



General Assembly

**Amendment**

February Session, 2024

LCO No. 5843



Offered by:  
REP. GRESKO, 121<sup>st</sup> Dist.

To: House Bill No. 5353

File No. 329

Cal. No. 224

**"AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (e) of section 22a-905h of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective from*  
5 *passage*):

6 (e) The Commissioner of Energy and Environmental Protection shall  
7 approve a plan for the establishment of a gas cylinder stewardship  
8 program, provided such plan meets the requirements of this section.  
9 Not later than ninety days after submission of the plan, the  
10 commissioner shall make a determination on whether to approve the  
11 plan. Prior to making such determination, the commissioner shall post  
12 the plan on the department's Internet web site and solicit public  
13 comments on the plan. Such solicitation shall not be conducted pursuant  
14 to chapter 54. In the event that the commissioner disapproves the plan  
15 because it does not meet the requirements of this section, the

16 commissioner shall describe the reasons for the disapproval in a notice  
17 of determination that the commissioner shall provide to the producer or  
18 producer's designee that submitted the gas cylinder stewardship plan.  
19 Such producer or producer's designee shall revise and resubmit the plan  
20 to the commissioner not later than forty-five days after receipt of the  
21 commissioner's notice of disapproval. Not later than forty-five days  
22 after receipt of the revised plan, the commissioner shall review and  
23 approve or disapprove the revised plan, and provide a notice of  
24 determination to the producer or producer's designee that submitted the  
25 revised gas cylinder plan. Such producer or producer's designee may  
26 resubmit a revised plan to the commissioner for approval on not more  
27 than two occasions. If the producer or producer's designee fails to  
28 submit a plan that is acceptable to the commissioner because it does not  
29 meet the requirements of this section, the commissioner shall modify a  
30 submitted plan to make it conform to the requirements of this section  
31 and approve it. Not later than October 1, [2025] 2024, each producer  
32 shall be part of an approved [and implemented] gas cylinder  
33 stewardship program. Each gas cylinder stewardship program shall be  
34 implemented not later than October 1, 2025.

35 Sec. 2. Subsections (p) to (u), inclusive, of section 22a-905h of the  
36 general statutes are repealed and the following is substituted in lieu  
37 thereof (*Effective from passage*):

38 (p) Whenever, in the judgment of the Commissioner of Energy and  
39 Environmental Protection, any person has engaged in or is about to  
40 engage in any act, practice or omission that constitutes, or will  
41 constitute, a violation of any provision of this section, the Attorney  
42 General may, at the request of the commissioner, bring an action in the  
43 superior court for the judicial district of New Britain for an order  
44 enjoining such act, practice or omission. Such order may require  
45 remedial measures and direct compliance with the provisions of this  
46 section. Upon a showing by the commissioner that such person has  
47 engaged in or is about to engage in any such act, practice or omission,  
48 the court may issue a permanent or temporary injunction, restraining  
49 order or other order, as appropriate. Upon a finding that any producer

50 violated the provisions of this section, the court may impose a civil  
51 penalty of not more than twenty-five thousand dollars for each such  
52 offense. Each such violation shall be a separate and distinct offense.

53 (q) Any action brought by the Attorney General pursuant to this  
54 section shall have precedence in the order of trial, as provided in section  
55 52-191.

56 (r) In the event that another state implements a gas cylinder recycling  
57 program, a producer or producer's designee with an approved gas  
58 cylinder stewardship plan may collaborate with such state to conserve  
59 efforts and resources used in carrying out the applicable gas cylinder  
60 stewardship program, provided such collaboration is consistent with  
61 the requirements of this section.

62 (s) The Commissioner of Energy and Environmental Protection may  
63 assess a reasonable fee to each producer or producer's designee with an  
64 approved gas cylinder stewardship plan for administration of the  
65 applicable gas cylinder stewardship program. The Commissioner of  
66 Energy and Environmental Protection shall determine the share to be  
67 paid by each producer or producer's designee based on the share of the  
68 gas cylinder market represented by the producer or producer's  
69 designee. The total annual fees assessed on each producer with an  
70 approved gas cylinder stewardship plan shall not exceed a rate of two  
71 thousand dollars. The Commissioner of Energy and Environmental  
72 Protection shall annually publish documentation on the department's  
73 use of such fees.

74 (t) Any producer who fails to participate in an approved gas cylinder  
75 stewardship plan shall not supply, sell or offer for sale gas cylinders in  
76 this state.

77 (u) Notwithstanding any provision of this section, upon  
78 identification of any producer who is not participating in an approved  
79 gas cylinder stewardship program, the Commissioner of Energy and  
80 Environmental Protection shall issue a notice of noncompliance to such  
81 producer. Not later than January first of each year following

82 implementation of such program, the Commissioner of Energy and  
83 Environmental Protection shall issue a report to the joint standing  
84 committee of the General Assembly having cognizance of matters  
85 relating to the environment on steps taken by the commissioner to  
86 address noncompliance with the provisions of this section and shall  
87 include in such report a list of [~~noncompliant~~] compliant producers that  
88 [~~received a notice of noncompliance pursuant to this subsection and that~~  
89 ~~are not in compliance as of the date of such report~~] is based on  
90 information provided by any such gas cylinder stewardship  
91 organization. The Commissioner of Energy and Environmental  
92 Protection shall publish [a] such list of the names of producers that are  
93 compliant with the provisions of this section on the Department of  
94 Energy and Environmental Protection's Internet web site.

95 Sec. 3. Section 22a-905h of the general statutes is amended by adding  
96 subsection (v) as follows (*Effective from passage*):

97 (NEW) (v) (1) Any gas cylinder stewardship organization that  
98 implements an approved gas cylinder stewardship plan in accordance  
99 with the requirements of this section may bring a civil action against a  
100 producer for damages when: (A) Such stewardship organization incurs  
101 more than five hundred dollars in actual costs associated with  
102 administrative overhead, education, collection, handling, recycling and  
103 the approved disposal of the defendant producer's gas cylinders that are  
104 supplied, sold or offered for sale in this state; and (B) the defendant  
105 producer or the gas cylinder stewardship organization to which such  
106 noncompliant producer belongs is not in compliance with the  
107 provisions of this section.

108 (2) Any gas cylinder stewardship organization may file a civil action  
109 pursuant to subdivision (1) of this subsection regardless of whether such  
110 organization notified the Commissioner of Energy and Environmental  
111 Protection concerning such noncompliant producer or gas cylinder  
112 stewardship organization.

113 (3) For the purposes of this subsection, "damages" means: (A) The

114 actual costs a plaintiff gas cylinder stewardship organization incurs in  
115 administrative overhead, education, collection, handling, recycling or  
116 the approved disposal of gas cylinders that are reasonably identified as  
117 originating from another gas cylinder producer or gas cylinder  
118 stewardship organization; and (B) the costs and reasonable attorney's  
119 fees associated with bringing a civil action pursuant to subdivision (1)  
120 of this subsection."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-905h(e)
Sec. 2	<i>from passage</i>	22a-905h(p) to (u)
Sec. 3	<i>from passage</i>	22a-905h(v)