



December 16, 2019

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

Dear Real Estate Professional:

On January 8, 2020, the Alaska Department of Environmental Conservation's (ADEC) amendment to regulations 18 AAC 50.077 "Standards for wood-fired heating devices" and 18 AAC 50.079 "Provisions for coal-fired heating devices" will become effective. This amendment expands upon the requirement that apply within the non-attainment area. Devices not meeting state emissions standards and included on ADEC's approved list must be removed or replaced prior to a property sale, lease or conveyance.

The summary of the latest amendments are as follows:

Beginning **January 8, 2020**

- Cordwood-Fired Hydronic Heaters <350,000 Btu/hr cannot be sold for installation within the nonattainment area and must be removed prior to closing of a property sale, lease or conveyance.
- Coal-Fired devices cannot be sold for installation within the nonattainment area and must be removed prior to closing of a property sale, lease or conveyance.
- All removed devices must be rendered inoperable.
- If there is an approved wood fired device allowed to remain on the property, it **MUST** be registered with ADEC. Registration may be online or on a downloadable form and submitted to ADEC.
- All existing non-certified woodstoves or pellet stoves, all non-pellet hydronic heater, and all coal-fired heating devices must be removed by December 31, 2024 or before the device is sold, leased, or conveyed as part of an existing structure, whichever is first.
- All devices installed within the nonattainment area must be properly sized and professionally installed. Professional installation must be confirmed on a downloadable form and submitted to ADEC.
- Upon the effective date of an EPA finding, all EPA certified devices, other than masonry heaters, in the area that are older than 25 years and have an emission rating greater than 2.0

g/hr must be removed by December 31, 2024, or prior to closing of a property sale, lease or conveyance. Once a device exceeds 25 years old and has an emission rating greater than 2.0 g/hr, they will also be required to be removed, even after December 31, 2024. ADEC will provide advance notice prior to the effective date if this provision is required to be implemented.

ADEC's webpage (<http://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-real-estate>) has been updated to provide additional information on the new requirements. Also, starting September 1, 2020, there will be additional requirements on solid-fuel heating devices, so referring to the ADEC list of approved devices will be necessary.

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_{2.5}, 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. Alternately, you may contact Molly Birnbaum at (907) 269-4913 or via email at molly.birnbaum@alaska.gov.

Sincerely,



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