



**COLORADO**

**Hazardous Materials  
& Waste Management Division**

Department of Public Health & Environment

## **CDPHE Approval Process for LPMA Powered by Interchange 360's Individual Program Plan (IPP) proposal**

C.R.S. 25-17-701 et. seq. "The Act" provides producers an alternative to participating in the Producer Responsibility Organization (PRO) plan, in which a producer may submit an Individual Program Plan (IPP). The IPP must comply with the same requirements and go through the same review process as the PRO's plan proposal which requires the PRO to prepare and submit a plan proposal for review and approval, prior to program implementation. Following the Producer Responsibility Advisory Board's (AB) review of the plan proposal, the AB will forward the plan to the executive director, along with their recommendation to approve or reject.

The Department received a notice of intent for an IPP from the [Lubricant Packaging Management Association](#) (LPMA), to manage all [petroleum-related product packaging](#). Both CAA and LPMA view this IPP as a complementary program to CAA's primary collection services. LPMA intends to submit their IPP proposal to the AB on or before January 1, 2025.

### **Timing of IPP Proposal Review**

Within ninety (90) days after the submission of the IPP proposal to the advisory board, the advisory board shall either provide any recommended amendments to the IPP proposal to LPMA, or, if the advisory board does not have any recommended amendments, forward the IPP proposal to the executive director. LPMA shall provide responsive answers to the advisory board's recommendations and submit the amended IPP proposal to the advisory board within sixty (60) days after its receipt of the recommended amendments.

Within forty-five (45) days after the submission of the amended IPP proposal to the advisory board, the advisory board shall forward the amended IPP proposal to the executive director with its recommendation for approval or rejection and, if applicable, a written explanation of the basis for recommending rejection of the IPP proposal. Within eight (8) days after receiving the IPP proposal, the executive director shall post the IPP proposal on the department's website and provide public notice and an opportunity to comment on the IPP proposal.

Within one hundred twenty (120) days after receiving the IPP proposal or amended IPP proposal, the executive director shall approve the IPP proposal or amended IPP proposal; or reject the IPP proposal or amended IPP proposal. If the executive director rejects the IPP proposal or amended IPP proposal, the executive director shall notify LPMA of the rejection and the reasons for the rejection, which reasons must be based on the failure of the IPP proposal or amended IPP proposal to comply with the requirements specified in the Act. LPMA must submit a new IPP proposal to the advisory board within sixty (60) days after receiving the executive director's rejection. The new IPP proposal must be reviewed by the advisory board and the new IPP proposal or new amended IPP proposal must be reviewed and approved or rejected by the executive director in accordance with subsection (5)(a) and (5)(b) of C.R.S. 25-17-705.

If the executive director approves the IPP proposal or amended IPP proposal pursuant to subsection (5)(b)(I) of C.R.S. 25-17-705, the executive director shall designate the IPP proposal as the plan that the producer is authorized to implement and administer as an alternative to participating in the program.



## Summarized Timeline

Based on the IPP proposal that requires advisory board review and recommendation, public comments, department review and approval, the following timelines have been drafted:

### LPMA Individual Program Plan (IPP) Proposal Timeline *with Amendments*

IPP Requirement	Due Date*
LPMA submits IPP proposal to advisory board	January 1, 2025
<i>CDPHE posts for public comment</i>	<i>January 6, 2025</i>
90-day AB review & consultation with LPMA	Jan 1 - Mar 31, 2025
AB provides amendments on IPP Proposal to LPMA → <i>if no amendments, AB sends recommendation to CDPHE (see below)</i>	April 1, 2025
LPMA 60-day deadline to respond to AB feedback	June 1, 2025
AB 45-day deadline to submit recommendation to CDPHE	July 15, 2025
<i>CDPHE posts for public comment (due within 8 days)</i>	<i>July 18, 2025</i>
Executive Director 120-day deadline to approve or reject the IPP proposal	November 15, 2025

\* Dates are estimated and will be adjusted based on actual submittal dates and recommended amendments.

### LPMA Individual Program Plan (IPP) Proposal Timeline *without Amendments*

IPP Requirement	Due Date*
LPMA submits IPP proposal to advisory board	January 1, 2025
<i>CDPHE posts for public comment</i>	<i>January 6, 2025</i>
90-day AB review & consultation with LPMA	Jan 1 - Mar 31, 2025
AB sends recommendation to CDPHE	April 1, 2025
<i>CDPHE posts for public comment (due within 8 days)</i>	<i>April 4, 2025</i>
Deadline for public comments	May 9, 2025
Executive Director 120-day deadline to approve or reject the IPP proposal	July 30, 2025

\* Dates are estimated and will be adjusted based on actual submittal dates and recommended amendments.

## Department Approval Process

Regarding the executive director approval process, after the IPP proposal is submitted to the advisory board, the board will move into subcommittees to conduct their statutory review of the IPP proposal to ensure it is compliant with the requirements set forth in C.R.S. 25-17-705 (4) and (5). LPMA presented a high-level overview of their general approach in their IPP proposal to the advisory board on November 25, 2024, and has indicated their intent to submit their proposal by the last business day of December 2024.

Though the department is not required to post the IPP proposal on its website until after it has been received from the advisory board *after* their review recommendation, the department intends to post the draft IPP proposal when it is initially delivered to the advisory board. The department will then re-post any updated IPP proposal within eight days after a formal recommendation has been received from the advisory board pursuant to C.R.S. 25-17-705 (5)(a) and allow for public comment.

After the executive director approves the amended IPP proposal, the executive director shall designate the IPP proposal as the plan that the producer is authorized to implement and administer as an alternative to participating in the program.

If the advisory board submits a recommendation to the executive director to reject the IPP proposal, and the executive director rejects the IPP proposal or amended IPP proposal, the executive director shall notify LPMA of the rejection and the reasons for the rejection, and LPMA must submit a new IPP proposal to the advisory board within sixty days and the review process for approval/rejection is repeated in accordance with subsection (5)(a)(b) and (8)(a)(b)(c) of C.R.S. 25-17-705.