

**477 Time & Temperature LLC
Cumberland County
Portland, Maine
A-571-71-I-T**

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

After review of the file and related materials submitted with regard to the above noted application, pursuant to Title 38, M.R.S.A., Section 590 and Chapter 2 of the Department Regulations, the Department finds the following facts:

I. Registration

477 Time & Temperature LLC (TT) has requested the transfer of Air Emission License A-571-71-H-R from 477 Congress LLC to 477 Time & Temperature LLC through a letter to the Bureau of Air Quality dated December 8, 2006. Air Emission License A-571-71-H-R was issued to 477 Congress LLC on April 13, 2005. The license allows the operation of air emission sources used to heat an office building located at 477 Congress Street in Portland, ME.

II. Transfer Requirements

A. Title, Right, or Interest

In their application, TT submitted copies of property deeds transferring ownership of the facility to TT. The parties have provided sufficient evidence of title, right, or interest in the facility to allow the transfer of the facility's licenses.

B. Financial Capacity and Intent

TT is a limited liability corporation whose managing member is KNJ Portland Inc. The shareholders are partners in an experienced New York real estate firm with properties around the country. It is therefore determined that TT possesses the financial capacity to operate the facility in compliance with its air emission license.

C. Technical Capacity and Intent

TT's acquisition of the facility is not expected to result in any significant change in the personnel that currently operate the equipment, facilities, and conduct other activities. The facility's regulatory history with the MEDEP Bureau of Air Quality demonstrates that the environmental personnel are competent in air pollution control. The information submitted in the application provides

477 Time & Temperature LLC
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A-571-71-I-T

2

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sufficient evidence that TT has the technical capacity and intent to comply with their air emission license.

D. Full Name and Address

The full name and address of the new owner is:

477 Time & Temperature LLC
c/o KNJ Portland Inc., Managing Member
Attn: Joshua Dolgin, President
101 Richardson St.
Brooklyn, NY 11211

E. Certification

TT certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type.

ORDER

Based on the above, the Department concludes that the applicant for the air emission license transfer has the capacity to satisfy all applicable statutory criteria and hereby APPROVES the transfer of Air Emission License A-571-71-H-R, from 477 Congress LLC to TT, subject to all conditions attached to them.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/11/2006

Date of application acceptance: 12/18/2006

Date filed with the Board of Environmental Protection: _____

This Order prepared by Jonathan Voisine, Bureau of Air Quality.