



September 1, 2020

Subject: Update – Heating Device Requirement – Remove or Replace Non Compliant Devices Upon Property Sale, Lease or Conveyance - Fairbanks North Star Borough nonattainment area

Dear Real Estate Professional:

This letter is a follow-up to the December 16, 2019 letter advising real estate professionals about current and ongoing changes to the standards effecting the removal and replacement of wood-fired heating devices prior to property sale, lease or conveyance within the Fairbanks North Star Borough fine particulate matter nonattainment area. The above noted letter detailed the state requirements which became effective January 8, 2020, to include restrictions on the size, emission rating of devices, registration requirement, installation requirements and exclusion of the sale of coal-fired heating devices from the nonattainment area.

Also addressed in the December 16, 2019, letter was a contingency measure, which was set to come into effect upon EPA publishing a finding under 40 C.F.R. 51.1014(a)(1) – (4). On September 2, 2020, the Environmental Protection Agency published a finding of failure to attain the standard for the Fairbanks North Star Borough nonattainment area. While this is not a surprise to the Department, it does formally trigger the contingency measure.

The contingency measure established by 18 AAC 50.077(n), states: an owner of a wood-fired heating device, other than a masonry heater, within the nonattainment area that has a particulate matter emission rating of greater than 2.0 grams per hour shall render the device inoperable by the following deadlines:

- for a device manufactured 25 years or more before the effective date of the EPA finding or a device lacking EPA certification, before December 31, 2024; **or before the device is sold, leased, or conveyed as part of an existing building, whichever is earlier;**
- for a device manufactured less than 25 years before the effective date of the EPA finding, before 25 years from the date of manufacture.

In other words, prior to property sale, lease or conveyance, only wood-fired heating devices that are less than 25 years old remain on the property. All devices older than 25 years are required to be removed or replaced regardless of whether they are EPA certified or not. Devices that are older than 25 years, have an EPA certification, AND have an emission rating of 2.0 grams per hour or less may remain. The requirement is also for a moving 25 years, therefore, additional devices will become ineligible to remain on the property with each passing year.

While this measure does increase the number of devices that are affected, implementation should be easier. If the emission rating is greater than 2.0 and the current date minus the manufacturer date is greater than 25 years, it may not stay on the property and must be removed or replaced prior to closing. Devices without a manufacturer label should be assumed to be older than 25 years and the emission rate greater than 2.0 grams per hour.

ADEC's webpage (<http://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-real-estate>) will be updated on October 2, 2020, the effective date of EPA's action, to provide additional information on the new requirements. For those who wish to replace their devices, only new devices may be eligible for installation and must be professionally installed per state regulation. New devices that are approved for installation in the area may be found at <https://dec.alaska.gov/air/burnwise/standards#Approved>.

The following guidance should be used in order to meet the requirements of 18 AAC 50. Devices required to be removed should be removed or replaced:

- For home or property sales: prior to the close of a sale (closing).
- For leases: before commencement of the lease term.

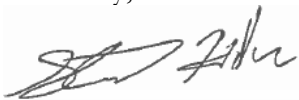
ADEC may grant a temporary waiver after considering:

- financial hardship information provided by the owner or operator;
- technical feasibility information provided by the owner or operator; and
- potential impact to locations with populations sensitive to exposure to PM<sub>2.5</sub>, such as hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers.

If you would like more information, please visit <http://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-real-estate> or contact Steven Hoke at (907) 451-5172 or via email at [steven.hoke@alaska.gov](mailto:steven.hoke@alaska.gov). Alternately, you may contact Molly Birnbaum at (907) 269-4913 or via email at [molly.birnbaum@alaska.gov](mailto:molly.birnbaum@alaska.gov).

If you would like to receive future correspondence via email send your contact information and email address to [steven.hoke@alaska.gov](mailto:steven.hoke@alaska.gov).

Sincerely,



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Environmental Program Specialist

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