

WAC 173-900-380 Authority and authorized party violation notice and penalties.

**Table 380
Authority and Authorized Party Penalties**

Type of Violation	Written Notice	First Penalty	Second and Subsequent Penalties
Plan Violation	Penalty Notice	Up to \$5,000	Up to \$10,000
Annual Report Violation	Warning Letter	Up to \$1,000	Up to \$2,000
Performance Standards Violation	Warning Letter	Up to \$1,000	Up to \$2,000

Penalty notice for plan violations.

(1) When ecology issues a penalty notice for a "plan violation," ecology will send the penalty notice to the authority or authorized party by certified mail, with a copy to each manufacturer listed as a plan participant. The penalty notice will include:

- (a) A first penalty assessment as defined in Table 380;
- (b) The requirements that need to be corrected; and
- (c) A statement that the authority or authorized party must correct the violation within thirty days of receipt of the notice or the plan may no longer be approved.

(2) If after thirty days, the authority or authorized party fails to make the required corrections and implement the plan or submit a plan update as described in WAC 173-900-335, ecology:

(a) Must then assess a second penalty as defined in Table 380; and

(b) May inform the authority or authorized party that the plan is no longer approved; and

(c) Send a "manufacturer plan violation" warning letter to each manufacturer in the plan (see WAC 173-900-255).

(3) If the authority or authorized party does not correct the violation, ecology must assess subsequent penalties no more often than every thirty days.

Warning letter for annual report violations.

(4) When ecology issues a warning letter for an "annual report violation," ecology will send the letter to the authority or authorized party by certified mail, with a copy to each manufacturer listed in the plan. The warning letter will include:

- (a) The requirements that need to be corrected; and
- (b) A statement that the authority or authorized party must correct the violation within thirty days of receipt of the warning letter.

(5) If after thirty days, the authority or authorized party fails to make the required corrections, ecology must:

- (a) Then assess a first penalty as defined in Table 380; and
- (b) Send a "manufacturer plan violation" warning letter to each manufacturer in the plan (see WAC 173-900-255).

(6) If the authority or authorized party does not correct the violation, ecology must assess subsequent penalties no more often than every thirty days.

Warning letter for performance standards violations.

(7) When ecology issues a warning letter for a "performance standards violation," ecology will send the letter to the authority or authorized party by certified mail, with a copy to each manufacturer listed in the plan. The warning letter will include:

(a) The violations that need to be corrected; and

(b) A statement that the authority or authorized party must correct the violation within thirty days of receipt of the warning letter.

(8) If after thirty days, the authority or authorized party fails to make the required corrections, ecology must:

(a) Then assess a first penalty as defined in Table 380; and

(b) Send a "manufacturer plan violation" warning letter to each manufacturer in the plan (see WAC 173-900-255).

(9) If the authority or authorized party does not correct the violation, ecology must assess subsequent penalties no more often than every thirty days.

(10) Ecology will deposit all penalties collected under this section into the electronic products recycling account created under RCW 70.95N.130.

Appeals.

(11) Violations and penalties may be appealed to the pollution control hearings board, pursuant to chapter 43.21B RCW.

[Statutory Authority: Chapters 70.95N, 70.105, and 70.105D RCW. WSR 07-21-013 (Order 07-05), § 173-900-380, filed 10/5/07, effective 11/5/07.]