

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR



PAUL MERCER  
COMMISSIONER

**RB Portland Master Subtenant LLC  
d/b/a Westin Portland Harborview Hotel  
Cumberland County  
Portland, Maine  
A-170-71-J-R**

**Departmental  
Findings of Fact and Order  
Air Emission License  
Renewal**

**FINDINGS OF FACT**

After review of the air emission license renewal application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes Annotated (M.R.S.A.), §344 and §590, the Maine Department of Environmental Protection (Department) finds the following facts:

**I. REGISTRATION**

**A. Introduction**

RB Portland Master Subtenant LLC d/b/a Westin Portland Harborview Hotel (Westin) has applied to renew their Air Emission License permitting the operation of emission sources associated with their 289 room high-rise hotel.

The equipment addressed in this license is located at 157 High Street, Portland, Maine.

**B. Emission Equipment**

The following equipment is addressed in this air emission license:

**Boilers**

Equipment	Maximum Capacity (MMBTU/hr)	Maximum Firing Rate (scf/hr)	Fuel Type, % sulfur	Installation Date	Stack #
Leader Boiler	3.0	2,941	Natural Gas (negligible)	11/2012	1
Member #1 Boiler	3.0	2,941			2
Member #2 Boiler	3.0	2,941			3

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

Generators

Equipment	Maximum Design Heat Input Capacity (MMBTU/hr)	Maximum Output Capacity (kW)	Firing Rate (gal/hour)	Fuel Type (% sulfur)	Installation Date
Generator #1	4.4	400	31.9	Distillate Fuel (0.0015%)	2012

C. Definitions

*Distillate Fuel* means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396, diesel fuel oil numbers 1 or 2, as defined in ASTM D975, kerosene, as defined in ASTM D3699, biodiesel as defined in ASTM D6751, or biodiesel blends as defined in ASTM D7467.

D. Application Classification

The application for Westin does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of currently licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (CMR) 115 (as amended). Westin is licensed below the major source thresholds for hazardous air pollutants (HAP) and is considered an area source of HAP.

II. **BEST PRACTICAL TREATMENT (BPT)**

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in 06-096 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Boilers: Leader, Member #1 and Member #2

Westin uses the three boilers to satisfy the hotels's heating and hot water needs. The three boilers, designated as Leader, Member #1, and Member #2, are natural gas-fired boilers, each with a maximum heat input capacity of 3.0 MMBTU/hour and a maximum firing rate of 2,941 standard cubic feet per hour (scf/hr). The boilers were installed in November 2012 and exhaust through stacks #1, #2, and #3, respectively. Emissions from these boilers will be minimal due to their relatively small size and the type of fuel burned. Due to the size of the boilers and the fact that they are firing natural gas, additional control measures are not required.

1. BPT Findings

The BPT emission limits for the natural gas-fired boilers were based on the following:

PM/PM <sub>10</sub>	0.05 lb/MMBTU based on 06-096 CMR 115, BPT
SO <sub>2</sub>	0.6 lb/MMscf based on AP-42, Table 1.4-2, dated 7/98
NO <sub>x</sub>	100 lb/MMscf based on AP-42, Table 1.4-1, dated 7/98
CO	84 lb/MMscf based on AP-42, Table 1.4-1, dated 7/98
VOC	5.5 lb/MMscf based on AP-42, Table 1.4-2, dated 7/98
Opacity	06-096 CMR 101 or previous BACT

The BPT emission limits for these boilers are the following:

Equipment	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Leader Boiler	0.15	0.15	0.01	0.29	0.25	0.02
Member #1 Boiler	0.15	0.15	0.01	0.29	0.25	0.02
Member #2 Boiler	0.15	0.15	0.01	0.29	0.25	0.02

Visible emissions from each boiler shall not exceed 10% opacity on a six-minute block average basis, except for no more than one six-minute block average in a three-hour period.

2. 40 CFR Part 60, Subpart Dc

Since the capacity of each boiler is less than 10 MMBTU/hour, each boiler is not subject to the New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, for units greater than 10 MMBTU/hr manufactured after June 9, 1989.

