet and unobtrusive. Normal operating hours are from 7:00 a.m. to 5:00 p.m. on weekdays, and 9:00 a.m. to 2:00 p.m. on Saturdays generally.

## **COMPLIANCE WITH THE PLAN 2040 COMPREHENSIVE PLAN**

### **Community Form**

The proposed site is appropriately located in the Suburban Workplace Form District. The Suburban Workplace Form (3.1.10) is characterized by predominantly industrial and office use and this proposal complies with Land Use & Development Policies 4, 7 and 11 because this REDEVELOPMENT is compatible with the scale and design of nearby existing development. It is also located near major transportation facilities. It is situated with setbacks, scale, height and lot dimensions compatible with surrounding development. This project will advance many

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objectives of Plan 2040 by eliminating potential nuisance impacts of traffic, noise, light and visual intrusions on nearby existing communities (Land Use & Development Policies 17,18,19 and 20) as well as numerous Livability, Goals, Objectives and Policies) around residential properties. More importantly, this site and use, because of the business and the significant buffers, will not disproportionately impact disadvantaged populations. It will be positioned well away from residential uses, separated by large vegetative buffers, a large railway yard, and in many cases by the Waterson Expressway.

### **Community Facilities**

Community Facilities: Goal 3: Design Community Facilities to be resilient and compatible with the surrounding neighborhood. Objective b: Community facilities and utility infrastructure are designed to be sustainable and managed to conserve energy and reduce waste. Compatible with its surroundings this facility is a necessary component of this community's ability to recycle the industrial waste stream. Land Use & Development Policy 3 applies as this proposal retains, maintains and reuses structurally sound community facilities that can continue to serve useful functions.

### **Economic Development**

Economic Development: Goal 1: Provide economic climate that improves growth, innovation, investment and opportunity for all. This proposal meets Objectives c., d. and h. as well as applicable Land Use & Development Policies 1, 2, 4 and 5 because this proposal by a small business redevelops used industrial land in an industrial cluster near the Ohio River and convenient to arterial and higher level classified roads.

In summary, this proposal presents a rare opportunity to allow a thriving and necessary industry to conveniently relocate to an appropriate Louisville location to accommodate its growth, expand its workforce and provide emergency hazardous waste services in an area with a large amount of Louisville's most intense industrial uses.

### **Livability**

Livability: Goal 1: Protect and enhance the natural environment and integrated it with the built environment as development occurs. This proposal meets Policy 24 in that it ensures that hazardous wastes are located outside the regulatory floodplain.

Respectfully submitted,

John C. Talbott

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## Crumbie, Jon

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**From:** John Talbott <John@bardlaw.net>  
**Sent:** Wednesday, April 21, 2021 12:09 PM  
**To:** Crumbie, Jon  
**Cc:** Nanci Dively; Anna Martinez; Ray Boyle; MARK WILLMOTH  
**Subject:** Midwest/Algonquin (21-CUP-0035 Agency Comments)  
**Attachments:** 04 21 21 NM.pdf

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Dear Jon, in response to the matters raised on the Agency Review Comments, please see below.

1. **How will the process work and what type of material will be processed?** Midwest Environmental will recycle waste industrial oil. The process will involve specialized trucks, such as "Super Suckers", "King Vacs", "Cusco Turbo Vacs". These trucks are owned, operated, and maintained by the company/applicant. About 98% of the used oil for processing will arrive through these company trucks. A small amount will arrive by customer's trucks, but those are carefully screened and vetted before being allowed to deliver independently. The oil being processed will be primarily be processed through the tanks where mild heat is applied to lower viscosity enabling particulate matter to separate from the oil through chemical and gravity applications. The oil will usually remain on site for a few days to no more than a couple of months before being sent to other operators. No oil is burned in the process.
2. **How many trucks a day and what type?** The company will generally have three trucks come to the site per hour. The trucks are specialized for the process and are called "Super Suckers", "King Vacs", "Cusco Turbo Vacs". The size of the trucks ranges from two-axel box trucks to multiple axel semi-trucks with tanks.
3. **What is hazardous and/or a nuisance about the proposal?** We do not necessarily believe that this operation would constitute a hazardous or nuisance, but the Land Development Code does not have any applications squarely covering this operation. LDC 4.2.42 refers to "processing" "Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products." To the extent that this operation would involve recycling oil, which is a petroleum product, we believe this LDC section best applies to the operation.
4. **Will lighting be added for employee safety?** All lighting requirements of the Land Development Code will be followed.
5. **Landscaping will be Land Development Code Complaint?** Yes, all lighting requirements of the Land Development Code will be followed.
6. **How will noise be handled?** The operations are not noisy. Aside from trucks entering and leaving the site, nothing in the process would be of the type to create a noise nuisance.
7. **What listed requirement is relieve being asked?** None.
8. **The plan is not a detailed district development plan and all mention should be removed.** The plan will be amended as required.



## Neighborhood Meeting Summary

A virtual neighborhood meeting was held on March 4, 2021 at 6:00 pm. Those in attendance included the applicant's representatives, John C. Talbott, attorney with Bardenwerper, Talbott & Roberts, and Mark Willmoth, land planner and engineer with Willmoth International, PSC, as well as the Ray Boyle, on behalf of Midwest Environmental Services, Inc. ("Midwest Environmental").

Only two people participated in the meeting (three including a representative from Councilwoman Green's office). Both of these attendees were affiliated with an activist group calling itself REACT.

The meeting began with John Talbott showing PowerPoint presentation of the area and nearby development. This area is characterized by hundreds of acres of high intensity industrial development, including may oil refineries and companies, MSD operations, and many others. It is likely the most industrialized area of Louisville Metro. The site being proposed for use by Midwest Environmental is only comprised on about 6 acres. The property is heavily buffered from any residential activity, with a large green space owned by Louisville Metro and a railway yard separating it from all residential properties. The closest residential home is about a third of a mile from the property line. Most of the residential properties in the vicinity are further separated by the Waterson Expressway, creating significant natural and man-made buffers from this site.

The site will not see any changes in terms of buildings or industrial fixtures. Midwest Environmental will use what existed from the prior operator of the site. The only changes of significance are that Midwest Environmental will have to comply with all new and current federal, state, and local environmental and air pollution regulations. Additionally, Midwest Environmental will be adding a multi-use path along its property line and improving the "parkway" system by adding new trees. The multi-use path will be positioned to connect with the Louisville Loop as that recreational path is extended.

