

III.G Air Quality

G. Air Quality

Comment III.G-1:

One point made by our consultants is that a study should be made to determine whether and how the high-rise residential buildings would change the dispersion of the plant's emissions from the four stacks that we have in service. We further need to be certain that pending changes to the American Sugar Refinery's Title V air emission permit have been included in the existing modeling. The first work that we have to do is develop our own air model with accurate data, and then examine the adequacy of the mitigation measures in the DEIS. This takes time. If the studies do show that a problem would be created, I would hope we can work in partnership to development a solution well in advance of construction.

(Lael Paulson, Manager, American Sugar Refining, Inc., Public Hearing, 4/29/2008, Page 76-77)

Response III.G-1:

Until a modification to American Sugar Refinery's Title V Permit replace the existing diesel emergency generator with a new emergency diesel generator is approved, American Sugar Refinery ("ASR") can operate the existing diesel generator. Modeling with the existing generator is therefore appropriate until the Title V Permit is modified.

The May, 2008 report prepared by ENSR Corporation for ASR - Dispersion Modeling Report in Support of Comments Made to SFC Yonkers Draft Environmental Impact Statement (the "ASR Report") – has been reviewed with regard to SO₂ concentrations and the proposed modification to the Title V Permit. With regard to SO₂ concentrations, the ASR Report is inconsistent by identifying different designs for the new emergency generator (2,288 brake-horsepower – see page 3-1 versus 1,600 brake horsepower – see page C-4). This difference of engine brake horsepower design significantly impacts the AP-42 estimation of SO₂ emissions, the resulting calculation of SO₂ emissions emitted by the new emergency generator and the modeling by ENSR. Depending on the actual brake horsepower of the new generator, the SO₂ impacts of that source may change by as much as 43 %. In addition, ASR's renewal application (and the ASR Report) does not reflect the fact that all new emergency generator engines manufactured after October 1, 2007 are required to operate with lower sulfur fuel than modeled by ASR. The ASR Report therefore overstates potential SO₂ and particulate impacts from the proposed new generator. For all of these reasons, modeling of the exiting generator is appropriate and reasonable.

With regard to the potential impact of the Palisades Point building on dispersion, see Responses III.G-2, III.G-6.

Comment III.G-2:

Simply stated, the DEIS does not accurately assess the Palisades Point's impact on the sugar refinery and vice versa, or adequately identify measures to address these impacts... I want to tough briefly on the air quality noise issues. Right now all is well regarding the emissions from the sugar plant. If the proposed two 25 story towers are built next to the plant, the pattern of dispersion of emissions may change. Our client will run models to determine the interaction of

the plant's emissions and the towers, and whether the existence of the towers may force emissions back onto the plant and its workers, and perhaps on other neighbors. If any potential problems are identified, a solution, called mitigation in EIS parlance, must be agreed upon as part of this project's environmental review.

(Joseph DiSalvo, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Public Hearing, 4/29/2008, Page 89-91)

Response III.G-2:

The DEIS analysis accurately assesses the impacts from the ASR facility on Palisades Point based on the data and information obtained from the NYSDEC for the most current approved Title V Permit for the facility. It should be noted that requests made by the Applicant's consultants to the NYSDEC under the Freedom of Information Law for exactly the kind of information that ASR now tries to fault the Applicant for not having more specific information regarding the specific sources at the facility (locations, operating parameters, emissions, etc.) - were objected to by ASR by letter dated 12/20/2007 from Daniel Riesel, Esq., ASR's counsel.

The DEIS acknowledges that "the [sugar] Plant Title V Operating Permit contains information on the emissions sources at the Plant but does not clearly identify each emission point regarding emissions, stack release points, exit gas temperatures, stack heights and flows, etc." As a result, and because other more specific data and information was not available, the modeling performed by the Applicant has some inherent limitations. In the absence of the information, some assumptions regarding the current emissions of the facility were made to establish modeling scenarios and estimate emission parameters. .

