

**WAC 173-900-310 An independent plan.** (1) A single manufacturer or a group of manufacturers may submit an independent plan to ecology for approval if:

(a) For program year 2016 and all subsequent program years, the manufacturers participating in the proposed plan represent at least five percent market share of CEPs; and

(b) No manufacturer participating in the proposed plan is a new entrant or a white box manufacturer.

(2) For program year 2016 and all subsequent program years, if an independent plan does not represent five percent market share for two consecutive program years, ecology will dissolve the independent plan (see WAC 173-900-360).

(3) **Individual independent plan:** A single manufacturer submitting an independent plan to ecology is responsible for collecting, transporting, processing, and recycling its equivalent share of CEPs.

(4) **Collective independent plan:** Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, processing, and recycling the sum of the equivalent shares of all manufacturers participating in the collective independent plan.

(5) Individual or collective groups of manufacturers submitting an independent plan must designate an "authorized party" that is responsible for submitting the independent plan to ecology. A letter of certification from each of the manufacturers designating the authorized party must be submitted to ecology together with their independent plan.

(6) Prior to beginning implementation of an independent plan, the authorized party for that plan must receive plan approval from ecology.

[Statutory Authority: RCW 70.95N.230. WSR 16-06-107 (Order 15-03), § 173-900-310, filed 3/1/16, effective 4/1/16. Statutory Authority: Chapters 70.95N, 70.105, and 70.105D RCW. WSR 07-21-013 (Order 07-05), § 173-900-310, filed 10/5/07, effective 11/5/07.]