Mr. Talbott explained the business that Midwest Environmental performed, such as recycling of industrial waste, safety training programs, waste disposal, site remediation, underground storage tank services (such as testing, analyzing, and cleaning), production of asphalt fuel blends from recycled oil. It also conducts safety training programs for other industries and offers the services of an emergency spill response team. Midwest Environmental's goals are to minimize and recycle wastes, thus limiting dumping in landfills, minimizing risk from accidents with waste, minimizing pollution, and protecting the environment and public.

In addition to complying with all current environmental and safety regulations, Midwest Environmental operates its own truck fleet, which handle's 98% of the incoming oil, in order to make certain that the vehicles are capable of safely handling the wastes. Its vehicles are fully permitted and DPT approved for handling the wastes. They are specialty vehicles fitted precisely for these operations. They are also vigorously maintained by Midwest Environmental. The truck fleet includes Super Suckers, King Vacs, Cusco Turbo Vacs, and others. One question asked at the meeting is how the company would deal with a problem if the power was cut off. Each one of this fleet of trucks acts as an vacuum system with its own generator since they operate from their own power so that a loss of power would pose no danger or risk to the public or environment.

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Midwest Environmental also requires that any potential customer certify the materials being taken by Midwest Environmental and they are independently tested and analyzed. This process ensures that Midwest Environmental knows and can handle the materials it is using in a safe way and comply with all related regulations for safety and the environment.

One of the primary areas of concern raised by the neighbors had to do with pollution and odors. It was stressed that the operations from Midwest Environmental would not create any odors or noise of any appreciable level. Its operations would utilize mild heat to process and move the oils, but there would be no burning of them or burning of any other type of product. Regarding pollution, very little was expected, but it will be required to comply with the regulations of the Louisville Air Pollution Control District if any outputs exceed its stated minimums.

The operations would generally be conducted from 7:00 am to 5:00 pm, Monday through Friday, and Saturday from 9:00 am to 2:00 pm. The truck traffic would be minor, generally averaging about three trucks per hour.

Lastly, this operation will require 25 – 30 employees and Midwest Environmental will seek them from the nearby community. The jobs on-site would be in the range of \$50,000 + per year with full benefits. The trucking jobs would be in the range of \$80,000 + per year with full benefits.

The applicant's corporate representative, Ray Boyle, further explained, in response to several questions, the details of how the operations will be run safely for the public, the environment, and in compliance with the myriad of regulations in this area. For instance, equipment is checked weekly to ensure it is running properly and the site has, in addition to his expertise in hazardous spill clean ups, containment systems fully capable of capturing spills of any type.

Mr. Talbott also explained how the DPDS "Case Management Review Process" works, how agencies such as those mentioned above, will review the submitted plan and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He also explained all the steps of the process and anticipated times for the CUP process.

Mr. Talbott also provided those present with information relative to contacts at DPDS and Metro Transportation Planning.

Respectfully submitted,

John C. Talbott  
Bardenwerper, Talbott & Roberts, PLLC  
Building Association of Greater Louisville Building  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688

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## Midwest Environmental/Algonquin NM Attendees

Meeting Date	Meeting Duration	Number of Attendees	Meeting ID
March 4, 2021 5:35 PM EST	131 minutes	8	319-356-805

### Details

Name	Email Address	Join Time	Leave Time
+15136819990		5:52 PM	6:44 PM
Charles Weathers	charles.weathers@louisvilleky.gov	5:57 PM	7:47 PM
Donovan Taylor		6:23 PM	6:35 PM
Eboni Neal Cochran		5:46 PM	5:46 PM
Eboni Neal Cochran		5:59 PM	7:46 PM
John Talbott	john@bardlaw.net	5:55 PM	5:56 PM
John Talbott	john@bardlaw.net	5:35 PM	7:47 PM
John Talbott	john@bardlaw.net	5:58 PM	7:47 PM
Mark Willmoth		6:00 PM	7:47 PM
Ray Boyle		5:42 PM	7:47 PM
charles pope		6:55 PM	7:47 PM

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## Second Voluntary Neighborhood Meeting Summary

A second neighborhood meeting was held on April 21, 2021 at 6:00 pm. This meeting was live and “in-person”, not a virtual meeting. Those in attendance included the applicant’s representatives, John C. Talbott, attorney with Bardenwerper, Talbott & Roberts, Doug Gronaeur, the President of Midwest Environmental Services, Inc. (“Midwest Environmental”) and Ray Boyle, on behalf of Midwest Environmental, and Mark Edmonson, an Environmental Engineer at BCA Environmental Consultants who is Midwest Environmental’s air permitting consultant.

This meeting was held voluntarily with the help and assistance with Councilwoman Green’s office advertising the meeting to ensure that local residents and interested parties had ample opportunity to learn about, question, and comment on Midwest Environmental’s CUP plan and business operations. As was mentioned in the first Neighborhood Meeting Summary, only two people participated in the first meeting on March 4, 2021. No “neighbors” attended the second meeting. However, Councilwoman Green and her assistant, Charles Weathers, did participate which gave Midwest Environmental an opportunity to speak to Councilwoman Green about the project.

The site will not see any changes in terms of buildings or industrial fixtures. Midwest Environmental will use what existed from the prior operator of the site. The only changes of significance are that Midwest Environmental will have to comply with all new and current federal, state, and local environmental and air pollution regulations. Additionally, Midwest Environmental will be adding a multi-use path along its property line and improving the “parkway” system by adding new trees. The multi-use path will be positioned to connect with the Louisville Loop as that recreational path is extended.

Mr. Talbott and the applicant explained to Councilwoman Green Midwest Environmental’s operations involving recycling of industrial waste, safety training programs, waste disposal, site remediation, underground storage tank services (such as testing, analyzing, and cleaning), production of asphalt fuel blends from recycled oil. We explained the emergency spill response team services available for other industries which will be particularly valuable in the highly industrialized rubbertown area. we also elaborated on Midwest Environmental’s goals to minimize and recycle wastes, thus limiting dumping in landfills, minimizing risk from accidents with waste, minimizing pollution, and protecting the environment and public.

We also spoke about the trucks which will serve the site, including the number of trucks that will visit the site on a daily basis. We explained that Midwest Environmental operates its own truck fleet, which handle’s 98% of the incoming oil, in order to make certain that the vehicles are capable of safely handling the wastes. It was also explained how Midwest Environmental requires that any potential customer certify the materials being taken to comply with all related regulations for safety and the environment.

After all of Councilwoman Green’s questions were answered, the meeting was then concluded.

