



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 403  
TRENTON, N.J. 08646  
609-292-3865

ADMINISTRATIVE ORDER NO. E0-40-1

WHEREAS, GOVERNOR THOMAS H. KEAN issued Executive Order No. 40 declaring that a state of emergency exists arising from the potential dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential danger which may exist as a result thereof;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, and after consultation with the Commissioner of the New Jersey Department of Health, I hereby order and direct that:

1. Until further notice a presumptive fishing advisory is in effect with respect to the following waterways: Newark Bay, the Passaic River up to Dundee Dam in Garfield/Clifton, the Hackensack River up to Oradell Dam in Oradell, the Arthur Kill from Elizabeth to Perth Amboy, and the Kill Van Kull. Until the analysis of fish samples now being taken is completed, the Department strongly recommends that people not consume any finfish or shellfish taken from these waters.

2. This Order shall take effect immediately.

*Effective*  
Date: 6/1/83

  
ROBERT E. HUGHEY  
Commissioner

Witness:

  
Michael A. Catania

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STATE OF NEW JERSEY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ADMINISTRATIVE ORDER Ec-40-2

WHEREAS, Governor Thomas H. Kean has this day issued Executive Order No. 40 declaring that a state of emergency exists arising from the potential electric contamination of the premises at 40 Later Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby Order and Direct that all of the food distribution center and farmers market bounded on the north by Later Avenue, on the east by Joseph Street, on the south by Euclid Avenue, and on the west by Cornelia Street, and all facilities referred to as the Newark Farmers Market, including all facilities of any kind which operate or exist within said boundaries, whether owned or leased or otherwise part of said center and farmers market, shall immediately be closed until further order, and all operations or activity of any kind therein, including loading or unloading shipments, or entry upon said premises by any persons shall cease until my further order, with the exception of activities expressly permitted by me in furtherance of Executive Order No. 40.

This order is effective as of 7AM on June 2, 1983.

Witness:

Michael R. C.

Robert E. Wright, Jr.

ROBERT E. WRIGHT, JR., Assistant

Department of Environmental Protection

6/3/83

Dated

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

GOV. —  
ADMINISTRATIVE ORDER EO 90-3 \*6983

WHEREAS, GOVERNOR THOMAS M. KEAN ISSUED EXECUTIVE ORDER NO. 40 DECLARING THAT  
A STATE OF EMERGENCY EXISTS ARISING FROM THE POTENTIAL DIOXIN CONTAMINATION OF THE  
PREMISES AT 80 LISTER AVENUE, IN THE CITY OF NEWARK, NEW JERSEY; AND

WHEREAS, BY SAID EXECUTIVE ORDER THE GOVERNOR WAS AUTHORIZED AND DIRECTED ME  
TO TAKE SUCH EMERGENCY MEASURES AS I MAY DETERMINE TO BE NECESSARY IN ORDER TO FULLY  
AND ADEQUATELY PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THIS STATE  
FROM ANY ACTUAL OR POTENTIAL DANGER WHICH MAY EXIST AS A RESULT THEREOF;

NOW, THEREFORE, PURSUANT TO THE POWERS VESTED IN ME BY EXECUTIVE ORDER NO. 40,  
AND AFTER CONSULTATION WITH THE COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF HEALTH,  
I HEREBY ORDER AND DIRECT THAT:

1. UNTIL FURTHER NOTICE NO CONSUMER GOODS SHALL BE STORED, DISPLAYED OR  
STAGED OUTDOORS AT THE FOOD DISTRIBUTION CENTER AND FARMERS MARKET BOUNDED ON THE  
NORTH BY LISTER AVENUE, ON THE EAST BY JOSEPH STREET, ON THE SOUTH BY EUCLID AVENUE,  
AND ON THE WEST BY CORNELIA STREET, AND SOMETIMES REFERRED TO AS THE NEWARK FARMERS  
MARKET, INCLUDING ALL FACILITIES OF ANY KIND WHICH OPERATE OR EXIST WITHIN SAID BOUND-  
ARIES, WHETHER OWNED OR LEASED OR OTHERWISE PART OF SAID CENTER AND FARMERS MARKET.
2. ALL OPERATORS OF THE BUSINESSES WITHIN THE ABOVE BOUNDARIES SHALL INSTALL  
PORT-WITH PLASTIC AIR STRIPS ON ALL ENTRANCES TO MINIMIZE TO THE MAXIMUM EXTENT  
POSSIBLE THE PASSAGE OF AIR FROM THE OUTDOORS TO THE INDOORS.
3. REPRESENTATIVES OF THE STATE DEPARTMENT OF HEALTH MAY REQUIRE INDIVI-  
DUAL BUSINESSES WITHIN THE ABOVE BOUNDARIES TO TAKE ADDITIONAL PRECAUTIONARY MEASURES  
TO PROTECT THE PUBLIC HEALTH.
4. THIS ORDER SHALL SUPERCEDE THE ADMINISTRATIVE ORDER OF JUNE 2, 1983.

