



December 28, 2017

Subject: Update – Heating Device Requirement – Remove or Replace Non Compliant Devices Upon Property Sale, Lease or Conveyance

Dear Real Estate Professional:

On June 9, 2017, Alaska Department of Environmental Conservation's (ADEC) regulation 18 AAC 50.077 "Wood-Fired Heating Device Requirement" regulation became effective which requires that devices not listed with either the State of Alaska, the Fairbanks North Star Borough air quality program, or certified by the Environmental Protection Agency (EPA) be removed or replaced prior to a property sale, lease or conveyance. A new State regulation amendment expands these existing requirements to include coal-fired heating devices within the non-attainment area. The new regulation, listed as 18 AAC 50.079, will become effective on January 12, 2018.

The latest amendment requires that coal-fired heating devices located within the Fairbanks North Star Borough nonattainment area be removed or replaced prior to a property sale, lease or conveyance, if the device does not meet air quality emission criteria and is not listed with with the Fairbanks NorthStar Borough air quality program or certified by the EPA. This requirement is designed to help reduce the numbers of older, coal-fired heating devices in the nonattainment area.

ADEC's webpage (<http://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-real-estate>) provides additional information on the new requirement. This website includes information on the location of the affected non-attainment area, the new regulations pertaining to coal-fired heating devices, a list of approved devices, waiver information and other helpful guidance. This website is updated continually in response to questions or issues that are identified by real estate professionals or the public. An example, the website was updated to provide the process for requesting temporary waivers.

The following guidance should be used in order to meet the requirements of 18 AAC 50.079. 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;

- 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, and
- transitional timing in the case when a coal fired heating device 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/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 prefer to receive electronic updates in lieu of letters, please send your email address to Steven Hoke at the above email address.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Hoke", is written over a light gray rectangular background.

Steven Hoke  
Environmental Program Specialist

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