Respectfully submitted,

## Docket No. 21-CUPPA-0019

(Jon Crumbie, DPDS case manager)

Proposed Conditional Use Permit to allow an environmental management facility in the EZ-1 zoning area on property located at  
4185 Algonquin Parkway

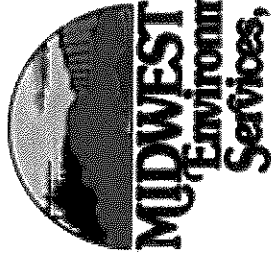
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Attorneys: Bardenwerper Talbott & Roberts, PLLC  
RECEIVED Land Planners, Landscape Architects, & Engineers: Willmoth International, PSC  
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# ENVIRONMENTAL SERVICES

- LEADING RECYCLER
- SAFETY TRAINING PROGRAMS
- WASTE DISPOSAL
- SITE REMEDIATION
- UNDERGROUND STORAGE TANK SERVICES
- ASPHALT FUEL BLEND
- EMERGENCY SPILL RESPONSE TEAM

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## GOALS

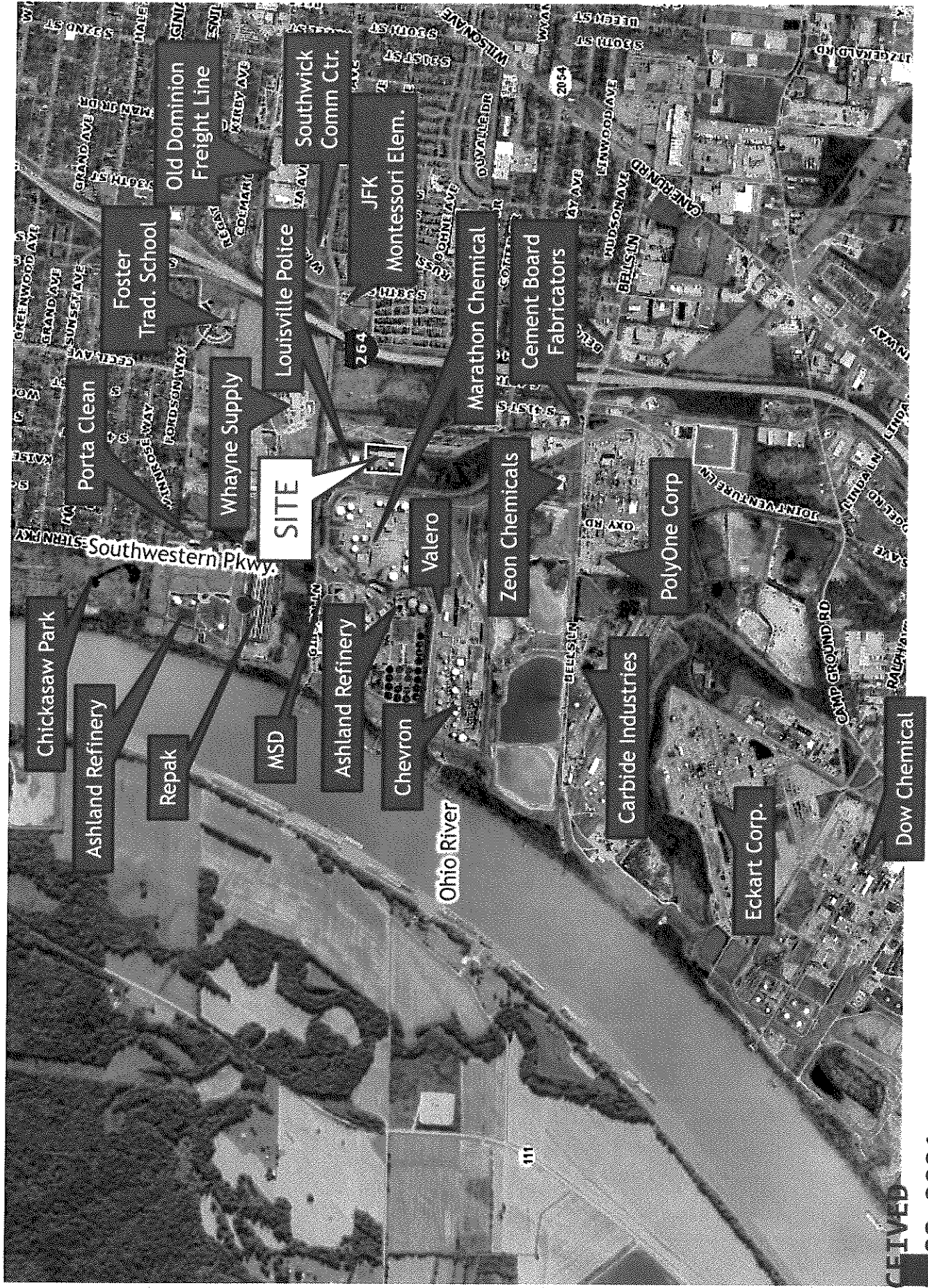
- Minimize Waste
- Minimize Landfill
- Minimize Risk
- Minimize Pollution
- Protect Public and Environment

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# CLOSER AERIAL VIEW OF AREA LOOKING NORTH



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Existing buildings to remain

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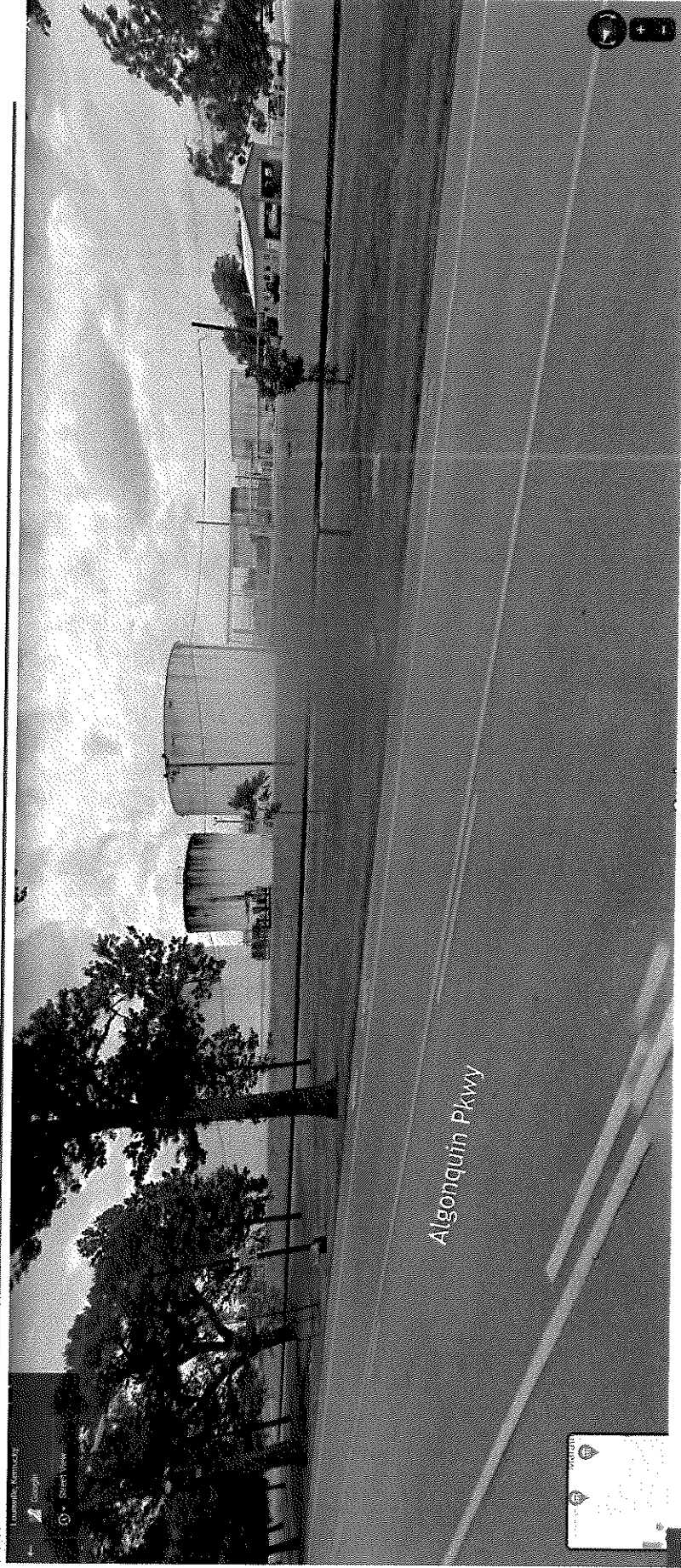
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Entrance to site

