



House Bill No. 5353

Public Act No. 24-133

AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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 Subsection (e) of section 22a-905h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The Commissioner of Energy and Environmental Protection shall approve a plan for the establishment of a gas cylinder stewardship program, provided such plan meets the requirements of this section. Not later than ninety days after submission of the plan, the commissioner shall make a determination on whether to approve the plan. Prior to making such determination, the commissioner shall post the plan on the department's Internet web site and solicit public comments on the plan. Such solicitation shall not be conducted pursuant to chapter 54. In the event that the commissioner disapproves the plan because it does not meet the requirements of this section, the commissioner shall describe the reasons for the disapproval in a notice of determination that the commissioner shall provide to the producer or producer's designee that submitted the gas cylinder stewardship plan. Such producer or producer's designee shall revise and resubmit the plan to the commissioner not later than forty-five days after receipt of the

House Bill No. 5353

commissioner's notice of disapproval. Not later than forty-five days after receipt of the revised plan, the commissioner shall review and approve or disapprove the revised plan, and provide a notice of determination to the producer or producer's designee that submitted the revised gas cylinder plan. Such producer or producer's designee may resubmit a revised plan to the commissioner for approval on not more than two occasions. If the producer or producer's designee fails to submit a plan that is acceptable to the commissioner because it does not meet the requirements of this section, the commissioner shall modify a submitted plan to make it conform to the requirements of this section and approve it. Not later than October 1, [2025] 2024, each producer shall be part of an approved [and implemented] gas cylinder stewardship program. Each gas cylinder stewardship program shall be implemented not later than October 1, 2025.

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 Subsections (p) to (u), inclusive, of section 22a-905h of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(p) Whenever, in the judgment of the Commissioner of Energy and Environmental Protection, any person has engaged in or is about to engage in any act, practice or omission that constitutes, or will constitute, a violation of any provision of this section, the Attorney General may, at the request of the commissioner, bring an action in the superior court for the judicial district of New Britain for an order enjoining such act, practice or omission. Such order may require remedial measures and direct compliance with the provisions of this section. Upon a showing by the commissioner that such person has engaged in or is about to engage in any such act, practice or omission, the court may issue a permanent or temporary injunction, restraining order or other order, as appropriate. Upon a finding that any producer violated the provisions of this section, the court may impose a civil penalty of not more than twenty-five thousand dollars for each such

House Bill No. 5353

offense. Each such violation shall be a separate and distinct offense.

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

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

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

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

(u) Notwithstanding any provision of this section, upon identification of any producer who is not participating in an approved gas cylinder stewardship program, the Commissioner of Energy and Environmental Protection shall issue a notice of noncompliance to such

House Bill No. 5353

producer. Not later than January first of each year following implementation of such program, the Commissioner of Energy and Environmental Protection shall issue a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on steps taken by the commissioner to address noncompliance with the provisions of this section and shall include in such report a list of ~~[noncompliant]~~ compliant producers that ~~[received a notice of noncompliance pursuant to this subsection and that are not in compliance as of the date of such report]~~ is based on information provided by any such gas cylinder stewardship organization. The Commissioner of Energy and Environmental Protection shall publish [a] such list of the names of producers that are compliant with the provisions of this section on the Department of Energy and Environmental Protection's Internet web site.

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

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

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

House Bill No. 5353

stewardship organization.

(3) For the purposes of this subsection, "damages" means: (A) The actual costs a plaintiff gas cylinder stewardship organization incurs in administrative overhead, education, collection, handling, recycling or the approved disposal of gas cylinders that are reasonably identified as originating from another gas cylinder producer or gas cylinder stewardship organization; and (B) the costs and reasonable attorney's fees associated with bringing a civil action pursuant to subdivision (1) of this subsection.