3. 40 CFR Part 63, Subpart JJJJJ

All three boilers (Leader, Member #1, and Member #2) are gas-fired boilers, as defined in 40 CFR §63.11237, and are located at or are part of an area source of HAP, as defined in §63.2. As such, these units are not subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*, 40 CFR Part 63, Subpart JJJJJ. [40 CFR § 63.11195 (e)]

C. Generator #1

Westin operates one emergency generator, designated Generator #1, which is rated at 4.4 MMBTU/hour (400 kW, 619 HP) and fires distillate fuel with a sulfur content not to exceed 0.0015% by weight. The generator is a stationary unit which was manufactured and installed in 2012.

1. BPT Findings

The BPT emission limits for Generator #1 are based on the following:

PM, PM <sub>10</sub>	0.07 g/hp-hr from manufacturer's potential emissions data
SO <sub>2</sub>	combustion of 15 ppm distillate fuel (0.0015% sulfur by weight)
NO <sub>x</sub>	3.76 g/hp-hr from manufacturer's potential emissions data
CO	0.67 g/hp-hr from manufacturer's potential emissions data
VOC	0.08 g/hp-hr from manufacturer's potential emissions data
Opacity	06-096 CMR 101

The BPT emission limits for Generator #1 are the following:

Equipment	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #1	0.10	0.10	0.01	5.13	0.91	0.11

Visible emissions from Generator #1 shall not exceed 20% opacity on a six-minute block average basis, except for no more than two six-minute block averages in a three-hour period.

2. 40 CFR Part 60, Subpart IIII

The federal regulation 40 CFR Part 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE)* is applicable to Generator #1 since the unit was ordered after July 11, 2005 and manufactured after April 1, 2006. By meeting the requirements of Subpart IIII, Generator #1 also meets the requirements found in the *National Emission Standards for Hazardous Air*

*Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63, Subpart ZZZZ.*

a. Emergency Definition:

*Emergency stationary ICE* means any stationary reciprocating internal combustion engine that meets all of the following criteria:

- (1) The stationary ICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc. There is no time limit on the use of emergency stationary ICE in emergency situations.
- (2) Paragraph (1) above notwithstanding, the emergency stationary ICE may be operated for any combination of the purposes specified below for a maximum of 100 hours per calendar year:
  - (i) Maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.
  - (ii) Emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
  - (iii) Periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- (3) Paragraphs (1) and (2) above notwithstanding, emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. These 50 hours are counted as part of the 100 hours per calendar year for

maintenance checks and readiness testing, emergency demand response, and periods of voltage deviation or low frequency, as provided in paragraph (2) above.

The 50 hours per calendar year for non-emergency situations cannot be used for peak shaving, non-emergency demand response, or to generate income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity, except if the following conditions are met:

- (i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
- (ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
- (iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
- (iv) The power is provided only to the facility itself or to support the local transmission and distribution system.
- (v) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[40 CFR §60.4211(f) and §60.4219]

b. 40 CFR Part 60, Subpart IIII Requirements:

(1) Manufacturer Certification Requirement

The engine shall be certified by the manufacturer as meeting the emission standards for new non-road compression ignition engines found in 40 CFR §60.4202. [40 CFR §60.4205(b)]

(2) Ultra-Low Sulfur Fuel Requirement

The distillate fuel fired in the engine shall not exceed 15 ppm sulfur (0.0015% sulfur), except that any existing fuel purchased or otherwise obtained prior to October 1, 2010, may be used until depleted. [40 CFR §60.4207(b)]

(3) **Non-Resettable Hour Meter Requirement**

A non-resettable hour meter shall be installed and operated on the engine. [40 CFR §60.4209(a)]

(4) **Operation and Maintenance Requirements**

The engine shall be operated and maintained according to the manufacturer's emission-related written instructions or procedures developed by facility that are approved by the engine manufacturer. Westin may only change those emission-related settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]

(5) **Annual Time Limit for Maintenance and Testing**

As an emergency engine, the engine shall be limited to 100 hours/year for maintenance checks and readiness testing, emergency demand response, and periods of voltage or frequency deviation from standards. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving, non-emergency demand response, or to generate income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity unless the conditions in §60.4211(f)(3)(i) are met). [40 CFR §60.4211(f)]

(6) **Initial Notification Requirement**

No initial notification is required for emergency engines. [40 CFR §60.4214(b)]