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Marathon Oil across Algonquin Parkway from site

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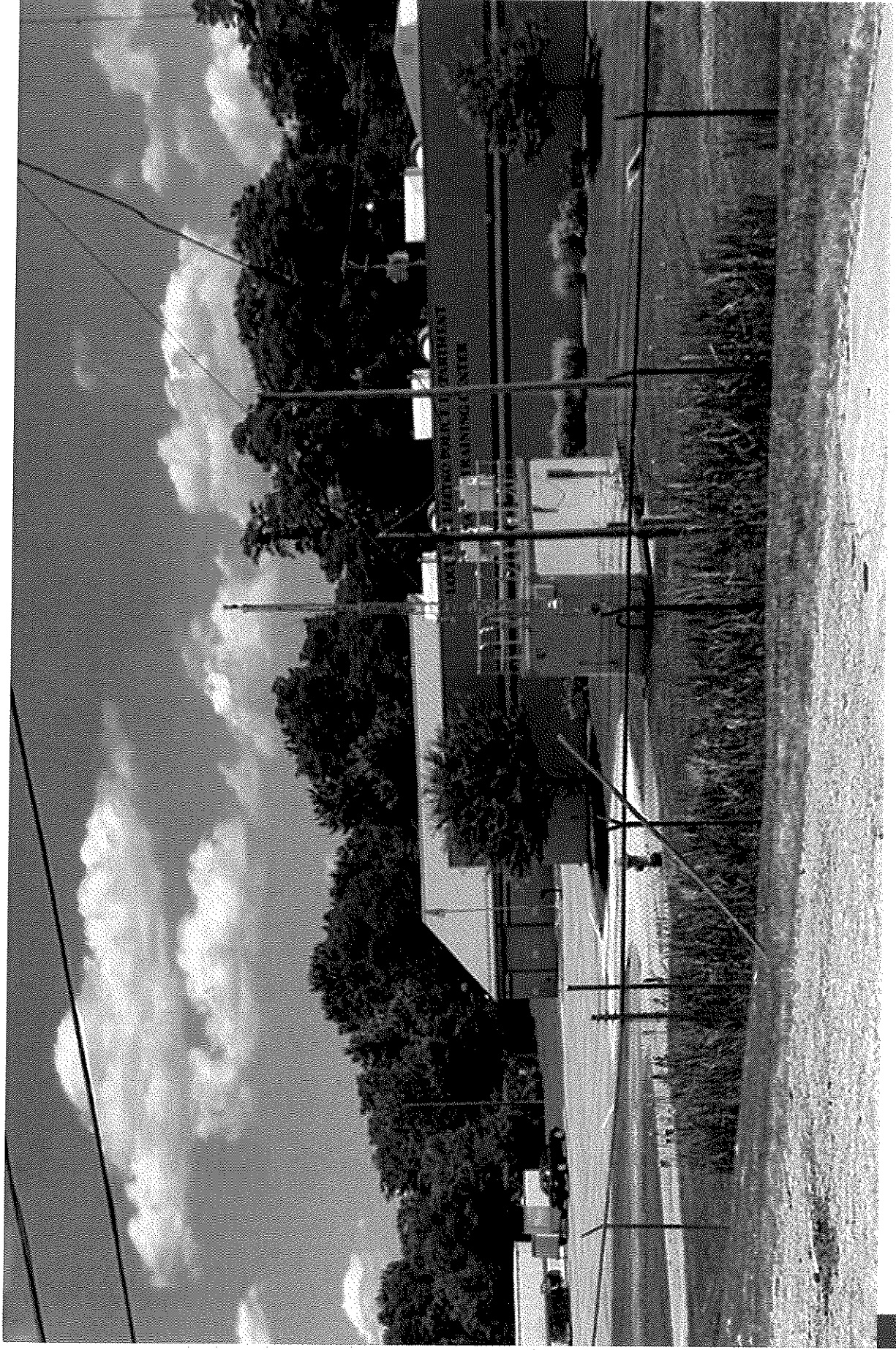
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Cement Board Contractors

