

SENATE, No. 4058

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED MARCH 23, 2026

Sponsored by:

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

“Construction Containment and Pollution Prevention Act”; requires contractors to use containment devices to prevent release of certain pollutants outside of worksites.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2026)

1 AN ACT concerning containment of contractor pollution and
2 supplementing Title 56 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. This act shall be known and may be cited as the
8 “Construction Containment and Pollution Prevention Act.”

9
10 2. As used in this act:

11 “Department” means the Department of Community Affairs.

12 “Containment device” means any physical barrier, tent, hood,
13 enclosure, filter, vacuum attachment, tarp, or wet-cutting apparatus
14 designed to prevent the escape of dust, debris, microplastics, or
15 other pollutants from a worksite.

16 “Contractor” means any individual, firm, partnership,
17 association, or corporation engaged in construction, renovation,
18 demolition, or maintenance activities on any commercial or
19 residential property in this State.

20 “Worksite” means any location in this State where construction,
21 renovation, demolition, or related contractor activities are being
22 performed.

23
24 3. a. A contractor shall employ containment devices in order to
25 prevent the release of dust, debris, microplastics, and other
26 pollutants into the soil or water at the worksite, as well as beyond
27 the worksite boundaries.

28 b. At a minimum, the contractor shall ensure that when cutting,
29 drilling, sanding, or performing any activity that generates dust or
30 particulate matter:

31 (1) a vacuum attachment or wet-cutting system is used;

32 (2) all such activities are conducted within an enclosure or
33 through the use of containment measures, including tent hoods,
34 vacuums, or other comparable devices, that reasonably prevent the
35 release of airborne or physical debris;

36 (3) a tarp or drop cloth is positioned beneath all power tools or
37 work areas to capture falling particles and fragments;

38 (4) daily cleanup of all generated waste including dust, film
39 plastics, and other solids is completed before leaving the worksite;
40 and

41 (5) filters meeting American Society for Testing and Material
42 specifications D4491, D4751, and D4355 are installed at any
43 stormwater inlet receiving runoff from the worksite.

44 c. A contractor shall maintain records demonstrating use of
45 containment devices and proper disposal practices, and make such
46 records available for inspection by the department for a period of
47 two years.

1 d. A contractor shall prepare and distribute to all employees and
2 subcontractors working on the worksite educational materials that:

3 (1) explain the key requirements of this act, including when and
4 how to use containment devices, perform daily cleanup, and install
5 stormwater filters; describe the risks, such as public health hazards;
6 describe the construction contractor penalties for non-compliance;
7 and include simple diagrams illustrating the correct setup of
8 vacuum attachments, enclosures, tarps, and filters;

9 (2) require an on-site briefing before work begins, with a brief
10 checklist to confirm understanding; and review and update
11 educational materials whenever the department issues new
12 guidance.

13

14 4. A contractor shall not discharge, sweep, blow, or otherwise
15 deposit pollutants generated on the worksite into public streets,
16 storm drains, waterways, or other drainage infrastructure. All waste
17 shall be collected and disposed of in accordance with the "Solid
18 Waste Management Act" P.L.1970, c.39 (C.13:1E-1 et seq.) and
19 any applicable local ordinances.

20

21 5. a. The department, or a local construction official, shall
22 have the authority to inspect any worksite to ensure compliance
23 with this act.

24 b. A contractor that violates the provisions of section 3 or 4 of
25 this act shall be subject to penalty as follows:

26 (1) a warning citation for the first violation;

27 (2) a fine of up to \$1,000 for a second violation; and

28 (3) a fine of up to \$5,000 for each subsequent violation.

29 c. Each day a violation continues shall constitute a distinct and
30 separate offense.

31 d. The penalty prescribed by this section shall be collected and
32 enforced by summary proceedings under the "Penalty Enforcement
33 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior
34 Court shall have jurisdiction to enforce the "Penalty Enforcement
35 Law of 1999" in connection with this act..

36 e. Nothing in this act shall preclude the department from
37 seeking injunctive relief to prevent imminent or ongoing harm to
38 the environment or public health.

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40 6. The department shall, in accordance with the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.), adopt rules and regulations as necessary to implement this
43 act.

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45 7. This act shall take effect on the 90th day following
46 enactment and shall apply to all construction permits issued on or
47 after that date.

STATEMENT

This bill, which would be known as the “Construction Containment and Pollution Prevention Act” requires contractors to take certain steps to mitigate the release and properly dispose of dust, debris, microplastics and other pollutants. The bill requires all contractors to employ physical barriers, vacuum or wet-cutting systems, tarps, enclosures, and inlet filters to prevent dust, debris, microplastics, and other pollutants from escaping a worksite.

This bill requires contractors to employ containment devices, such as vacuum attachments or wet-cutting systems, fully enclosed work areas, tarps or drop cloths, and ASTM-compliant stormwater filters, and to perform daily cleanup of dust, debris, microplastics, and other pollutants. Under the bill, contractors would be required, to prepare, distribute, and periodically update on-site educational materials that explain the bill’s requirements, and illustrate proper device setup, describe health risks and penalties.

Contractors would also be required to inhibit the discharge of any worksite waste into streets, storm drains, waterways, or other drainage infrastructure and dispose of all materials in accordance with the “Solid Waste Management Act” and applicable local ordinances.

To ensure compliance with the act, the Department of Community Affairs, or local construction officials, would be authorized to inspect worksites to enforce the bill’s provisions. The bill also provides penalties for violations of the act. A contractor that violates the provisions of section 3 or 4 of the act would be subject to: (1) a warning citation for the first violation; (2) a fine of up to \$1,000 for a second violation; and (3) a fine of up to \$5,000 for each subsequent violation. Each day a violation continues would constitute a distinct and separate offense.