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- 2 -

5. THIS ORDER SHALL TAKE EFFECT IMMEDIATELY.

WITNESS:

Thompson W. Ralph #3334

Robert E. Hurley

ROBERT E. HURLEY, COMMISSIONER

DEPARTMENTAL OF ENVIRONMENTAL PROTECTION

\*JUNE 5, 1983

DATED



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08635  
609-292-2885

90Y. ....  
ADMINISTRATIVE ORDER NO. EO 40-4

\*69-23

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, preliminary test results have indicated detectable levels of dioxin present at the site of the SCA Services, Inc. facility at 100 Lister Avenue, in the City of Newark, New Jersey and;

WHEREAS, it is necessary to take additional measures to protect the public health, safety and welfare while further information is obtained;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby Order and Direct that SCA Services, Inc. immediately implement the following measures at its expense:

1. Around the clock security shall be provided to restrict access to all portions of the 100 Lister Avenue site;
2. Fencing, gates or other means of restricting or prohibiting physical access shall be installed at such specific areas as may be determined by the Department of Environmental Protection (DEP);

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3. Health screening and evaluation shall be undertaken, in a manner to be approved by the Commissioner of the New Jersey Department of Health, of all full and part time personnel employed by SCA Services at the 100 Lister Avenue facility;
4. A detailed plan for the sampling of all interior and exterior areas of the 100 Lister Avenue facility which may be subject to dioxin contamination shall be submitted to DEP on or before Tuesday, June 14, 1983;
5. Subsequent to DEP approval of this sampling plan, samples shall be taken under DEP supervision, using sample collection and chain of custody procedures approved by DEP;
6. Analysis of these samples shall be performed by a laboratory certified by the U.S. Environmental Protection Agency for dioxin analysis, and transmitted to DEP as soon as practicable; and
7. All cleaning and janitorial services performed by independent contractors at the 100 Lister Avenue site shall be discontinued; all cleaning and janitorial services shall be performed by company personnel, and all debris or residue resulting therefrom shall be retained on-site.

This Order shall take effect immediately.

WITNESS: Michael J. Catano

Robert E. Nugent  
ROBERT E. NUGENT  
Commissioner

\* 6/9/83  
DATED

DIA 004

0115



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-392-3885

90V. ADMINISTRATIVE ORDER NO. EO 40-5

\* 6-13-83

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, preliminary test results have indicated detectable levels of dioxin present at the site of the E.M. Sargeant Chemical Company at 100 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, it is necessary to take additional measures to protect the public health, safety and welfare while further information is obtained;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby Order and Direct that E.M. Sargeant Chemical Company immediately implement the following remedial measures at its expense;

1. Under the supervision and direction of representatives of the United States Environmental Protection Agency and N.J.D.E.P., and according to their specifications, install a suitable ground cover over all exposed portions of this Lister Avenue site, utilizing a contractor approved by this Department and EPA, such that wind blown spread of dust from said premises is minimized to the maximum extent practicable.
2. Take other measures during and subsequent to the installation of the aforesaid groundcover as directed by the DEP's on scene coordinator to prevent further off-site migration of dioxin.

Date: 6/13/83

  
ROBERT E. HUGHEY  
Commissioner

Witness

Michael A. Calanese

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-3865

90V  
~~ADMINISTRATIVE ORDER NO. EO 40-6~~

\*6-13-83

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, preliminary test results have indicated detectable levels of dioxin present at the site of the Diamond Shamrock Corporation at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, it is necessary to take additional measures to protect the public health, safety and welfare while further information is obtained;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby Order and Direct that Diamond Shamrock Corporation immediately implement the following partial sites stabilization measures at its expense;

1. Under the supervision and direction of representatives of the United States Environmental Protection Agency and N.J.D.E.P., and according to their specifications, install a suitable ground cover over all exposed portions of this Lister Avenue site, utilizing a contractor approved by this Department and EPA, such that wind blown spread of dust from said premises is minimized to the maximum extent practicable.
2. Take other measures during and subsequent to the installation of the aforesaid groundcover as directed by the DEP's on scene coordinator to prevent further off-site migration of dioxin.