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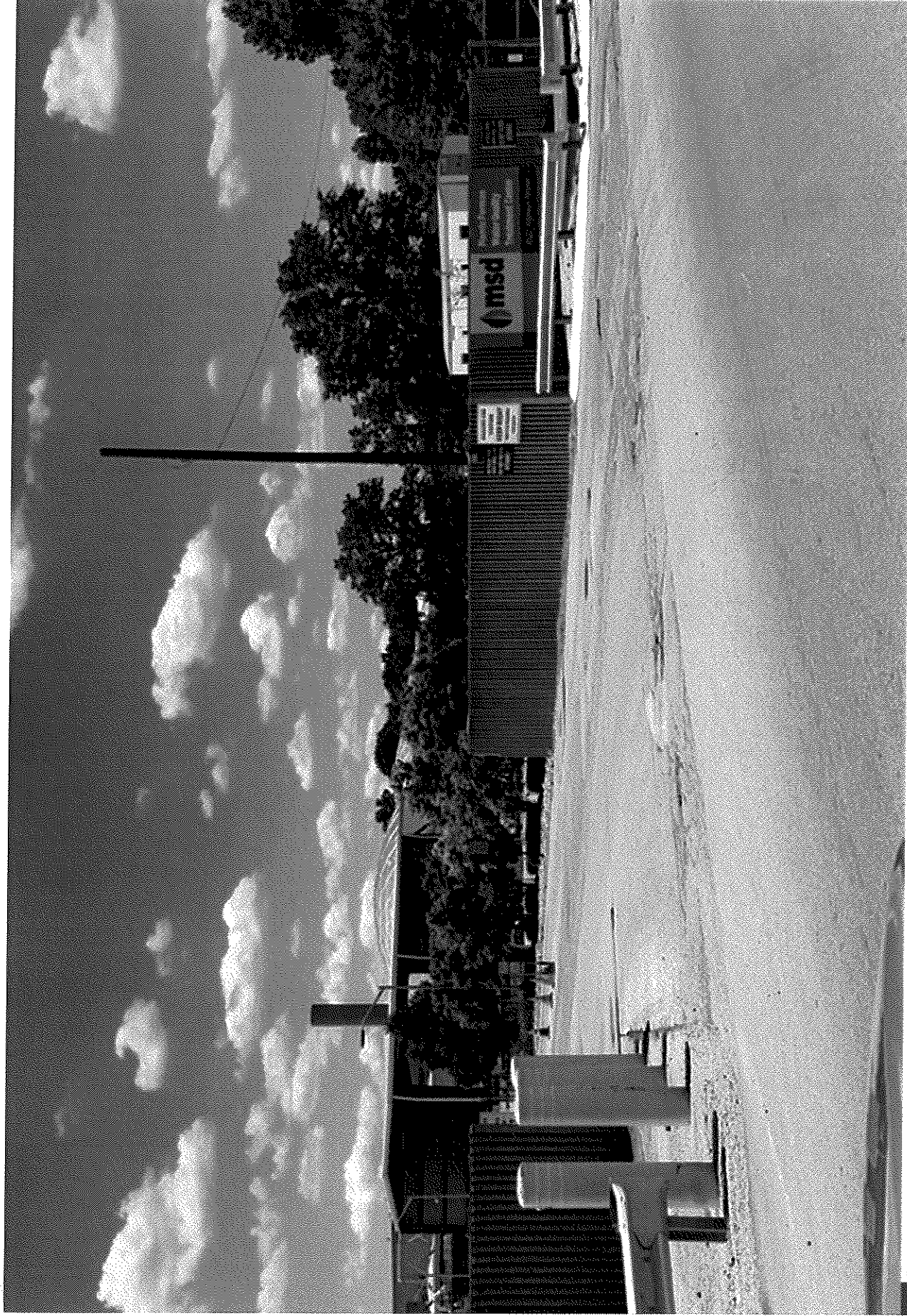
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Louisville Metro Police Training Center

21-CIP-0035





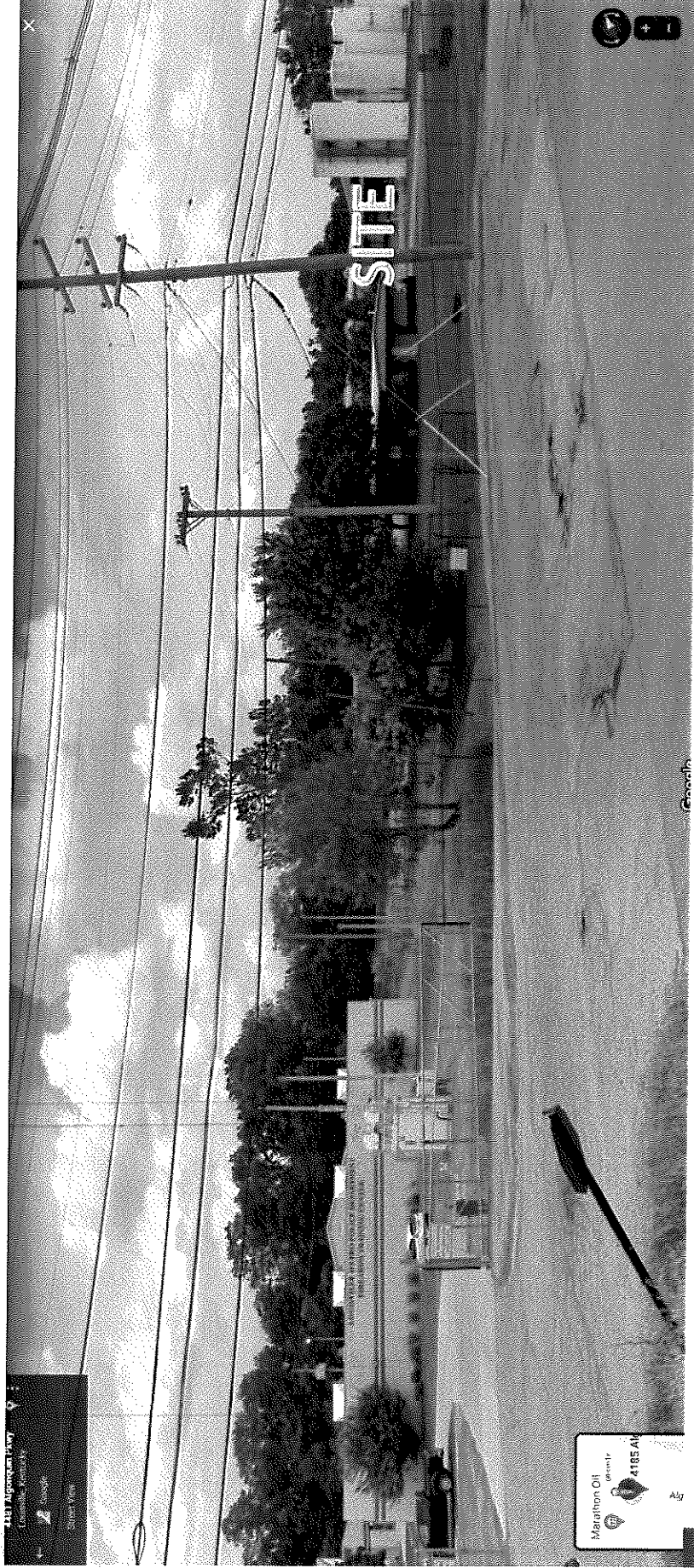
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MSD

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View of adjacent Firearms Training Center