The ASR Report has been reviewed and has been determined to be deficient in the following respects:

- Use of an insufficiently dense grid for receptor locations results in a failure to identify maximum impacts from emission sources;
- Process emissions (PM2.5) are not included in the modeling;
- Worst case receptor locations and meteorological data are not identified; and
- Modeling is based on inconsistent information regarding the design of the new emergency generator.

Nevertheless, based on the information and data presented in the ASR Report, and correcting for the error in the selection of an insufficiently dense receptor grid, the Applicant's consultants have concluded that the modeling in the DEIS does, in fact, underestimate the pollutant load currently by emitted from the ASR facility. Contrary to the commenter's assertion that "right now all is well regarding the emissions from the sugar plant," existing violations of the State and National Air Quality Standards ("NAAQS") have been identified. The violations are identified in the table below.

Air Quality Dispersion Modeling Existing Conditions without Palisades Point Towers							
Pollutant	Averaging Period	Source Group	Existing w/o PP (ug/m ³)	Background (ug/m ³)	Modeled & Background Existing w/o PP (ug/m ³)	NAAQS (ug/m ³)	NAAQS Exceedance
SO ₂	3-hr.	Combust	552.05	152	704.05	1300	No
	24-hr.	Combust	289.13	102	391.13	365	Yes
PM ₁₀	24-hr.	Combust	10.93	49	59.93	150	No
	24-hr.	ALL	106.31	49	155.31	150	Yes
PM _{2.5}	24-hr.	Combust	8.53	35	43.53	35	Yes
	Annual	Combust	2.75	-	2.75	-	-
	24-hr.	ALL	86.06	35	121.06	35	Yes
	Annual	ALL	26.53	-	26.53	-	-

Finally, the claim that the Palisades Point building will “force emissions back to the plant and its workers” is totally unsubstantiated by the ASR Report. Regarding dispersion, see also Response III.G-6.

Comment III.G-3:

Their (ASR) concerns are emissions? I am concerned about the emissions. They don't want people so close. What is happening there? All along they have been there in a residential area.

(Margaret Sotterholm, Resident, Public Hearing, 4/29/2008, Page 124)

Response III.G-3:

See Responses III.G-1, III.G-2.

Comment III.G-4:

The Dominos, I am an ex-Teamster. While I was finishing Manhattan College of Civil Engineering, a few years after Mayor Amicone, but as a Teamster, I don't want anybody to lose their jobs at Dominos, but I just got recently go diagnosed with asthma, and this guy from the sugar plant is talking about his smoke emissions. Well, I am sure there are federal and stuff and miscellaneous grants where he can work with the developer and put some sort of scrubbers on and do whatever. I go to the sewage plant meetings all the time and I think that has something to do with the asthma. That is not for right here, though.

(Mike McBride, Public Hearing, 4/29/2008, Page 230-231)

Response III.G-4:

Comment noted.

Comment III.G-5:

SFC's consultants never contacted the Sugar Refinery to seek actual emissions data, and therefore did not conduct air modeling based upon our actual configuration, including such critical parameters as stack exit temperature, velocity, and volume. Rather, SFC relied upon flawed assumptions that do not, and will not, reflect real conditions.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.G-5:

Comment noted. See Response III.G-2.

Comment III.G-6:

Most disturbing is the DEIS' failure to consider the influence that Palisades Point's 25-story towers will have on the plume dispersion from the Sugar Refinery's stacks. In particular, ASR is concerned that the towers could result in "downwash," by changing local wind patterns near the Sugar Refinery, altering the air emissions path of the Sugar Refinery's stacks, and resulting in increased air impacts to surrounding residents and Sugar Refinery employees alike.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.G-6:

Atmospheric dispersion modeling performed for the DEIS did consider the potential affects of downwash from the proposed Palisades Point building on the emissions from the ASR facility's stacks. Both ground level and elevated receptors were located at the footprint of the proposed building. Wind blowing over and around buildings can create turbulence and zones of turbulent eddy currents near and around buildings. This is dependent upon the relation of the building to wind speed and direction. Building downwash occurs when emissions of pollutants near the building, usually from short stacks, can be caught in the turbulent wind currents. Although there is potential for the occurrence of wind turbulence at the Palisades Point building, a number of conditions must exist to result in downwash. These conditions include:

