

**Informal Draft Regulatory Text, Architectural Paint Recovery Program**

**DRAFT INFORMAL REGULATORY TEXT**

**ARCHITECTURAL PAINT RECOVERY PROGRAM**

**TITLE 14: NATURAL RESOURCES**  
**DIVISION 7. DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY**  
**CHAPTER 11. PRODUCT STEWARDSHIP**  
**ARTICLE 2. ARCHITECTURAL PAINT RECOVERY**

**Section 18950. Purpose.**

The purpose of this Article is to clarify existing statute and establish administrative procedures to efficiently and effectively implement the department's responsibilities under the law and to provide a uniform competitive business environment to all architectural paint manufacturers pursuant to §48700 of the Public Resources Code (PRC).

Authority cited: Sections 40502 and 42970, Public Resources Code, Reference: Section 42970, Public Resources Code.

**§18951. Definitions.**

(a) Except as otherwise noted, the definitions of this Article supplement and are governed by the definitions set forth in Chapter 5 (commencing with §48700), Part 7, Division 30 of the Public Resources Code:

(1) "Must" or "shall" means a provision is mandatory.

(2) "May" means a provision is permissive.

(b) "Assessment" means the assessment added to the cost of each container of architectural paint sold in the state that, if applicable, is subsequently remitted to a stewardship organization or manufacturer, and shall be spent on implementing the product stewardship plan.

(c) "Brand" means a name, symbol, word, or mark that identifies the architectural paint, and attributes the paint to the owner or licensee of the brand as the manufacturer.

- (d) "Reporting period" means a period that commences January 1st and ends December 31st in the same calendar year.
- (e) "Significant or material change" means any modification of the architectural paint stewardship assessment previously approved by the Department.
- (f) "Fee" means the fee imposed by the Department on the architectural paint manufacturer or stewardship organization by the department in order to cover the costs of administering and enforcing the statute.

Authority cited: Sections 40502 and 42970, Public Resources Code, Reference: Section 42970, Public Resources Code.

**§18952. Submittals.**

(a) A corporate officer, acting on behalf of an architectural paint manufacturer or stewardship organization, shall register with the department according to instructions provided by the department. The registration process shall include, but not be limited to, the following information:

- (1) Contact information of the corporate officer responsible for submitting stewardship plan and annual report documents to the department and for overseeing paint stewardship program activities, including, but not limited to:
  - (A) Contact Name
  - (B) Title
  - (C) Name and Company or Stewardship Organization
  - (D) Mailing address
  - (E) Phone number
  - (F) E-mail address
  - (G) Web address, if applicable
  - (H) Location and custodian of records
- (2) List and contact information for each architectural paint manufacturer participating in the stewardship organization, including, but not limited to:
  - (A) Name of Company
  - (B) Mailing address and physical address

- (C) Web address, if applicable
- (D) Location and custodian of records
- (E) Contact Name, Title, Phone Number, and e-mail address of participating architectural paint manufacturers shall be provided to the department upon request.

(3) List of brands covered under the stewardship plan.

(b) The stewardship plan should be submitted electronically according to instructions provided by the department. A hard copy, signed by a corporate officer of a manufacturer or stewardship organization under the penalty of perjury, must also be submitted to the department.

(1) The stewardship plan must be submitted for re-approval upon any significant or material change, as defined. The department shall review the revised stewardship plan within 90 days of receipt and make a determination whether or not to approve the plan.

(2) The information submitted in a stewardship plan shall address the criteria for approval in §18953 and be organized according to this standard outline:

- (A) Contact Information
- (B) Scope
- (C) Program Goals and Activities
- (D) Solid Waste Management Hierarchy
- (E) Collection Systems
- (F) Market Development
- (G) Financing Mechanism
- (H) Education and Outreach
- (I) Program Performance Measurement
- (J) Stakeholder Consultation
- (K) Audits

(3) The approved stewardship plan shall be a public record, except that financial, production, or sales data reported to the department by a manufacturer or stewardship organization is not a public record under the California Public Records Act, as described in Chapter 3.5 (commencing with Section 6250) of Division 7 of

Title 1 of the Government Code and shall not be open to public inspection. The department may release financial, production, or sales data in summary form only that cannot be attributable to a specific manufacturer.

(c) The annual report shall be submitted by a corporate officer acting on behalf of a manufacturer or stewardship organization that is operating an architectural paint stewardship program under a department-approved stewardship plan.

