

JAN 21 1986

Mr. Gerald L. Larson CPM  
 President  
 Paradise Management Corporation  
 Kukui Plaza, Suite C-207  
 50 South Beretania Street  
 Honolulu, Hawaii 96813

Dear Mr. Larson:

In response to your letter of December 16, 1985 regarding PCB Transformer ownership, we understand your concern and hope this letter will help clarify the situation regarding who is responsible for carrying out the directives of the regulation and who is ultimately liable in a situation where the land and the condominium are owned by a private company and the individual units are purchased on a leasehold basis with a private company as lessors. Although your letter fails to mention which PCB regulation you have concerns about, we assume your concerns relate to the recent rules concerning fires in PCB Transformers.

Responsibility for compliance with the PCB Transformer fire regulation (50 FR 29170) ultimately rests with the owner of the PCB-containing equipment although in certain situations, EPA may also hold an owner or operator of a building using a PCB Transformer responsible. (Typically, either the owner(s) of the building or the utility owns the transformer that serves a building). In a condominium situation, the transformer may actually be owned by all individual unit owners (and not the local utility or some other third party). In this situation, the unit owners would be ultimately responsible for compliance. However, unit owners may designate the building association or homeowners association to take responsibility on behalf of the owners for insuring compliance. If the local utility owns the transformer, then the utility is ultimately responsible for compliance.

86-009

CONCURRENCES

SYMBOL	ORIGINATOR						
	TS-798	TS-798	EN 342	LE-132P			
SURNAME	Larson	Kukui	Paradise Management	Bruce			
DATE	1/17/86	1/17/86	1/17/86	1/17/86			

If the building or individual units are sold, I would recommend that the new owner(s) be made aware of the fact that PCB-containing transformers serve the property, and, if the condominium (and not the utility) owns the equipment, of the responsibility on the part of the new owner(s) for operation in compliance with the PCB regulations.

Should you have additional questions concerning the above, please contact Ms. Suzanne Rudzinski on (202) 382-3935.

Sincerely,

(SIGNED) DON R. CLAY

Don R. Clay, Director  
Office of Toxic Substances