- o ASR combustion sources operating at maximum load at the same time, combusting fuel oil
- o Most likely during the winter months (December, January, and February)
- o Specific conditions of wind speed and direction

It should be noted that there is an extremely low probability of the confluence of the specific meteorological conditions and ASR operating condition that could result in elevated concentrations of SO₂ due to downwash at Palisades Point. Based on the five-year meteorological data provided by NYSDEC, the wind is from the south approximately 19% of the time during the year. Since the standard of concern is a 24-hour averaging period, high 24-hour SO₂ concentrations could be expected at Palisades Point only when the wind is from the south

and persists from that direction for 24 hours or more and all combustion sources at the facility are operating continuously during that period, at full capacity, burning No. 2 fuel oil. In general, facilities similar to the ASR facility burn gas instead of oil when gas is available. Gas is sometimes not available to commercial consumers in winter. Therefore it has been assumed that the facility would be most likely to burn oil in the three combustion sources in the winter and gas the rest of the year. The estimated usage of No. 2 fuel oil in the duct burner of the cogeneration system is approximately 11% of the time, in the boiler approximately 16% of the time, and in the generator 5% of the time. Based on the five-year database in the DEIS, the wind in December, January and February is from the south approximately 9% during this time period. If the cogeneration duct burner and the boiler were operating at the same time on No. 2 fuel oil during the winter months of January, February and December, the potential for high, worst case, SO₂ levels at Palisades Point would be less than 4%.

Impacts related to the potential downwash of ASR's emissions will be lower proportionally with lower ASR emissions. The applicant anticipates that ASR will cooperate, remedy the NAAQS violations identified and in so doing accommodate the development proposed. SFC believes, that along with our own efforts, that the ASR plant and the Palisades Point Project can mutually co-exist as suggested in ASR Comment III.G.-1.

Finally, the claim that the Palisades Point building will "force emissions back to the plant and its workers" is totally unsubstantiated by the ASR Report. See also Response III.G-2 regarding dispersion.

Comment III.G-7:

ASR has been advised that the meteorological data used by SFC in the DEIS in running AERMOD3 is not the preferred data set used by the NYSDEC.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.G-7:

The meteorological data used in the atmospheric dispersion modeling performed for the DEIS was a five year data set of hourly meteorological observations from LaGuardia Airport for the years 2002-2006. This meteorological data was provided to the Applicant's consultants by NYSDEC. Contrary to the commenter's assertion, the ASR Report relies upon the same meteorological data set, and concludes that "...the LaGuardia Airport data are the best available for this modeling analysis" (see page 2-2 of the ASR Report).

Comment III.G-8:

Particularly in light of the above deficiencies, the DEIS' discussion of the mitigation measures is far too general to provide assurance that Palisades Point will be designed to avoid adverse air impacts to the maximum extent practicable. This comment includes both the substantive mitigation measures proposed (or, more accurately, not proposed in the DEIS) and the means of enforcing such mitigation measures.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.G-8:

Comment noted. The alleged deficiencies are addressed in Responses III.G-1, III.G-2, III.G-5, III.G-6 and III.G-7.

The commenter's demand for assurance "that Palisades Point will be designed to avoid adverse air impacts to the maximum extent practicable" is an improper attempt to shift the burden of mitigation for ASR's emission impacts from ASR to the Applicant, and is particularly egregious given that the facility is currently violating NAAQS.

Nevertheless, the DEIS describes measures that will be incorporated into the building design to minimize any potential impacts of ASR's emissions on the residents of the building:

- The Palisades Point building will be ventilated by a central HVAC system that will be located at the top of the towers.
- The system will provide fresh/conditioned air that will be injected into the residential units therefore providing positive flow of air to the living space. The HVAC system fresh air inlets will be located on the roof of the towers.
- The system will incorporate ultra-fine particulate air filters on the outside fresh air inlets. In addition the system will use a chemically-activated filter to remove SO₂ before it enters the building ventilation system.
- The HVAC system will be designed to ventilate with diluted outside air.

