

WAC 173-900-335 Updates and revisions to CEP recycling plans.

(1) The authority or authorized party must update or revise the plan in the following situations:

- (a) For five-year renewal;
- (b) The plan has failed to provide services; and
- (c) Plan updates or revisions are required.

(2) **Five-year renewal:** The authority or authorized party must:

- (a) Review and update their plan every five years;
- (b) Submit the plan to ecology at least one hundred twenty days prior to the expiration date on the plan approval letter.

(3) **Failure to provide service:**

(a) Failure to provide service means implementation of the plan fails to do any of the following:

- (i) Provide service in each county in the state;
- (ii) Provide service in each city or town with a population of ten thousand or greater; or
- (iii) Meet other plan requirements.

(b) If the authority or authorized party of a plan, through implementation of the plan fails to provide services, the authority or authorized party must submit an updated plan to ecology within sixty days of failing to provide service.

(i) The updated plan must address how the program will be adjusted to meet the program geographic coverage and collection service requirements established in WAC 173-900-355.

(ii) When determining if the authority or authorized party fails to provide service, ecology will consider the collection services requirements in WAC 173-900-355 and the local government and community satisfaction reports if submitted under Part VIII, WAC 173-900-810.

(4) **Revisions or updates to the plan:** The authority or authorized party must submit a plan revision, including nonsignificant and significant plan revisions, to ecology within sixty days of any changes to the plan or receiving notice from ecology that an update is required.

(a) When submitting a plan revision, the authority or authorized party may submit only the sections or chapters related to the revision.

(b) **Nonsignificant revisions submitted but ecology approval is not required:** Nonsignificant revisions to CEP recycling plans are identified in Table 335 below. Ecology does not need to approve the nonsignificant revision prior to implementation.

(c) **Significant revisions submitted and ecology approval is required:** Significant revisions to CEP recycling plans are identified in Table 335 below. Ecology must approve the significant revisions prior to implementation.

**Table 335
CEP Recycling Plan Revisions**

Plan Content	Nonsignificant Revisions Submitted but no approval required to implement	Significant Revisions Submitted and approval is required to implement
Binding agreement	Changes to manufacturers participating in the plan or changes to contact information for manufacturers already included in the plan.	No revisions requiring approval.
Standard plan participant assessment of charges or apportionment of costs	No nonsignificant revisions.	Any changes to the assessment of charges or apportionment of costs.
Letter of certification	Changes to the contact information included for manufacturers already participating in the plan.	Addition or withdrawal of manufacturers participating in an independent plan.
Use of Washington businesses	Any changes to the use of Washington state businesses.	No changes requiring approval.
Collection services	Addition of collection site(s) or services without eliminating or changing existing services.	Changes to the level of services provided by the plan other than additional services.
Collectors	Any addition or change to registered collectors used by the plan.	No changes requiring approval.
Transporters	Adding, changing or removing registered transporters used by the plan.	No revisions requiring approval.
Direct processors	Any additions or changes to direct processors already used by an approved plan.	Use of a direct processor not already registered under this chapter.

Plan Content	Nonsignificant Revisions Submitted but no approval required to implement	Significant Revisions Submitted and approval is required to implement
Direct processor compliance audit report	Submission of copies of audit reports for any direct processor the plan uses after the plan was last approved or the plan's annual report was last submitted.	No revisions requiring approval.
Design for recycling	Any changes to the description of design for recycling included in the plan.	No revisions requiring approval.
Direct processor contract face sheet	Submission of copies of the contract face sheet as required in WAC 173-900-320(12) for any direct processor the plan uses after the plan was last approved or the plan's annual report was last submitted.	No revisions requiring approval.
Recordkeeping	Any changes to recordkeeping.	No revisions requiring approval.
Implementation timeline	No nonsignificant revisions.	Any changes to the implementation timeline.
Public outreach and marketing requirements	Additional public outreach and marketing efforts.	Any changes to the public outreach plan, other than additional public outreach and marketing.
Fair compensation	Any changes to fair compensation.	No changes requiring approval.

(5) **Approval process:** Within sixty days after receipt of a plan revision or update requiring approval, ecology will determine whether the plan complies with this chapter. Ecology will determine if the revision or update is:

(a) **Approved.** If approved, ecology will send a letter of approval to the authority or authorized party via certified mail. The approval letter will include an expiration date for the plan.

(b) **Disapproved.** If disapproved, ecology will send a letter of disapproval to the authority or authorized party via certified mail. The disapproval letter will provide ecology's reasons for not approving the plan.

(i) The authority or authorized party must submit a plan revision or plan update within sixty days after receipt of the letter of disapproval.

(ii) Ecology then has an additional sixty days to review the revised revision or plan update.

(6) **Approval criteria:** Ecology will consider the following when reviewing a plan revision or update for approval:

(a) The updated plan submittal dates were met;

(b) The updated plan meets the requirements in this chapter;

(c) The updated plan contains all of the information required in WAC 173-900-320 and provides descriptive information sufficient to allow ecology to determine that the implementation of the plan will be in compliance with this chapter;

(d) The updated plan, when implemented, would meet or exceed required service levels; and

(e) Additional information or clarification needed by ecology during the review of a revised or updated plan to determine if the plan is compliant with these rules and chapter 70.95N RCW.

(7) Ecology will post all updated plans on the agency website.

(8) Proprietary information submitted to ecology under this chapter is exempt from public disclosure under RCW 42.56.270.

[Statutory Authority: Chapters 70.95N, 70.105, and 70.105D RCW. WSR 07-21-013 (Order 07-05), § 173-900-335, filed 10/5/07, effective 11/5/07.]