(1) The annual report should be submitted electronically to the department according to directions provided by the department. A hard copy, signed by a corporate officer of a manufacturer or stewardship organization under the penalty of perjury, must also be submitted.

(2) The information submitted in an annual report shall address the criteria for a finding of compliance per §18954 and be organized according to this standard outline:

- (A) Contact Information
- (B) Executive Summary
- (C) Scope
- (D) Program Outline
- (E) Description of Goals and Activities Based on the Stewardship Plan
- (F) Market Development
- (G) Financing Mechanism
- (H) Education and Outreach
- (I) Audits

Authority cited: Sections 40502, 42970, 42972, 42973, and 42974, Public Resources Code, Reference: Section 42970, 42972, 42973, and 42974, Public Resources Code.

**§18953. Stewardship Plan Approval Criteria.**

(a) Paint stewardship plans must follow the standard outline per §18942 and contain the following:

- (1) Contact information. Identify the manufacturer or designated stewardship organization responsible for the stewardship plan submittal.
- (2) Scope. Describe how the stewardship program is designed to accept and manage all applicable architectural paint products. A manufacturer or stewardship organization shall provide an updated list of manufacturers and brands to the department at least every six months.
- (3) Program Goals and Activities. Include program goals that are specific to and appropriate for California, recognizing the current recycling infrastructure and capacity, estimating changes in market conditions, and anticipating recycling infrastructure and capacity in California. Discussion on goals must include a baseline, to be provided by the manufacturer or stewardship organization, from which the goals will be measured and reported in the manufacturer or stewardship organization's annual reports. A methodology for estimating the amount of leftover paint available for collection in California must be provided by the manufacturer or stewardship organization. Describe how the program goals will be achieved to:
  - (A) Reduce the generation of postconsumer paint;
  - (B) Promote the reuse of postconsumer paint; and
  - (C) Properly manage postconsumer paint at end-of-life, including recovery and recycling of postconsumer paint.
- (4) Solid Waste Management Hierarchy. Describe proposed measures that will enable the management of postconsumer architectural paint in a manner consistent with the state's solid waste management hierarchy pursuant to PRC §40051.:
  - (A) Source reduction
  - (B) Recycling
  - (C) Environmentally safe transformation and safe land disposal
- (5) Collection Systems. Describe the system that will be used to collect and properly manage postconsumer architectural paint. This description must include the following:
  - (A) Collection methods used for oil-based and water-based architectural paint.

- (B) Destination for reuse activities, processing (including recycling) and/or disposal for oil-based and water-based architectural paint.
  - (C) Description of best management practices to be followed by the service providers, including any training that the manufacturer or stewardship organization intends to provide to or require of service providers to ensure proper collection and management of postconsumer architectural paint.
  - (D) Description of how every consumer of architectural paint will have an opportunity to properly manage their postconsumer architectural paint.
- (6) Market Development. Describe incentives or methods to increase recycling of architectural paint into secondary materials, as applicable.
- (7) Financing Mechanism. Include a funding mechanism that provides sufficient funding to recover, but not exceed, the cost of the architectural paint stewardship program, including the administrative, operational, and capital costs of the program. The funding mechanism includes the following:
- (A) The amount of the assessment per unit of architectural paint sold in the state.
  - (B) A budget for the program that includes revenue estimates from the assessment, full program costs, and administrative costs (including those pursuant to Section 19858 re: service payment to the department).
  - (C) A requirement that any surplus funds will be put back into the program to reduce the costs of the program, including the assessment amount.
  - (D) Stewardship organization and manufacturers shall allocate revenues and expenditures applicable to this program in accordance with Generally Acceptable Accounting Principles.
  - (E) The stewardship plan shall include documentation on how the collection and expenditure of assessment funds shall be kept separate from other activities of the stewardship organization.
- (8) Education and Outreach. Include a description of education and outreach efforts to consumers, contractors, and retailers to promote source reduction and recycling of architectural paint. The description shall include how the outreach and education methods will be used and distributed, and how effectiveness of these

activities will be measured. Educational information may include, but is not limited to, signage, written materials, advertising or other promotional materials pursuant to PRC §48703(e).

(9) Program Performance Measurement. Describe how attainment of the goals will be measured per §18953(a)(3). Program data shall be collected for purposes of annual report submittal (see §18954 Annual Report Compliance Criteria).