Date: \*6/13/83

  
ROBERT E. HUGHEY  
Commissioner

Witness

  
Michael J. Cotroneo

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. MUGNEY, COMMISSIONER  
CN 482  
TRENTON, N.J. 08615  
609-292-2881

*gov.*  
ADMINISTRATIVE ORDER NO. EO-40-7

\*6-29-83

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, preliminary test results have indicated detectable levels of dioxin present at the site of the SCA Services, Inc. facility at 100 Lister Avenue, in the City of Newark, New Jersey and;

WHEREAS, it is necessary to take additional measures to protect the public health, safety and welfare while further information is obtained; and

WHEREAS, SCA Services, Inc. has notified the Department that five (5) vehicles utilized by the company which had been garaged in the warehouse rented by it on the Marisol, Inc. premises, 80 Lister Avenue, Newark, New Jersey, were not returned to this site on or about June 2, 1983 and have been garaged elsewhere since said date; and

WHEREAS, said vehicles repeatedly traversed the grounds at 80 Lister Avenue, Newark, New Jersey, where high levels of dioxin have been detected in the soils.

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby Order and Direct that SCA Services, Inc. immediately implement the following measures at its expense:

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- (1) Immediate quarantine, until otherwise directed by the DEP, all vehicles and/or equipment previously garaged at 80 Lister Avenue, Newark, New Jersey, such that the potential for contact by unauthorized persons is minimized to the maximum extent practicable.
- (2) Sample said vehicles and/or equipment under the supervision and direction of the Department for dioxin.
- (3) Analysis of these samples shall be performed by a laboratory certified by the U.S. Environmental Protection Agency for dioxin analysis, and transmitted to DEP as soon as practicable.

This Order shall take effect immediately.

WITNESS

*[Signature]*

*[Signature]*  
ROBERT E. HUGHEY  
Commissioner

\* 6/22/83  
DATED

DIA 004

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 482  
TRENTON, N.J. 08645  
609-292-2881

901  
ADMINISTRATIVE ORDER NO. EO 40-8 #728-23

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated detectable levels of dioxin present on a section of railroad track, known as the Manufacturer's Branch, in the City of Newark, which track is owned and operated by Conrail; and

WHEREAS, it is necessary to immediately take additional measures to protect the public health, safety and welfare;

NOW THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby order and direct that Conrail immediately implement the following measures at its expense:

1. All train traffic on the Manufacturer's Branch shall cease immediately and no further traffic thereon shall occur until further notice by this Department. The section of track to which this prohibition shall apply extends from Lockwood Street westerly and northerly until its terminus near the Passaic River.
2. Fencing, gates or other means of restricting or prohibiting physical access shall be installed at such specific areas of track as may be determined by this Department;
3. Around the clock security shall be provided to restrict access to all portions of the above-described tracks.
4. All debris presently located on the affected area of track shall be collected, drummed and maintained on-site in a manner approved by this Department.

5. A permeable ground cover shall be installed by a contractor approved by representatives of this Department and the United States Environmental Protection Agency in such a manner and location as may be directed by these representatives.

6. Any other protective or remedial action shall be implemented as may be directed by this Department or the United States Environmental Protection Agency.

This Order shall take effect immediately.

Witness: Michael F. Catania

Robert E. Hughey  
ROBERT E. HUGHEY  
Commissioner

\* 7/28/83  
Date

DIA 004

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State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF REGULATORY SERVICES  
CN 482  
TRENTON, N.J. 08625  
609-292-2906

MICHAEL P. CATANIA  
DIRECTOR

HERBERT B. BENNETT  
KEITH A. GOSBORFF  
ASSISTANT DIRECTORS

901-  
ADMINISTRATIVE ORDER NO. EO 40-9

\*7-28-83

WHEREAS, Governor Thomas H. Kean issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated detectable levels of dioxin present in the vicinity of the premises of 80 Lister Avenue in the City of Newark; and

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, and after consultation with the Commissioner of the New Jersey Department of Health, I hereby order and direct that:

1. Until further notice by this Department, no consumer goods shall be stored, displayed or staged outdoors within the area bounded on the north by Lister Avenue, on the east by Lockwood Street (including the properties located on the east side thereof), on the south by Raymond Boulevard (including the properties located on the south side thereof), and on the west by the Manufacturer's Branch of the Conrail railroad tracks, including all temporary or permanent facilities of any kind which operate or exist within said boundaries, whether owned or leased.
2. All operators of the business within the above boundaries shall forthwith install plastic air strips on all entrances to minimize to the maximum extent possible the passage of air from the outdoors to the indoors.
3. Representatives of the State Department of Health may require individual businesses within the above boundaries to take additional precautionary measures to protect the public health.

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4. This Order shall supercede Administrative Order  
EO-40-3, dated June 5, 1983.