These measures are directed most specifically at potential impacts on Palisades Point residents of particulate and SO₂ emissions from the ASR facility. With regard to SO₂ emissions, it should be noted that there is an extremely low probability of the confluence of the specific meteorological condition and ASR operating condition that could result in elevated concentrations of SO₂ at Palisades Point. Based on the five-year meteorological data provided by NYSDEC, the wind is from the south approximately 19% of the time during the year. Since the standard of concern is a 24-hour averaging period, high 24-hour SO₂ concentrations could be expected at Palisades Point only when the wind is from the south and persists from that direction for 24 hours or more and all combustion sources at the facility are operating continuously during that period, at full capacity, burning No. 2 fuel oil. In general, facilities similar to the ASR facility burn gas instead of oil when gas is available. Gas is sometimes not available to commercial consumers in winter. Therefore it has been assumed that the facility would be most likely to burn oil in the three combustion sources in the winter and gas the rest of the year. The estimated usage of No. 2 fuel oil in the duct burner of the cogeneration system is approximately 11% of the time, in the boiler approximately 16% of the time, and in the generator 5% of the time. Based on the five-year database in the DEIS, the wind in December, January and February is from the south approximately 9% during this time period. If the cogeneration duct burner and the boiler were operating at the same time on No. 2 fuel oil during the winter months of January,

February and December, the potential for high, worst case, SO₂ levels at Palisades Point would be less than 4%.

Comment III.G-9:

One of the issues which I saw in the -- much of the EIS that I looked at is the question of air quality. I question, you know, has this EIS taken into account the fact that the USEPA has found that our region is in the top 15 percent of areas in the United States for the worst quality air. Your plans, the way the EIS-- I read it, will increase that problem, so I hope that you will take a good look at that and really determine whether that would be a greater adverse impact, especially, you know.

(Kevin Gorman, Public Hearing, 5/13/2008, Page 112)

Response III.G-9:

As documented in the DEIS, the project will not result in significant adverse air quality impacts. The stationary source emissions of all air pollutants from the project sites are below the major facility thresholds defined by NYSDEC and USEPA. The area is designated as nonattainment of the National Ambient Air Quality Standards for ozone and fine particulate matter (PM_{2.5}). Ozone is a regional problem and the emissions from the project will not contribute significantly to regional ozone concentrations. PM_{2.5} concentrations are a combination of regional and localized impacts. The mobile source modeling demonstrated that project-generated mobile source (motor vehicle) PM_{2.5} emissions will not result in significant increases in PM_{2.5} concentrations.

Comment III.G-10:

Along with the improvements of the infrastructure and the daylighting of the Saw Mill, will improvements be made to limit the smell in the Getty Square area, which can be contributed to the Sewer Treatment plant.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.G-10:

The recommended removal of stormwater facilities from the sanitary sewer system would remove a considerable amount of excess water from the City collection system and the County sewage treatment plant. Upon completion of the recommended improvements, there will be a positive impact on the City sanitary system and the County sewage treatment plant. The Applicant however cannot opine on the question regarding odor control in the Getty Square area, as this is beyond the Scope of the DEIS. See also Response III.H-3.

Comment III.G-11:

(24) III.G Tables III.G-4 and Table III.G-5. Clarify why the intersection of Palisade Avenue and New Main Street is not included.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.G-11:

The intersections are listed in III.G Tables III.G-4 and Table III.G-5 as they appear in the approved scoping document and the traffic study. The list includes the intersection of Main Street and Palisade Avenue (No. 7), which also intersects New Main Street.