Information to be provided includes, but is not limited to:

(A) Specific information on the measurement methodology, assumptions, conversion factors, if used, and data sources.

(10) Stakeholder Consultations. A manufacturer or stewardship organization that submits a stewardship plan shall include a process of consultation with existing local household hazardous waste collection programs and other affected stakeholders, and consider the existing infrastructure in the development of the plan. Stakeholders may include, but are not limited to, consumers, retailers, architectural paint recyclers, and architectural paint contractors.

(11) Audits.

(A) Financial Information. Describe the process by which the financial activities of the stewardship organization and individual manufacturer that are related to implementation of the stewardship plan will be subject to an independent financial audit, results of which will be submitted in the manufacturer or stewardship organization's annual report and reviewed by the department.

(B) Non-Financial Information (optional). Describe the process by which the following non-financial activities of the organization or individual manufacturer that are related to implementation of the stewardship plan will be subject to an independent non-financial audit, which will be submitted in the manufacturer or stewardship organization's annual report and reviewed by the department:

1. A description of how the postconsumer architectural paint was managed in accordance with the stewardship plan.
2. The total amount of architectural paint sold and collected, and, if applicable, the recovery rate.

Authority cited: Sections 40502, 42970, 42972, and 42973, Public Resources Code,  
Reference: Section 42970, 42972, and 42973, Public Resources Code.

**§18954. Annual Report Compliance Criteria.**

- (a) The annual report must contain the following:
- (1) Contact information. Identify the manufacturer or stewardship organization responsible for the annual report submittal.
  - (2) Executive Summary. Provide an evaluation of the effectiveness of the paint stewardship plan, and anticipated steps, if needed, to improve performance.
  - (3) Scope. The program described in the stewardship plan accepts and manage all applicable architectural paint products.
  - (4) Program Outline. Describe the paint stewardship program, including information on the following topics:
    - (A) Methods of collection for both water-based and oil-based architectural paint, including the types of collection sites used.
    - (B) Disposition of postconsumer paint collected, including facility name(s) and address(es) for each disposition method.
    - (C) Description of best management practices followed by service providers, including any training that the manufacturer or stewardship organization provided or required of service providers to ensure proper collection and management of postconsumer paint.
    - (D) Description of how each consumer of architectural paint had an opportunity to properly manage their postconsumer paint.
  - (5) Description of goals and activities based on the stewardship plan. State goals from the approved stewardship plan, the baseline from which goals were measured, and report on achievement during the reporting period. Describe any adjustments to goals stated in the approved stewardship plan for the upcoming reporting period and accompanying rationale for those changes. The annual report must include, but not be limited to, quantitative information and discussion on the following categories pursuant to PRC Section 48705(a) and PRC Section 48703(d) (see Table 1: Overview of Data Collection for optional reporting topics):

- (A) The total volume of postconsumer architectural paint sold in the state during the preceding calendar year.
- (B) A description of the methods used to collect, transport, and process postconsumer architectural paint in this state.
- (C) The total cost of implementing the architectural paint stewardship program.
- (D) An evaluation of how the architectural paint stewardship program's funding mechanism operated.
- (E) A description of efforts to increase reuse of postconsumer paint.
- (F) A description of efforts to increase recyclability of postconsumer paint.

<b>Table 1: Overview of Potential Data Collection</b>
<i>This table is presented for discussion purposes and will be removed from the proposed regulations. Note: This table has some elements that are not required in AB 1343, but may assist in the overall evaluation of the program over the long term and may be considered as optional. Only items noted with an " * " must be included in annual reports. As a standard practice, document the methodology and assumptions used for measurement.</i>
<b>Population (insert year)</b>
<b>Financing</b>
* Assessment amount per container
* Total program cost (\$)
* Capital costs
Cost(\$)/capita
Cost (\$)/gallon collected
Education/Outreach (% of total program cost, with line items for reuse, recycling, fuel incineration, and landfilling)
* End-of-life materials management (% of total program cost)
* Program administration (% of total program cost, including annual administrative fee for service payments to the department)
* An evaluation of how the assessment operated
* Surplus funding, if any, and how it will be applied to reduce program costs
Governance (program oversight) (% of total program cost)
<b>Environmental</b>
Materials management
* Product sold (gallons)
* Product collected (gallons)
Product sold that is available for collection (describe methodology used)

Amount and percent collected (from available for collection)
Amount and percent reused
Amount and percent recycled
Amount and percent for fuel incineration
Amount and percent landfilled
GHG emissions (tons)
\$ invested in product design/R&D
<b>Program effectiveness</b>
Progress against goals
Regulatory non-compliances
Demonstrated improvements in product design
Public awareness
Public participation <sup>1</sup>
<b>Jobs attributable to stewardship program (Direct/Indirect<sup>2</sup>)</b>
Manufacturer or Stewardship Organization

(6) Market Development. After four (4) years of program implementation, the manufacturer or stewardship organization shall include a description of possible market development activities to incentivize the market growth of secondary products made from postconsumer paint.