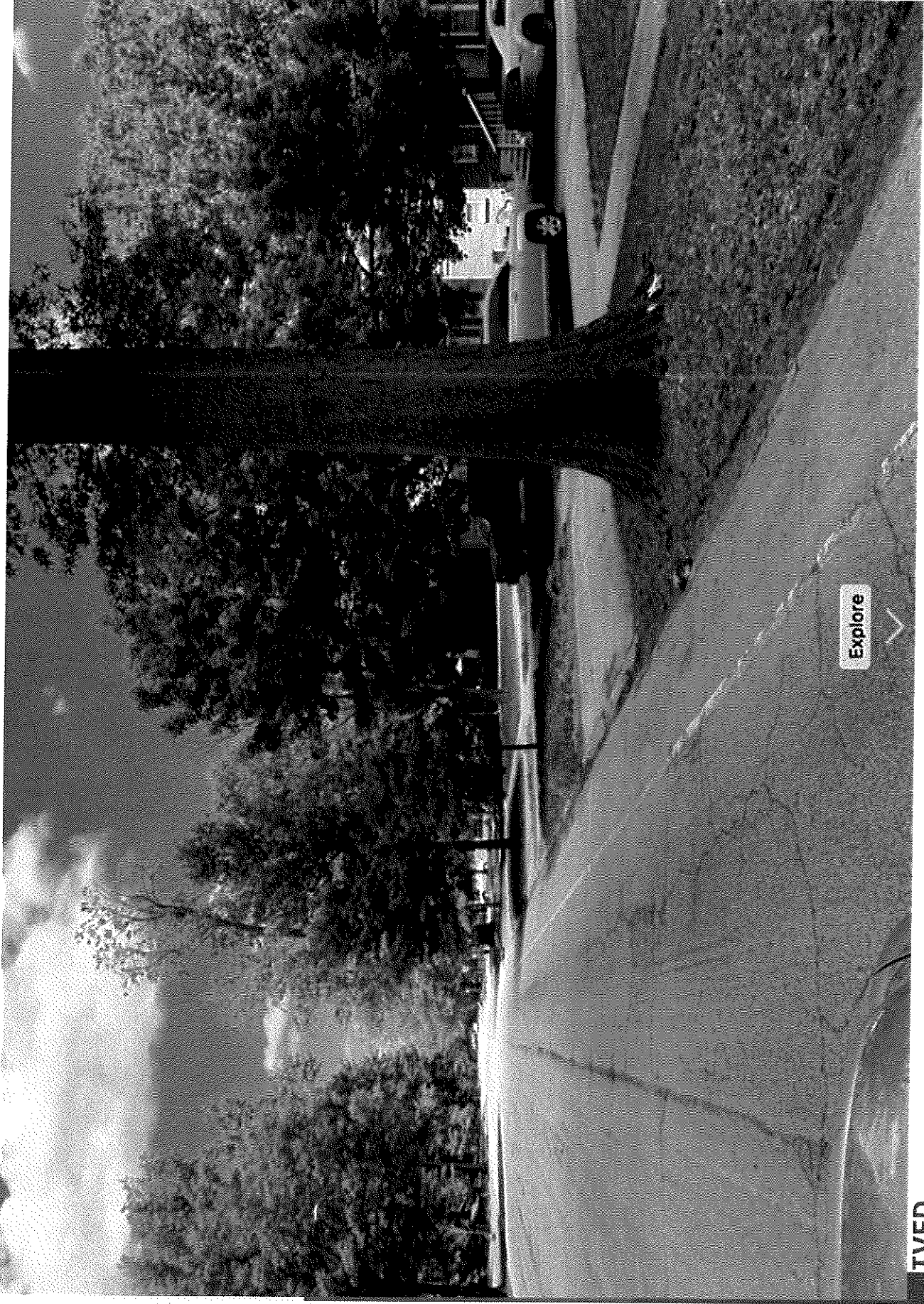
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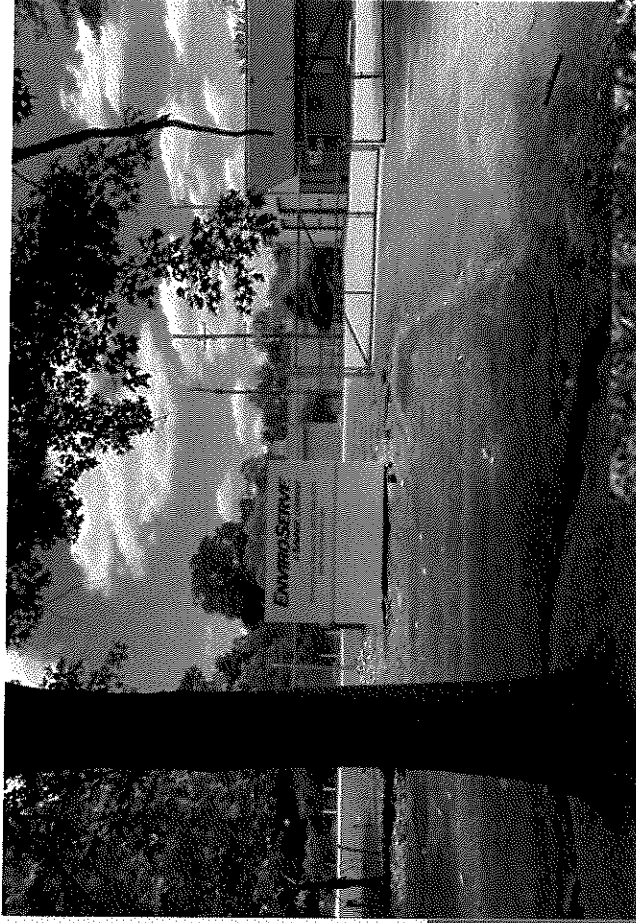
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Residences north of site