Comment III.G-12:

Clarify the types of emissions, including toxic and non toxic airborne particulates, at the River Park Center site during construction. Identify the anticipated type, levels and duration of the emission of airborne particulates, the health risks associated with each and the proposed health control and mitigations that will be utilized to minimize public and worker health risks. Clarify the authority responsible for monitoring air quality and enforcing control and mitigation measures during construction on behalf of a) workers and b) the public.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.G-12:

Section III.L of the DEIS describes existing hazardous materials conditions at the River Park Center site and the remediation for those conditions. Chlorinated organic solvents, semivolatile organic compounds, metals (most notably mercury), PCBs and pesticides are present in the soil on the site.

Emissions during construction will include dust (soil) as well as exhaust emissions from construction equipment. The remediation and construction contractor(s) will be responsible for control of airborne particulates at the River Park Center site. Dust mitigation measures include periodic cleaning of nearby public roadways with a street sweeper and water truck, use of a truck wash/decontamination pad during remediation, dust suppression using engineering controls (e.g., use of water trucks and tarps on storage piles), and dust prevention measures (e.g., maintenance of the stabilized construction entrance, limiting vehicle speeds). During remediation, perimeter air monitoring stations will be established and operated in accordance with the approved Community Air Monitoring Plan. The authority for monitoring air quality and enforcing control and mitigation measures will be identified prior to commencement of invasive activities. In addition to the above measures, and prior to performing any construction activity, a Project Health and Safety Plan will be prepared and implemented. The Health and Safety Plan will prescribe the appropriate safety procedures and precautions.

Comment III.G-13:

III.G Air Quality. III G IS The sugar plant should be involved in the modeling. It appears that the modeling was done based upon available public information and that the plant was not contacted. 1. Was this the case? 2. Can the modeling be done with the plant's assistance as a part of the FEIS and any changes to the project incorporated within the FEIS?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.G-13:

1. The modeling was done based upon available public information obtained from NYSDEC. ASR objected to a FOIL request from PS&S to NYSDEC for additional information from NYSDEC files.
 2. ENSR, ASR's consultant, performed their own modeling study.
-

Comment III.G-14:

III G 25 Balconies without patios? Please explain what this means?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.G-14:

The Project is still early in the design process and specific designs details have not yet been determined. The design of balconies will be developed so as to be compatible within the existing building context. Final details regarding materials and design of the proposed buildings will be determined in coordination with the City of Yonkers' Planning Board during the Site Plan Review process.

Comment III.G-15:

III G 26 Will additional street sweeping of the construction area and construction routes assist in reduction of particulate matter pollution? Will sweeping after snow storms (after snow has melted) to remove grit and salt reduce particulate matter issues?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.G-15:

It is expected that additional street cleaning of the construction area and construction routes with a street sweeper and water truck would assist in reduction of particulate matter pollution. The need for street sweeping will be evaluated once construction has commenced.

Comment III.G-16:

7. Stationary Sources of Air Pollution (I-24) what is the interaction with the Sugar Plant?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.G-16:

See Response III.G-2.

Comment III.G-17:

First, the Palisades Point towers' air intakes may be positioned so as to actually draw ASR's refinery exhaust directly into the new apartments.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-17:

It is assumed that ASR will take all steps necessary to correct current violations by the facility of NAAQS. The location of HVAC intakes will be determined taking permitted ASR facility emissions into consideration.

Comment III.G-18:

Second, the proximity of the Palisades Point towers to ASR's refinery, and the scale of the proposed development in terms of the building height (250 feet) and width compared to the existing ASR stack heights, will result in increased "downwash" of ASR stack plumes. Downwash is a distortion of ASR's present dispersion plume, which will produce higher concentrations in locations other than within the Palisades Point project's footprint that currently occur.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-18:

See Response III.G-6.

Comment III.G-19:

1. Construction of the Palisades Point towers will adversely impact the dispersion of emissions from (i.e., cause increased "downwash" of) ASR's cogeneration unit and Boiler No.3, which will result in increased ground level concentrations of all pollutants emitted by these sources at locations within ASR's sugar refinery and the Palisades Point footprint, and at other locations in the community.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-19:

See Response III.G-6.