(7) **Recordkeeping**

Westin shall keep records that include maintenance conducted on the engine and the hours of operation of the engine recorded through the non-resettable hour meter. Documentation shall include the hours spent for emergency operation, including what classified the operation as emergency and how many hours spent for non-emergency. If the engine is operated during a period of demand response or deviation from standard voltage or frequency, or to supply power during a non-emergency situation as part of a financial arrangement with another entity as specified in §60.4211(f)(3)(i), Westin shall keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. [40 CFR §60.4214(b)]

(8) **Annual Reporting Requirements for Demand Response Availability Over 15 Hours Per Year (for engines greater than 100 brake hp)**

If Westin operates or is contractually obligated to be available for more than 15 hours per calendar year in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in §60.4211(f)(3)(i), the facility shall submit an annual report containing the information in §60.4214(d)(1)(i) through (vii). The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year. The annual report must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form is not available in CEDRI at the time that the report is due, the written report must be submitted to the following address:

U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, MA 02109-3912  
Attn: Air Compliance Clerk

[40 CFR §60.4214(d)]

**D. Annual Emissions**

**1. Total Annual Emissions**

Westin shall be restricted to the following annual emissions per calendar year. The tons per year limits were calculated based on the maximum fuel input for each boiler and operation of 100 hours/year for Generator #1:

**Total Licensed Annual Emissions for the Facility**  
**Tons/year**  
(used to calculate the annual license fee)

<b>Equipment</b>	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Boilers	2.0	2.0	0.1	3.9	3.3	0.2
Generator #1	0.1	0.1	0.1	1.3	0.2	0.1
<b>Total TPY</b>	<b>2.1</b>	<b>2.1</b>	<b>0.2</b>	<b>5.2</b>	<b>3.5</b>	<b>0.3</b>

**2. Greenhouse Gases**

Greenhouse gases are considered regulated pollutants as of January 2, 2011, through 'Tailoring' revisions made to EPA's *Approval and Promulgation of Implementation Plans*, 40 CFR Part 52, Subpart A, §52.21, *Prevention of Significant Deterioration of Air Quality* rule. Greenhouse gases, as defined in 06-096 CMR 100 (as amended), are



the aggregate group of the following gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. For licensing purposes, greenhouse gases (GHG) are calculated and reported as carbon dioxide equivalents (CO<sub>2</sub>e).

The quantity of CO<sub>2</sub>e emissions from this facility is less than 100,000 tons per year, based on the following:

- the types of fuel being fired;
- the facility's fuel use limit;
- worst case emission factors from the following sources: U.S. EPA's AP-42, the Intergovernmental Panel on Climate Change (IPCC), and 40 CFR Part 98, *Mandatory Greenhouse Gas Reporting*; and
- global warming potentials contained in 40 CFR Part 98.

No additional licensing actions to address GHG emissions are required at this time.

### **III. AMBIENT AIR QUALITY ANALYSIS**

The level of ambient air quality impact modeling required for a minor source shall be determined by the Department on a case-by case basis. In accordance with 06-096 CMR 115, an ambient air quality impact analysis is not required for a minor source if the total licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

<b>Pollutant</b>	<b>Tons/Year</b>
PM	25
PM <sub>10</sub>	25
SO <sub>2</sub>	50
NO <sub>x</sub>	100
CO	250

The total licensed annual emissions for the facility are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license.

### **ORDER**

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-170-71-J-R, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

### **STANDARD CONDITIONS**

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-A. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]

- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    - 2. pursuant to any other requirement of this license to perform stack testing.
  - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
  - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility

can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

- C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

### SPECIFIC CONDITIONS

- (16) **Boilers: Leader, Member #1, and Member #2**

A. All boilers shall fire natural gas only. [A-170-71-I-T/A, BACT]

B. Emissions shall not exceed the following [A-170-71-I-T/A, BACT]:

Equipment	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Leader Boiler	0.15	0.15	0.01	0.29	0.25	0.02
Member #1 Boiler	0.15	0.15	0.01	0.29	0.25	0.02
Member #2 Boiler	0.15	0.15	0.01	0.29	0.25	0.02

C. Visible emissions from each boiler shall not exceed 10% opacity on a six-minute block average basis, except for no more than one six-minute block average in a three-hour period. [06-096 CMR 101(2)(B)(1)(c)]