Explore

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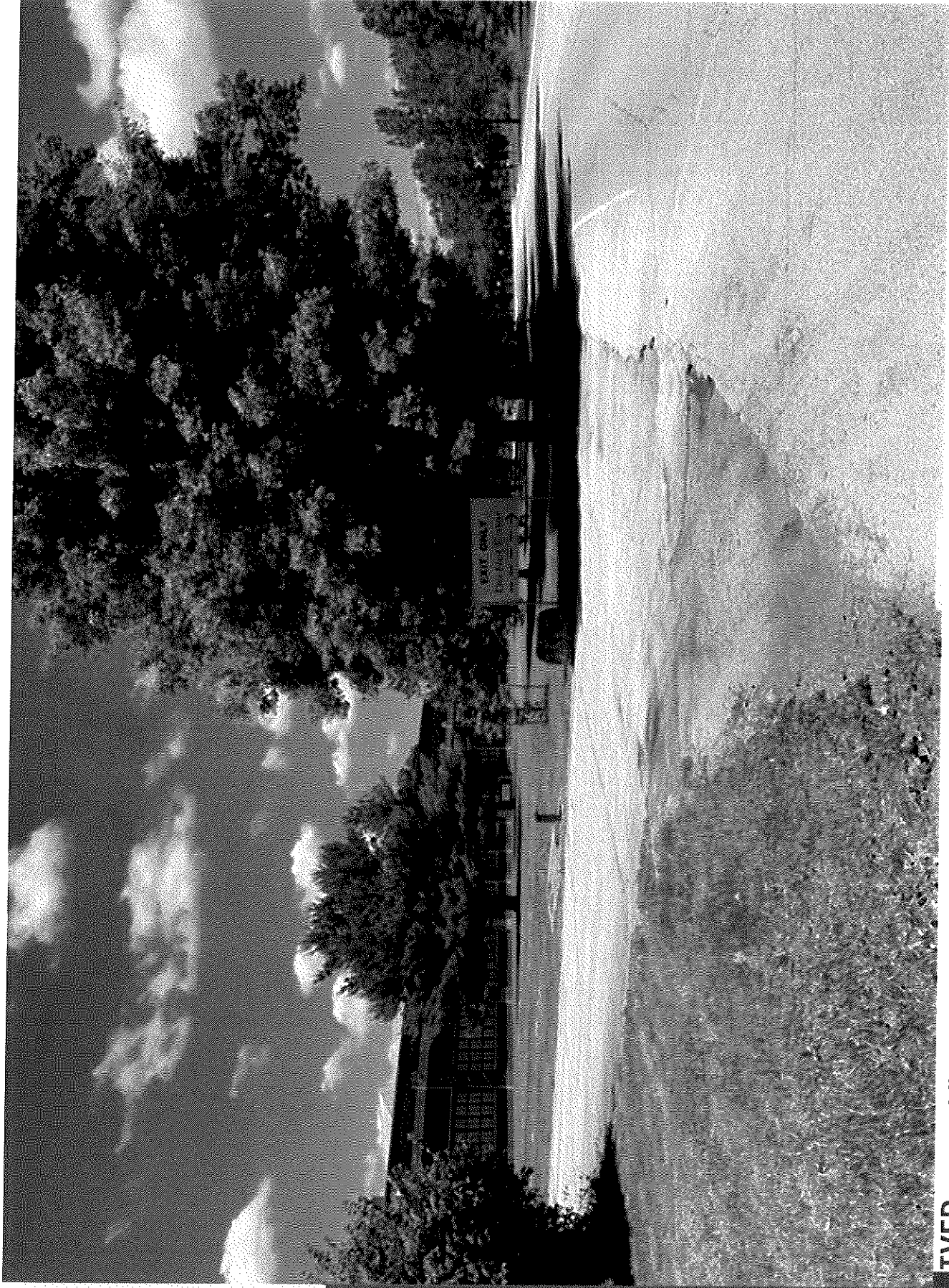
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Porta Clean / EnviroServe





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View of Repack site which received CUP approval on 9/28/20.

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Sanitation Solutions

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# SAFETY IS THE TOP PRIORITY

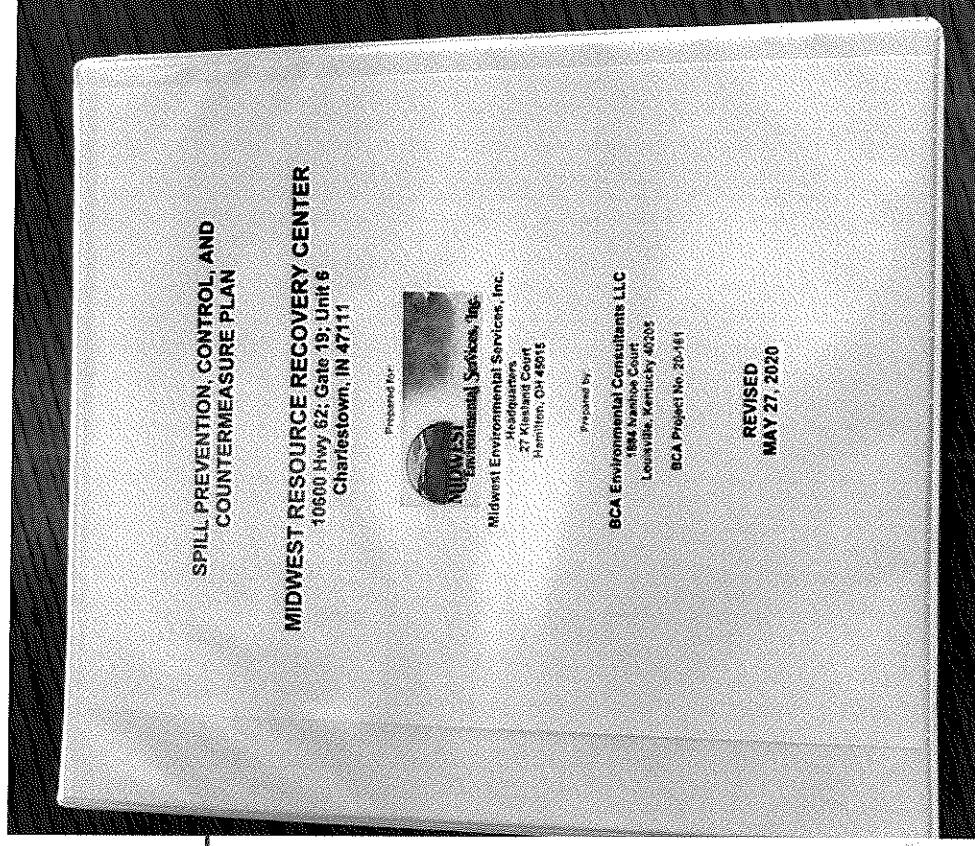
Compliance with all state, federal  
and local environmental and  
pollution control regulations



