

section including maintenance records and records of visible emissions surveys under 18 AAC 50.078(d)(3), using a form or method provided by the department. (Eff. 1/8/2020, Register 233; am 12/8/2024, Register 252)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.079. Provisions for coal-fired heating devices. (a) This section applies to a person who

(1) owns or operates a coal-fired heating device in an area identified in 18 AAC 50.015(b)(3), if the coal-fired device

(A) is installed before January 12, 2018; and

(B) is not otherwise exempted in this section; or

(2) intends to supply, sell, lease, distribute, convey, or install a coal-fired heating device for operation in an area identified in 18 AAC 50.015(b)(3).

(b) A person may not install or reinstall a coal-fired heating device and may not supply, sell, lease, distribute, or convey a coal-fired heating device for operation in an area identified in 18 AAC 50.015(b)(3).

(c) Except as provided under (d) or (e) of this section, a person may not sell, lease, or convey a coal-fired heating device as part of an existing building or other property located in an area identified in 18 AAC 50.015(b)(3).

(d) Subsections (c) and (f) of this section do not apply to an installed coal-fired heating device that has undergone, during wintertime operation, an emission source test

(1) that the department has approved;

(2) that uses a testing protocol approved for accuracy by the department not less than 30 days before conducting a test; and

(3) for which the maximum emission rate for any individual test run does not exceed 0.10 pounds of total particulate matter per million Btu.

(e) Subsections (c) and (f) of this section do not apply to the conveyance of a coal-fired heating device in an area identified in 18 AAC 50.015(b)(3) if the owner requests and receives a waiver from the department or a local air quality program. The department or local air quality program may grant a waiver not to exceed one calendar year in duration after considering

(1) financial hardship information provided by the owner or operator;

(2) technical feasibility and device design information provided by the owner or

operator; and

(3) potential impact to locations with populations sensitive to exposure to PM-2.5; locations under this paragraph include hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers.

(f) Except as provided under (d) or (e) of this section, the owner of an existing coal-fired heating device shall render the device inoperable by the earliest of

(1) December 31, 2024;

(2) before the device is sold, leased, or conveyed as part of an existing building;

or

(3) upon expiration of any waiver granted under (e) of this section.

(g) Coal-fired heating devices not meeting the requirements of (b) – (d) of this section may not be advertised for sale within an area identified in 18 AAC 50.015(b)(3).

(h) In an area identified in 18 AAC 50.015(b)(3), a person who owns a device that under this section may not be reinstalled within the area shall

(1) ensure that the device is rendered inoperable when it is removed; or

(2) submit to the department a certified affidavit, in a form the department provides, stating that the device has been removed and will not be reinstalled in an area identified in 18 AAC 50.015(b)(3); the affidavit must be certified by including the following statement: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete." and, upon sale of the existing building or other property, inform the buyer in writing that a device that under this section may not be reinstalled within the area and may not be installed in the existing building or on the property. (Eff. 1/12/2018, Register 225; am 9/15/2018, Register 227; am 1/8/2020, Register 233; am 12/8/2024, Register 252)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
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18 AAC 50.080. Repealed. (Eff. 1/18/97, Register 141; repealed 4/16/2022, Register 242)

18 AAC 50.081. Real estate transaction requirements; weatherization and energy efficiency. (a) In an area identified in 18 AAC 50.015(6)(3), the following requirements apply:

(1) after December 31, 2025, a residential building owner must have an energy rating completed by an energy rater before listing the building or property for sale; the residential building owner shall pay for the costs of the energy rating; the energy rater shall provide