Comment III.G-20:

2. The DEIS incorrectly predicted that ASR causes a National Ambient Air Quality Standard ("NAAQS") exceedance of 24-hour concentrations of sulfur dioxide ("SO₂") at one ground-level location (receptor #29, Table 10-2 of Appendix C to Appendix G.3 of the DEIS). In fact, the short-term SO₂ ground-level concentrations and highest annual ground-level concentrations associated with operation of ASR's combustion sources at maximum potential emission rates,

coupled with conservative background concentrations, are predicted to be below the NAAQS under present conditions (i.e., without the impact of the Palisades Point towers).

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-20:

See Responses III.G-1 and III.G-2. Until such time as the ASR facility Title V Permit is modified to replace the existing diesel emergency generator with a new emergency diesel generator burning low sulfur fuel, ASR can operate the existing diesel generator on higher-sulfur fuel. Modeling the maximum permitted emissions of the existing generator burning higher sulfur fuel is therefore appropriate. As set forth in Response III.G-2, based on the ASR Report, there is a current exceedance of permitted 24-hour concentrations of SO₂.

Comment III.G-21:

3. Construction of the Palisades Point towers will cause violations of the 24-hour SO₂ NAAQS at both ground-level and elevated receptors, if ASR combustion sources operate at maximum permitted emission rates. Limiting ASR's combustion sources to firing fuel oil with the current actual sulfur content (ASR voluntarily uses low-sulfur fuel, but is permitted to use higher-sulfur fuel), or limiting the combustion sources to firing natural gas, would result in total predicted SO₂ concentrations that are below the NAAQS at both elevated and ground-level locations.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-21:

See Responses III.G-1, III.G-2, III.G-20.

Comment III.G-22:

4. Maximum annual nitrogen dioxide ("NO₂") concentrations and 24-hour inhalable particulate matter ("PM₁₀") concentrations associated with operation of ASR combustion sources at maximum potential and maximum actual emission rates, coupled with conservative background concentrations, are predicted to be below the NAAQS at ground level and elevated receptor locations, both without and with consideration of the impact of the Palisades Point towers on dispersion of emissions from these sources.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-22:

Based on the ASR Report, the Applicant's consultants have concluded that under existing conditions, the 24-hour PM₁₀ NAAQS is exceeded. ASR has not performed any modeling for PM_{2.5} emissions from the facility. Maximum annual nitrogen dioxide concentrations associated with ASR combustion sources were predicted to be below NAAQS at ground level and elevated receptor locations taking into consideration the affect of the proposed Palisades Point building.

Comment III.G-23:

5. Operation of ASR's refinery assuming NYSDEC approval of new combustion sources would result in total SO₂ concentrations (both at maximum and actual emission rates) that are below the NAAQS without considering the impact of Palisades Point towers on dispersion. However, the total predicted 24-hour SO₂ concentrations at both ground-level and elevated receptors are above the NAAQS for the maximum emissions case when the impact of the towers on dispersion is considered.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-23:

Comment noted. See Responses III.G-1, III.G-2, III.G-20.

Comment III.G-24:

6. If the Palisades Point towers are constructed, air intake vents should likely be located on top of the towers based on the results of the dispersion modeling analysis. However, because dispersion modeling is only a tool, wind tunnel modeling should be conducted by the Applicant to confirm ENSR's dispersion modeling conclusion.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.G-24:

Before considering whether there is a need for any wind tunnel modeling, the Applicant would need to validate the accuracy of the modeling by ASR's air consultant and would need access to the AERMOD input data files used by the ASR air consultant on electronic media as would normally be provided for regulatory purposes. The Applicant's consultants have reviewed the ASR air consultant modeling report and do not believe wind tunnel modeling is warranted. Therefore, the consultants believe that it would be prudent to verify the electronic input files to validate the results prior to committing to any additional studies. The Applicant anticipates that ASR will cooperate, remedy its existing violations and in so doing accommodate the development proposed. The Applicant believes that the ASR plant and Palisades Point can mutually co-exist as suggested in ASR Comment III.G-1 and is consistent with the ASR's co-existence with the eastern residential neighbors to the plant.