(7) Financing Mechanism. The annual report shall include a description of the total cost of implementing the architectural paint stewardship program and an evaluation of the program’s financing mechanism, including whether or not the funding was sufficient to recover, but not exceed, the full cost of the paint stewardship program (see §18954(a)(5), Table 1. Overview of Potential Data Collection). Any proposed change in the amount of the architectural paint stewardship assessment must be submitted to the department for re-approval (see Section 18952 Submittals). The annual report shall include, but not be limited to, the following, and include any necessary supporting documents:

- (A) Assessment amount per container

<sup>1</sup> Via survey results or other reported data, such as Form 303  
<http://www.calrecycle.ca.gov/HomeHazWaste/Reporting/>

<sup>2</sup> “Direct” refers to number of jobs directly attributable to the manufacturer or stewardship organization employees working on the program. “Indirect” refers to # of jobs estimated attributable to contracted service providers. May be expressed in units of full-time equivalents (FTEs).

- (B) Total program cost
- (C) Capital costs
- (D) Cost(\$)/capita
- (E) Cost (\$)/gallon collected
- (F) Education/Outreach (% of total program cost, with line items for reuse, recycling, fuel incineration, and landfilling)
- (G) End-of-life materials management (% of total program cost)
- (H) Program administration (% of total program cost, including annual administrative fee for service payments to the department)
- (I) An evaluation of how the assessment operated
- (J) Surplus funding, if any, and how it will be applied to reduce program costs
- (K) Governance (program oversight) (% of total program cost)

(8) Education and Outreach. Describe educational and outreach activities in context of those identified in the stewardship plan. Provide a description of educational materials that were provided to retailers, consumers, and contractors during the reporting period and provide electronic samples. Identify the method(s) used to determine the effectiveness of educational and outreach surveys (e.g., surveys, hits on specific web pages, number of participants at events, etc). These education and outreach materials may include, but are not limited to, any of the following per PRC Section 48703(b)(4)(e):

- (A) Signage that is prominently displayed and easily visible to the consumer.
- (B) Written materials and templates of materials for reproduction by retailers to be provided to contractors and consumers at the time of purchase or delivery or both.
- (C) Promotional materials or activities, or both, that explains the purpose of paint stewardship and the means by which it is being carried out.
- (D) Links to website(s) created and maintained by the stewardship organization.

(9) Audits.

(A) Financial Information. The annual report shall include an independent financial audit funded from the paint stewardship assessment. The audit shall be conducted in accordance with auditing standards generally accepted in the

United States of America, and standards set forth in Government Auditing Standards issued by the Comptroller General of the United States.

1. The department may investigate further. If the department decides to further review the findings of the independent auditor, the review will be conducted based on same information the individual manufacturer or stewardship organization provided to the independent auditor.
2. Financial audits must be prepared by a Certified Public Accountant.
3. The department may request supplemental information from the individual manufacturer or stewardship organization during the course of review of a manufacturer- or stewardship organization-submitted financial audit, if necessary.
4. The department will inform the individual manufacturer or the stewardship organization within 60 days of the results of its review.

(B) Non-Financial Information (optional). The annual report may include an independent audit on the following information:

1. A description of how the postconsumer architectural paint was managed in accordance with the stewardship plan.
2. The total amount of architectural paint sold and collected, and, if applicable, the recovery rate.

Authority cited: Sections 40502, 42970, 42972, 42975, and 42976, Public Resources Code, Reference: Section 42970, 42972, 42975, and 42976, Public Resources Code.

**§18955. Enforcement.**

**§ XXXX1. Civil Penalties.**

A civil penalty may be administratively imposed by the department on any person who is in violation of any provision of this Article. The responsible party or parties shall be determined by the department based on the totality of the circumstances.

