

**RCW 70A.515.060 Department's review of the plan—Approval/
rejection—Public review—Assessment, departmental oversight—Recovery
of costs for administering and enforcing chapter—Administrative fee—
Penalties—List of producers and brands on the department's website—
Rules.**

(1) The department shall review the plan within one hundred twenty days of receipt, and make a determination as to whether or not to approve the plan. The department shall provide a letter of approval for the plan if it provides for the establishment of a paint stewardship program that meets the requirements of RCW 70A.515.040 and 70A.515.050. If a plan is rejected, the department shall provide the reasons for rejecting the plan to the stewardship organization. The stewardship organization must submit a new plan within sixty days after receipt of the letter of disapproval.

(2) When a plan or an amendment to an approved plan is submitted under this section, the department shall make the proposed plan or amendment available for public review and comment for at least thirty days.

(3) The department shall provide oversight of a stewardship organization in the determination and implementation of the architectural paint stewardship assessment specified in RCW 70A.515.040(1).

(4) The department shall identify the costs it incurs under this chapter. The department shall set the fee at an amount that, when paid by every stewardship organization or producer that submits a plan, is adequate to reimburse the department's full costs of administering and enforcing this chapter. The total amount of annual fees collected under this subsection must not exceed the amount necessary to reimburse costs incurred by the department to enforce and administer this chapter.

(5) A stewardship organization or producer subject to this chapter must pay the department's administrative fee under this subsection on or before June 30, 2020, and annually thereafter. The annual administrative fee may not exceed five percent of the aggregate assessment added to the cost of all architectural paint sold by producers in the state for the preceding calendar year.

(6) The department shall enforce this chapter.

(a) The department may administratively impose a civil penalty on any person who violates this chapter in an amount of up to one thousand dollars per violation per day.

(b) The department may administratively impose a civil penalty of up to ten thousand dollars per violation per day on any person who intentionally, knowingly, or negligently violates this chapter.

(c) Any person who incurs a penalty under this section may appeal the penalty to the pollution control hearings board established by chapter 43.21B RCW.

(7) Upon the date the first plan is approved, the department shall post on its website a list of producers and their brands for which the department has approved a plan pursuant to RCW 70A.515.040. The department shall update the list of producers and brands participating under an approved program plan on a monthly basis based on information provided to the department from a stewardship organization.

(8) Upon a demonstration to the satisfaction of the department that a previously unlisted producer is in compliance with this chapter, within fourteen days the department must add the name of the producer to its website.

(9) The department shall review each annual report required pursuant to RCW 70A.515.080 within ninety days of its submission to ensure compliance with RCW 70A.515.080(1).

(10) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter. [2020 c 20 § 1461; 2019 c 344 § 6. Formerly RCW 70.375.060.]