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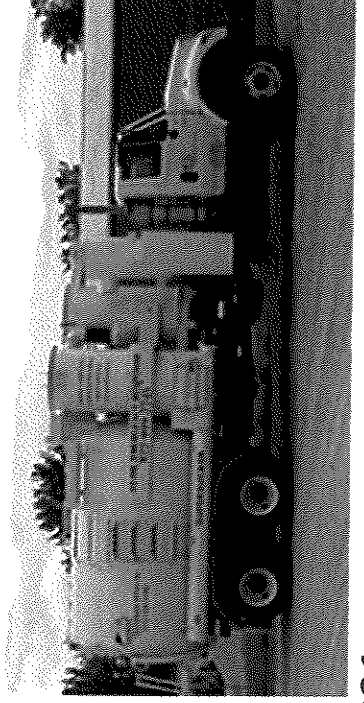
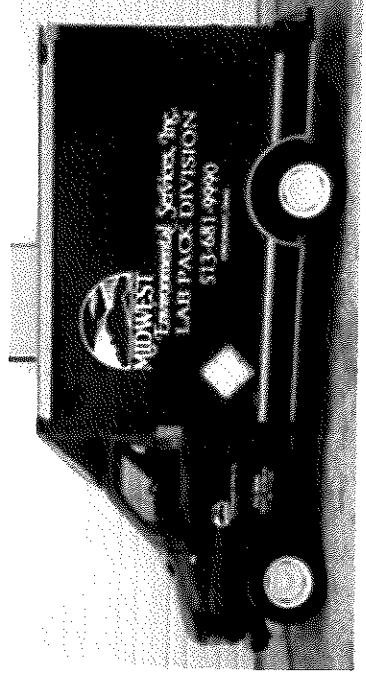
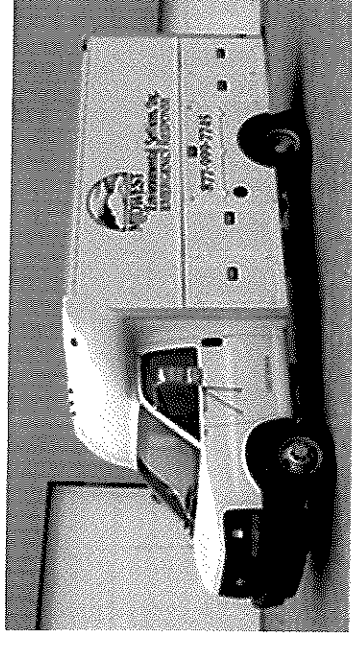
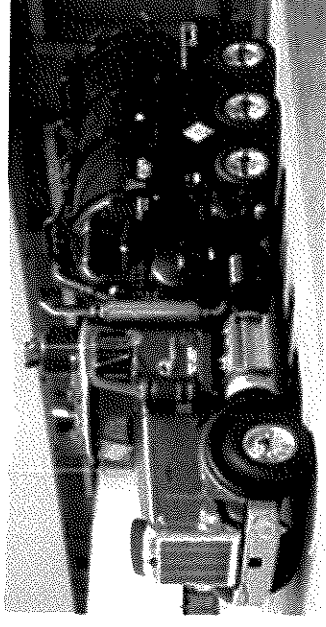
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## SPECIALIZED TRUCK FLEET TO SAFELY HANDLE MATERIALS

- Midwest Environmental owns and maintains its own truck fleet
- Fully permitted, DOT approved
- Specialized for safely handling wastes
- Vigorously maintained
- Includes Super Suckers, King Vacx, Cusco Turbo Vacs, and others



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# SPECIFIC APPROVAL PROCEDURES FOR ALL WASTE MATERIALS

- A waste profile form and representative sample submitted for each job.
- Quality control analysis performed on each sample.
- Results compared to profile form to ensure accuracy.
- Approved by technical manager
- Only then is safe handling and method is determined for waste stream.

**WASTE PROFILE FORM**

**PART A: GENERATOR IDENTIFICATION**

Site Address: \_\_\_\_\_  
 Generator Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 EPA ID: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Billing Address: \_\_\_\_\_  
 Customer Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 Forward Return Manifest Copy To: \_\_\_\_\_

Approval Number: \_\_\_\_\_

**PART B: WASTE CHARACTERISTICS**

Common Name of Waste: \_\_\_\_\_  
 Physical Description of Waste: \_\_\_\_\_  
 Color: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Specific Gravity: \_\_\_\_\_  
 pH: \_\_\_\_\_  
 Flash Point: \_\_\_\_\_  
 Volatile Solids: \_\_\_\_\_  
 Total Solids: \_\_\_\_\_  
 Fixed Solids: \_\_\_\_\_  
 % Acid: \_\_\_\_\_  
 % Alkali: \_\_\_\_\_  
 % Inorganics: \_\_\_\_\_  
 % Organics: \_\_\_\_\_  
 % Soluble: \_\_\_\_\_  
 % Insoluble: \_\_\_\_\_  
 % Other: \_\_\_\_\_

**PART C: PHYSICAL PROPERTIES**

Color: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Specific Gravity: \_\_\_\_\_  
 pH: \_\_\_\_\_  
 Flash Point: \_\_\_\_\_  
 Volatile Solids: \_\_\_\_\_  
 Total Solids: \_\_\_\_\_  
 Fixed Solids: \_\_\_\_\_  
 % Acid: \_\_\_\_\_  
 % Alkali: \_\_\_\_\_  
 % Inorganics: \_\_\_\_\_  
 % Organics: \_\_\_\_\_  
 % Soluble: \_\_\_\_\_  
 % Insoluble: \_\_\_\_\_  
 % Other: \_\_\_\_\_

**PART D: CHEMICAL COMPOSITION**

Component	Actual	Units	Range
Asbestos		ppm	0-100
Barium		ppm	0-100
Bismuth		ppm	0-100
Chromium		ppm	0-100
Copper		ppm	0-100
Lead		ppm	0-100
Mercury		ppm	0-100
Nickel		ppm	0-100
Selenium		ppm	0-100
Silver		ppm	0-100
Vanadium		ppm	0-100
Zinc		ppm	0-100
Other		ppm	0-100

**PART E: HAZARDOUS CHARACTERISTICS**

☐ EPA Hazardous Waste  
☐ DOT Hazardous Material  
☐ Land Use Restriction  
☐ Federal Resource Conservation and Recovery Act (RCRA)  
☐ TSCA Regulated Waste  
☐ Does Waste Contain UHC's  
☐ Used Oil  
☐ Federal Inherently Safe Chemicals (FISC) Act  
☐ Lab pack  
☐ Universal Waste  
☐ E-Waste  
☐ Commercial Chemical Product  
☐ Household Hazardous Waste  
☐ EPA Form Code: \_\_\_\_\_  
☐ TSCA Chemical Product

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## Particulars of Plan

- ❑ **Very Little Noise or Odors**
- ❑ **Stringent Safety Protocols**
- ❑ **No smelting or burning**
- ❑ **Generally 3 trucks/hour**
- ❑ **Hours generally (some exceptions):**
  - Monday-Friday, 7:00 am - 5:00 pm
  - Saturday 9:00 am - 2:00 pm
- ❑ **Parkway beautified**
- ❑ **Multi-use path for Louisville Loop**
- ❑ **Local workforce increased**
- ❑ **SAFETY IS OUR PRIORITY**

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