(a) Any manufacturer offering architectural paint for sale in California or a manufacturer or stewardship organization submitting a stewardship plan or annual report to the

department is subject to enforcement under this Article. Architectural paint manufacturers are subject to penalties as a result of the failure of their designated stewardship organization to comply with this Article on their behalf.

(b) Notwithstanding paragraph (a), an architectural paint manufacturer is not subject to any penalty for failing to comply if that manufacturer can demonstrate that it provided true and accurate information to the stewardship organization and the stewardship organization failed to properly report this on behalf of the manufacturer.

(c) A stewardship organization is not subject to a penalty for failure to comply as a result of submitting false or misleading information if it can demonstrate that it received false or misleading information from an architectural paint manufacturer that was the direct cause of its failure to comply with this Article.

(d) Any manufacturer or retailer that offers architectural paint for sale in the state is subject to enforcement under this Article.

Authority cited: Sections 40502, 42970, 42972, 42972.5, 42973, 42974, 42975, Public Resources Code, Reference: Section 42970, 42972, 42972.5, 42973, 42974, 42975, and 42978, Public Resources Code.

**§ XXXX2. Amount of Civil Penalties and Administrative Penalty Schedule.**

(a) Civil penalties may be imposed administratively in accordance with the following penalty tables:

(1) Base Penalty Table I is to be used for stewardship organizations and architectural paint manufacturers.

(A) Identify what violations have occurred.

(B) Identify the severity of the violations.

(C) Establish the possible range of the base penalty per violation based on the severity levels described in paragraph (b).

Base Penalty Table I: For Stewardship Organizations and Architectural Paint Manufacturers		
Violation	Description of Violation	Severity

PRC 48702(b)(1)	Selling or offering for sale in this state, to any person in this state, architectural paint that is not covered under a department-approved stewardship plan or listed as a compliant product on the department's website.	Level 3
PRC 48702(a) and 48703(a)	Failure to submit, individually or through a stewardship organization, an architectural paint stewardship plan to the department	Level 3
PRC 48703	Stewardship plan does not contain required elements	Level 3
PRC 48704(c)	Failure to implement an architectural paint stewardship program described in a department-approved stewardship plan	Level 3
PRC 48704(e)	Failure to pay an annual administration fee to the department	Level 3
PRC 48705(a)	Failure to submit, individually or through a stewardship organization, an annual report to the department	Level 3
PRC 48705(a)	Annual report does not contain required elements	Level 2
14 CCR XXXXX		
14 CCR XXXXX		
14 CCR XXXXX		

(2) Base Penalty Table II is to be used for retailers.

- (A) Identify what violations have occurred.
- (B) Identify the severity of the violations.

- (C) Establish the possible range of the base penalty per violation based on the severity levels described in paragraph (b).

Base Penalty Table II: For Retailers		
Violation	Description of Violation	Severity
PRC 48702(b)(1)	Selling or offering for sale in this state, to any person in this state, architectural paint that is not covered under a department-approved stewardship plan or listed as a compliant product on the department's website.	Level 3
14 CCR XXXXX		
14 CCR XXXXX		
14 CCR XXXXX		

(b) For the purpose of implementing this [Section/Article], penalty severity levels are described as follows:

- (1) For a violation classified as Level 1, the amount of the base penalty may be up to \$1,000 per day.
- (2) For a violation classified as Level 2, the amount of the base penalty may be up to \$5,000 per day.
- (3) For a violation classified as Level 3, the amount of the base penalty may be up to \$10,000 per day.

(c) The department will set the final penalty amount after considering the criteria set forth in Section XXXX3. The department may increase the final penalty beyond

the penalty range established pursuant to paragraphs (a) and (b), if it determines, after considering the criteria set forth in Section XXXX3, that such an increase is warranted and appropriate.

Note: Authority cited: Sections 40502 and 42970 and 42978, Public Resources Code. Reference: Sections 42970 and 42978.

**§ XXXX3. Criteria to Impose a Civil Penalty.**

In assessing or reviewing the amount of civil penalty imposed for a violation of this chapter, the department or the court shall consider all the following:

- (1) The nature, circumstances, extent, and gravity of the violation(s).
- (2) The number and severity of the violation(s).
- (3) Evidence that the violation was intentional, knowing or negligent.
- (4) The size of the violator.
- (5) History of violation(s) of the same or similar nature.
- (6) The willfulness of the violator's misconduct.
- (7) Whether the violator took good faith measures to comply with this chapter and the period of time over which these measures were taken.
- (8) Evidence of any financial gain resulting from the violation(s).
- (9) The economic effect of the penalty on the violator.
- (10) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.
- (11) Any other factor that justice may require.

