



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

DIVISION OF AIR QUALITY
Air Non-Point & Mobile Sources

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Subject: Update – Heating Device Registration Requirement - Fairbanks North Star Borough nonattainment area

Dear Real Estate Professional:

This letter is to remind real estate professionals about current and ongoing requirements affecting 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 and to request assistance in helping local residents meet the requirements. The state requirements, which became effective January 8, 2020, include restrictions on the size, emission rating of devices, registration requirement, installation requirements and exclusion of the sale of coal-fired heating devices within the nonattainment area. State requirements, which became effective June 9, 2017, required solid fuel-fired heating devices including wood stoves, pellet stoves, coal stoves and hydronic heaters, to be removed from a property before sale, lease, or conveyance unless they meet current emission standards and age requirements.

As part of these requirements under 18 AAC 50.077(h)(2) the owner and/or seller of a wood-fired heating device is required to register any existing solid fuel fired heating device with the department before closing if the device is being sold, leased or conveyed as part of an existing building or property.

As part of these requirements under 18 AAC 50.077(l) a person who owns a woodstove or pellet stove that does not have valid certification from EPA under 40 C.F.R. 60.533 or a non-pellet fueled wood-fired outdoor hydronic heater shall render the device inoperable before the device is sold, leased, or conveyed as part of an existing structure. Under 18 AAC 50.077(n) the owner of a wood-fired heating device other than a masonry heater with an emission rating greater than 2.0 grams per hour, notwithstanding a valid EPA certification, and with a manufactured date more than 25 years old shall render the device inoperable before the device is sold, leased, or conveyed as part of an existing building.

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 rendered inoperable regardless of whether they are EPA certified or not. Rendered inoperable meaning that the device must be physically altered so that it can no longer function as a solid fuel heating device. 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.

In April 2021, the Department of Environmental Conservation (DEC) Air Quality Division published its first annual report regarding the implementation status of its control measures. As a result of the annual report, concerns expressed to DEC by various groups and individuals, and to meet commitments contained in the State Implementation Plan, DEC is looking for ways to ensure compliance with regulations and have adequate documentation of implementation should proof of implementation be requested by the Environmental Protection Agency (EPA). **Therefore, we are reaching out to real estate professionals on recommendations to assist DEC in demonstrating that the area is meeting the requirements in the air quality plan.** It is our understanding that realtors have been using disclosure forms where both buyers and sellers are signing that they were made aware of the requirements under 18 AAC 50.077. Are these types of forms being used? If so, are they being kept? And, would it be possible to get copies of these forms or summary information from realtors related to wood heaters associated with their sales or leases in the area?

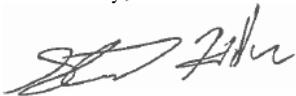
For devices that are required to be rendered inoperable, the Fairbanks North Star Borough (FNSB) can accept devices and issue an official certificate of destruction. The certificate of destruction is currently issued for all of the FNSB wood stove change out participants, but could also be issued for devices that are required to be removed by regulation. The DEC website has a description of how the FNSB may help with disposal at: <https://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-remove-devices/>. An official certificate of destruction would satisfy EPA's documentation for proving that non-compliant devices are being removed per the requirements in state regulations and the air quality plan. **Our question to you as a real estate professional is, What would be the best way to incorporate this into the normal home sale process?**

If you would like to provide feedback on any of the questions raised in the letter please send them to decburnwisealaska@alaska.gov.

If you would like more information in general, 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.

The Division of Air Quality is moving toward electronic communications versus physical mail. Therefore, if you would like to receive future correspondence via email please send your contact information and email address to steven.hoke@alaska.gov. Otherwise, letters sent via email may be viewed on the website as we will continue to post formal correspondence for easy future reference. The website where letters are posted may be found here: <http://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-real-estate>

Sincerely,



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Environmental Program Specialist

cc: Alice Edwards, ADEC/Air Quality Director, Juneau
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