



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF SUSTAINABLE WASTE MANAGEMENT OFFICE OF THE DIRECTOR

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**PHILIP D. MURPHY**

*Governor*

**SHEILA Y. OLIVER**

*Lt. Governor*

**SHAWN M. LATOURETTE**

*Commissioner*

**AUG 24 2022**

Marie Kruzan, Executive Director  
Association of New Jersey Recyclers  
120 FINDERNE AVENUE  
BRIDGEWATER, NJ 08807

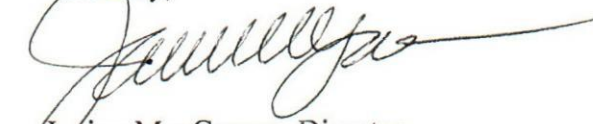
Dear Ms. Kruzan:

The Department of Environmental Protection's Division of Sustainable Waste Management ("Department") is in receipt of your letter on July 21, 2022. The Department's position continues to be, as rooted in case law, that the State preempts local zoning and planning authority. As you noted, in 2008, the Department transmitted a letter to local officials reminding them of this preemption. Since 2008, this letter has continually been posted on the Division of Sustainable Waste Management's webpage at: <http://www.nj.gov/dep/dshw/recycling/Preemption.pdf>.

Representatives from the Department have been in contact with the Warren County Planning Department regarding the matter of local opposition, have reminded them of the Department's position, and provided them copies of the 2008 letter. It was conveyed by the County that Vivaria Ecologies, LLC is on the September 1, 2022 Warren County SWAC meeting agenda to present their initial application for inclusion of a Class C Recycling Center into the Warren County District Solid Waste Management Plan. The Department continues to be accessible in assisting Warren County on navigating this issue and relayed the same to them.

If you have any questions relative to this action, please contact Seth Hackman of my staff at (609) 984-4250 or email at [seth.hackman@dep.nj.gov](mailto:seth.hackman@dep.nj.gov).

Sincerely,



Janine MacGregor, Director  
Division of Sustainable Waste Management