Note: Authority cited: Sections 40502 and 42978, Public Resources Code.  
Reference: Section 42978, Public Resources Code.

**§ XXXX4. Procedure for Imposing Civil Penalties.**

(a) Civil penalties may be administratively imposed in accordance with the procedures outlined in the Administrative Procedure Act at Chapter 5 (commencing

with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code with the exception of Government Code Section 11505(c).

(b) The accusation or complaint and all accompanying documents may be served on the respondent by the following means:

(1) Personal service.

(2) Substitute service by using the same service procedures as described in Section 415.20 of the Code of Civil Procedure.

(3) Certified Mail: For respondents who have submitted a stewardship plan, certified mail or registered mail if the letter containing the accusation or complaint and accompanying material is mailed, addressed to the respondent at the latest facility or mailing address(es) provided in the stewardship plan on file with the department. Any address provided in the stewardship plan may be used for service of process. Proof of service of the accusation or complaint shall be the certified mail receipts or registered mail receipts proving the accusation or complaint and accompanying materials were sent to respondent by certified mail or registered mail. For respondents who have not submitted or are not required to submit a stewardship plan to the department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at Section 11505(c) of the Government Code applies.

(c) Civil penalties may be imposed pursuant to the Public Resources Code Section 48704(f) in the discretion of the trier of fact in the civil proceeding.

Note: Authority cited: Sections 40502 and 42970, Public Resources Code.

Reference: Section 11500, Government Code; and Section 42970, Public Resources Code.

### **§18956. Record Keeping Requirements**

Each [stewardship organization/manufacturer/retailer] required to comply with Public Resources Code Chapter 5 (commencing with 48700, Part 7, Division 30 of the Public Resources Code) shall:

- (a) Maintain records to support the requirements in Sections 18953 and 18954 of these regulations;
- (b) Provide the department with immediate access to its facilities, operations, and any relevant records necessary to determine compliance with this Article, upon request. The records required by this Article shall be accessible for three years from the date the plan and annual report was due to the department;
- (c) Make all records required by this Article available for inspection or audit by the department, or its agent and other duly authorized regulatory agencies during normal working hours;
- (d) Submit copies of specified records to the department upon request or at a frequency approved by the department.
- (e) The department may take disciplinary action against any regulated entity who fails to provide the department with access pursuant to this subdivision including, but not limited to, imposing penalties and the immediate removal from the department's list of manufacturers that are compliance with Section 48700 of the Public Resource Code and this Division.

Note: Authority cited: Sections 40502 and 42970, Public Resources Code. Reference: Sections 42970, 42972, 42972.5, 42975, and 42976, Public Resources Code.

**§18957. Proprietary, Confidential, or Trade Secret Information.**

The public disclosure of records supplied to the department pursuant to this Article that are, at the time of submission, claimed to be proprietary, confidential, or trade secret shall be subject to the disclosure provisions in Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4 (commencing with Section 17041).

Authority cited: Section 6253, Government Code. Sections 40502 and 42970, Public Resources Code. Reference: Sections 6250 et seq., Government Code. Section 42970, Public Resources Code.

**§18958. Service Payments to Department of Resources Recycling and Recovery.**

- (a) The department, using information provided in annual reports, its actual program costs for previous years, plans submitted in prior years, information from other sources, and assessing program needs; shall estimate the costs to be incurred by the department in connection with the administration and enforcement of the requirements of this chapter for the next fiscal year.
- (b) The department director, or his/her delegated authority, shall approve the administrative fee charged for each stewardship plan for the full administration and enforcement costs by April 30 each year starting 2012.
- (c) Any department fee shall be prorated, if there is more than one stewardship plan, by the number of plans submitted.
- (d) The department will issue invoices for each stewardship plan by May 31 each year. Payment is due annually on July 1. The department's approval of a plan shall be revoked if payment is not received. Stewardship plans revoked for lack of payment may be reinstated upon payment.

Authority cited: Sections 40502, 42970, 42972, 42977, and 42977.1, Public Resources Code, Reference: Section 42970, 42972, 42977, and 42977.1, Public Resources Code.