**(17) Generator #1**

A. Generator #1 shall fire distillate fuel with a sulfur content not to exceed 0.0015% by weight. Compliance shall be based on fuel records from the supplier showing the quantity of fuel delivered and the sulfur content of the fuel. [06-096 CMR 115, BPT]

B. The generator is limited to 100 hours per year total operation, on a calendar-year basis. Compliance shall be demonstrated by records of all generator operating hours. [06-096 CMR 115, BPT]

C. Emissions from Generator #1 shall not exceed the following:

<b>Equipment</b>	<b>PM (lb/hr)</b>	<b>PM<sub>10</sub> (lb/hr)</b>	<b>SO<sub>2</sub> (lb/hr)</b>	<b>NO<sub>x</sub> (lb/hr)</b>	<b>CO (lb/hr)</b>	<b>VOC (lb/hr)</b>
Generator #1	0.10	0.10	0.01	5.13	0.91	0.11

D. Visible emissions from Generator #1 shall not exceed 20% opacity on a six-minute block average basis, except for no more than two six-minute block averages in a three-hour period. [06-096 CMR 101 (2)(B)(d)]

E. Generator #1 shall meet the applicable requirements of 40 CFR Part 60, Subpart IIII, including the following:

**1. Manufacturer Certification**

Generator #1 shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in §60.4202. [40 CFR §60.4205(b)]

**2. Ultra-Low Sulfur Diesel Fuel**

The distillate fuel fired in Generator #1 shall not exceed 15 ppm sulfur (0.0015% sulfur by weight), except that any existing distillate fuel purchased or otherwise obtained prior to October 1, 2010, may be used until depleted. Compliance with the fuel sulfur content limit shall be based on fuel records from the supplier documenting the type of fuel delivered and the sulfur content of the fuel. [40 CFR §60.4207(b) and 06-096 CMR 115]

**3. Non-Resettable Hour Meter**

A non-resettable hour meter shall be installed and operated on Generator #1. [40 CFR §60.4209(a)]

4. Annual Time Limit for Maintenance and Testing

Generator #1 shall be limited to 100 hours/year for maintenance checks and readiness testing, emergency demand response, and periods of voltage or frequency deviation from standards. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving, non-emergency demand response, or to generate income for a facility by providing power to an electric grid or otherwise supplying power as part of a financial arrangement with another entity unless the conditions in §60.4211(f)(3)(i) are met). These limits are based on a calendar year. Compliance shall be demonstrated by a log of all generator operating hours. [40 CFR §60.4211(f) and 06-096 CMR 115]

5. Operation and Maintenance

Generator #1 shall be operated and maintained according to the manufacturer's emission-related written instructions or procedures developed by Westin that are approved by the engine manufacturer. Westin may only change those emission-related settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]

6. Annual Reporting For Demand Response Availability Over 15 Hours/Year

If Westin operates or is contractually obligated to be available for more than 15 hours per calendar year in a demand response program, during a period of deviation from standard voltage or frequency, or to supply power during a non-emergency situation as part of a financial arrangement with another entity as specified in 40 CFR §60.4211(f)(3)(i), the facility shall submit an annual report containing the information in 40 CFR §60.4214(d)(1)(i) through (vii). The first annual report must contain such information for calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year. The annual report must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI), accessed through EPA's Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). If the reporting form is not available in CEDRI at the time that the report is due, the written report must be submitted to the following address:

Director, Office of Ecosystem Protection  
U.S. Environmental Protection Agency  
5 Post Office Square, Suite 100

RB Portland Master Subtenant LLC  
d/b/a Westin Portland Harborview Hotel  
Cumberland County  
Portland, Maine  
A-170-71-J-R

15

Departmental  
Findings of Fact and Order  
Air Emission License  
Renewal

Boston, MA 02109-3912

[40 CFR §60.4214(d)]

- (18) Westin shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 M.R.S.A. §605).

DONE AND DATED IN AUGUSTA, MAINE THIS 1 DAY OF February, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Cona for  
PAUL MERCER, COMMISSIONER

**The term of this license shall be ten (10) years from the signature date above.**

[Note: If a complete renewal application, as determined by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 M.R.S.A. §10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the renewal of the license.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 16, 2015

Date of application acceptance: November 17, 2015

Date filed with the Board of Environmental Protection:

This Order prepared by Kevin J Ostrowski, Bureau of Air Quality.

