



May 11, 2017

Subject: Wood-Fired Heating Device Requirement – Remove or Replace Non Compliant Devices Upon Property Sale, Lease or Conveyance – Effective Date: June 9, 2017

Dear Real Estate Professional:

On December 23, 2016, the Alaska Department of Environmental Conservation (DEC) sent a letter to you entitled “Wood-Fired Heating Device Requirement – Remove or Replace Non-Compliant Devices Upon Property Sale, Lease or Conveyance”. The letter announced the publishing of notice (81 FR 91088) on December 16, 2016 in the federal register proposing reclassification of the FNSB PM_{2.5} Nonattainment Area from moderate to serious. Comments were taken on the proposal until January 17, 2017. After review of submitted comments, EPA has published (82 FR 21711)¹ identifying June 9, 2017 as the effective date of reclassification to serious nonattainment.

The requirement for noncomplying wood-fired heating devices to be removed or replaced prior to property sale, lease or conveyance goes into effect on June 9, 2017. 18 AAC 50.077 requires removal or replacement, of any wood-fired heating device not meeting emission criteria — prior to the property being sold, leased, or conveyed. This requirement is designed to help slowly reduce the numbers of older, uncertified wood-fired heating devices in the nonattainment area by requiring these devices be removed or replaced when the property is sold, leased, or conveyed.

DEC has a webpage (<http://dec.alaska.gov/air/PM2.5-Real-Estate.htm>) that provides information on this requirement, including links to a map of the affected non-attainment area, a link to the specific regulations, links to lists of acceptable devices, waiver information and more. DEC maintains lists on this website to assist in determining what devices do not need to be removed or replaced. Simply, if it is on a list, the device may stay.

The following guidance should be used in order to meet the requirements of 18 AAC 50.077: 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.

Waivers: DEC 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

¹ 82 FR 21711 (<https://www.gpo.gov/fdsys/pkg/FR-2017-05-10/pdf/2017-09391.pdf>)

- potential impact to locations with populations sensitive to exposure to PM_{2.5}, such as hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers.
- transitional timing, such as, if a sale occurred prior to the effective date of this requirement but the closing is after the effective date.

If you would like more information, please visit <http://dec.alaska.gov/air/PM2.5-Real-Estate.htm> or contact Teri Buck at (907) 451-5172 or via email at teribuck@alaska.gov. Alternately, you may contact Molly Birnbaum at (907) 269-4913 or via email at molly.birnbaum@alaska.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindy Heil".

Cindy Heil
Environmental Program Manager

cc: Molly Birnbaum, ADEC/Non-Point Mobile Source, Anchorage
Denise Koch, ADEC/Air Quality Director, Juneau