

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 4821 and 4823

STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED MARCH 23, 2023

Sponsored by:

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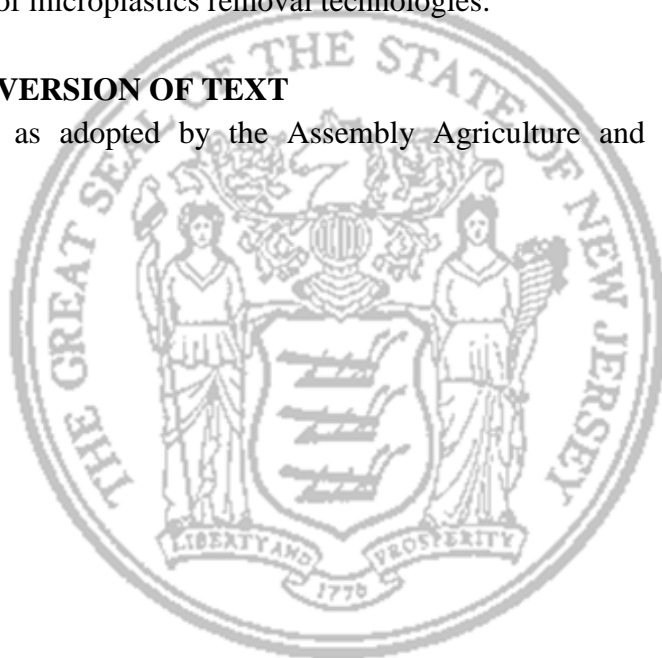
Assemblyman Benson and Assemblywoman Carter

SYNOPSIS

Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Agriculture and Food Security Committee.



1 AN ACT concerning microplastics and supplementing Title 58 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Board" means the Board of Public Utilities.

9 "Commissioner" means the Commissioner of Environmental
10 Protection.

11 "Department" means the Department of Environmental
12 Protection.

13 "Public water system" means the same as the term is defined in
14 section 3 of P.L.1977, c.224 (C.58:12A-3).

15 "System owner or operator" means a board, authority, local
16 government unit, or other person or entity that owns or operates a
17 public water system or a wastewater system in the State.

18

19 2. No later than six months after the effective date of this act,
20 the Department of Environmental Protection, in consultation with
21 the Drinking Water Quality Institute established pursuant to section
22 10 of P.L.1983, c.443 (C.58:12A-20), shall establish:

23 a. a definition of the term "microplastics"; and

24 b. a standard methodology to be used by public water systems in
25 the testing of drinking water for microplastics.

26

27 3. No later than three years after the effective date of this act,
28 the Department of Environmental Protection shall adopt rules and
29 regulations pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing:

31 a. requirements for testing and reporting the concentration of
32 microplastics in drinking water for a four year period commencing
33 upon adoption of the rules and regulations, by public water systems,
34 including public disclosure of test results; and

35 b. criteria to accredit qualified laboratories in New Jersey to
36 analyze microplastics, which may be the same as used for the
37 program for the certification of laboratories pursuant to subsection
38 c. of section 4 of P.L.1977, c.224 (C.58:12A-4).

39

40 4. a. Within 30 days after the effective date of this act, the
41 Department of Environmental Protection and the Board of Public
42 Utilities shall commence a comprehensive, collaborative study to
43 evaluate the feasibility and benefits of the use of microplastics
44 removal technologies by system owners or operators to remove
45 microplastics from drinking water and wastewater in the State.

46 The study shall be completed no later than one year after the
47 effective date of this act, and shall include an evaluation of:

- 1 (1) the short-term and long-term impacts of microplastics on
2 human health and the environment, including, but not limited to,
3 ocean and riparian ecosystems, aquatic and marine organisms,
4 drinking water quality, and the food chain;
 - 5 (2) the beneficial impacts to human health and the environment
6 that are likely to result from the increased use of microplastics
7 removal technologies in the State;
 - 8 (3) the different types of microplastics removal technologies
9 that are available, on the market, for use in removing microplastics
10 from drinking water and wastewater, and the costs thereof;
 - 11 (4) the performance capacity of each type of microplastics
12 removal technology available on the market, including, but not
13 limited to, the capacity of each microplastics removal technology to
14 adequately remove microplastics from drinking water and
15 wastewater, and the efficiency and efficacy of each such
16 technology;
 - 17 (5) whether, and the extent to which, each available
18 microplastics removal technology is currently being used in New
19 Jersey or other states, or in other countries;
 - 20 (6) the feasibility and desirability of establishing a financial
21 incentive system, or of using other available means and methods,
22 such as public-private partnerships, financial investments, or
23 university involvement, to encourage and incentivize the
24 development and successful deployment of new and effective
25 microplastics removal technologies in the State; and
 - 26 (7) the factors that should be considered, and determinations
27 that should be made, by the board and by the department, when
28 soliciting and approving proposals for microplastics removal
29 projects in the State.
- 30 b. The department and board shall authorize system owners or
31 operators in the State to engage in pilot microplastics removal
32 projects, with associated pilot project data to be included in the
33 study conducted pursuant to subsection a. of this section and in the
34 report produced pursuant to subsection d. of this section. The
35 department shall solicit and approve applications for, and take other
36 appropriate action to facilitate, the implementation of pilot projects
37 for these purposes.
- 38 c. In conducting the study pursuant to subsection a. of this
39 section, the department and board shall cooperatively engage in a
40 robust stakeholder engagement process, which shall include
41 consultation with, and the solicitation of testimony and information
42 from:
- 43 (1) professionals, businesses, organizations, and agencies
44 having particular experience or expertise in one or more of the
45 following areas: the operation of water supply, water treatment, or
46 wastewater collection or treatment systems; the operation of water
47 filtering systems or removal technologies; the proper handling or

1 disposal of microplastics; or the study or remediation of water
2 pollution or contaminants;

3 (2) marine biologists, oceanographers, water quality specialists,
4 environmental scientists, toxicologists, public health experts, and
5 other members of appropriate scientific fields;

6 (3) representatives of the plastics manufacturing industry;

7 (4) members of the public; and

8 (5) other relevant and interested parties.

9 d. No later than three months after the study, pursuant to
10 subsection a. of this section, is concluded, the commissioner and the
11 President of the board shall cooperatively prepare and submit a
12 written report to the Governor and, pursuant to section 2 of
13 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, identifying the
14 findings from the study, including any findings and relevant data
15 associated with pilot projects undertaken pursuant to subsection b.
16 of this section, and providing recommendations for legislative,
17 executive, and other actions that can be taken to facilitate,
18 encourage, and promote the increased use of microplastics removal
19 technologies in the State. At a minimum, the report shall:

20 (1) include a strategic plan for the deployment and use of
21 microplastics removal technologies by system owners or operators
22 in the State;

23 (2) identify the procedures and standards that will be used in
24 soliciting and approving proposals for microplastics removal
25 projects in the State; and

26 (3) describe the financial incentives, if any, and any other
27 alternative means and methods, that should or will be used by the
28 department and the board to:

29 (a) facilitate the development and deployment of efficient and
30 effective microplastics removal technologies throughout the State,
31 in accordance with the strategic plan developed pursuant to
32 paragraph (1) of this subsection; and

33 (b) promote technological innovations in the area of
34 microplastics removal.

35 e. Following the submission of the report, pursuant to
36 subsection d. of this section, the department and the board shall:

37 (1) consistent with the findings set forth in the report, engage in
38 an ongoing, cooperative public education and awareness campaign,
39 and take other appropriate action, in order to inform system owners
40 or operators and members of the public about:

41 (a) the threats to human health and the environment that are
42 posed by microplastics;

43 (b) the importance of removing microplastics from drinking
44 water and wastewater;

45 (c) the microplastics removal technologies that are available on
46 the market and have been deemed to be effective in removing
47 microplastics from water;

- 1 (d) the goals and primary elements of the strategic plan
2 established pursuant to paragraph (1) of subsection d. of this
3 section; and
- 4 (e) the State and federal incentives that are available, if any, to
5 facilitate the development, deployment, and use of new or existing
6 microplastics removal technologies in the State;
- 7 (2) authorize, and issue permits or licenses as may be necessary
8 to enable, the continuation of pilot projects commenced pursuant to
9 subsection b. of this section, and the commencement of new
10 microplastics removal projects by system owners or operators in the
11 State; and
- 12 (3) consistent with the recommendations contained in the report,
13 and within the limits of funds appropriated to the department or the
14 board for their purposes, establish incentive or other programs, as
15 necessary to incentivize, promote, or facilitate the increased use of
16 effective and efficient new and existing microplastics removal
17 technologies by system owners or operators in the State.
- 18
- 19 5. This act shall take effect immediately.