5. This Order shall take effect immediately.

Witness:

Michael J. Caterson

*Robert E. Hughey*  
ROBERT E. HUGHEY  
Commissioner

\* 7/28/83  
Dated



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 682  
TRENTON, N.J. 08636  
609-292-2881

90V.  
ADMINISTRATIVE ORDER NO. PD 40-10

\*730-83

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated levels of dioxin present on Lockwood Street, Euclid Avenue, and Esther Street, in the City of Newark; and

WHEREAS, it is necessary to immediately take additional measures to protect the public health, safety, and welfare; and

WHEREAS, these measures include the immediate cleanup of the affected streets, which cleanup is currently being done by the United States Environmental Protection Agency; and

WHEREAS, this cleanup will consist of the collection and removal of debris from these streets, as well as the use of a high efficiency vacuum to remove dust and soil therefrom; and

WHEREAS, these efforts, which are immediately necessary to protect the public health, safety and welfare, will produce certain amounts of waste material which may be contaminated with low levels of dioxin; and

WHEREAS, there is currently no facility or site approved by the United States Environmental Protection Agency to accept this material; and

WHEREAS, it is necessary to temporarily store this material pending a determination of the presence or absence of dioxin contamination thereof, or, if such contamination is present, pending the designation by the United States Environmental Protection Agency of an approved facility or site for the permanent storage or treatment of such material; and

WHEREAS, a site acceptable for this temporary storage must be located in the immediate vicinity of the affected streets; and

WHEREAS, it is necessary to be able to secure this site and restrict physical access thereto; and

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WHEREAS, an acceptable site is located at 335 Raymond Blvd. in the City of Newark; and

WHEREAS, repeated efforts have been made to reach the owner of this site, Hildemann Industries of 349 Raymond Boulevard, Newark, New Jersey; and

WHEREAS, these efforts have not been successful; and

WHEREAS, it is necessary to immediately utilize this site, known as Block 2407, Lot 32, according to the tax maps of the City of Newark, for this temporary storage;

NOW THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby order and direct that:

1) The United State Environmental Protection Agency is hereby authorized to utilize 335 Raymond Boulevard, Newark, New Jersey, for the temporary storage of waste materials resulting from the dioxin cleanup currently underway in that City.

2) Representatives of the United States Environmental Protection Agency and of this Department may have immediate access to that site for the purpose of taking all actions necessary to accomplish this temporary storage.

3) Prior to the temporary storage of waste materials on this site, sampling shall be conducted by these representatives, at public expense, to determine the presence or absence of dioxin contamination of these premises prior to the storage of these materials.

4) The storage of these materials at this site may continue until further notice by this Department.

5) A copy of this Order shall be sent by certified mail to Hildemann Industries, 349 Raymond Boulevard, Newark, New Jersey 07105.

This Order shall take effect immediately.

Witness: Michael A. Catania

Robert E. Huger  
ROBERT E. HUGER  
Commissioner

\*7/30/80  
Date

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. MUGHEY, COMMISSIONER

CN 402

TRENTON, N.J. 08621

609-292-2885

90V  
ADMINISTRATIVE ORDER NO. EO 40-11\* 8-3-83

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated detectable levels of dioxin present on two separate railroad track spurs which traverse the Sherwin Williams plant premises located at Brown Street and Lister Avenue, Newark, New Jersey; and

WHEREAS, it is necessary to immediately take additional measures to protect the public health, safety and welfare;

NOW THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby order and direct that Sherwin Williams immediately implement the following measures at its expense:

1. All train traffic on these two railroad spurs situated on the above referenced Sherwin Williams premises shall cease immediately and no further use of these rail tracks shall occur until further notice by this Department.
2. Fencing, gates or other means of restricting or prohibiting physical access shall be installed at such specific areas of track as may be determined by this Department;
3. Around the clock security shall be provided to restrict access to all portions of the above-described tracks.

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4. All debris presently located on the affected area of track shall be collected, drummed and maintained on-site in a manner approved by this Department.

5. A permeable ground cover shall be installed by a contractor approved by representatives of this Department and the United States Environmental Protection Agency in such a manner and location as may be directed by these representatives.

6. All vehicles and/or equipment previously stored on said tracks shall be sampled forthwith for the presence of dioxin and shall not be used by Sherwin Williams until said sample analyses are reviewed by the Department.

7. Any other protective or remedial action shall be implemented as may be directed by this Department or the United States Environmental Protection Agency.

This Order shall take effect immediately.

Witness:

Michael B. Costello

Robert E. Hughey  
ROBERT E. HUGHEY  
Commissioner

\* 8/1/82  
Date

DIA 004

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 403  
TRENTON, N.J. 08625  
609-292-2885

901-  
ADMINISTRATIVE ORDER NO. EO 40-12

8-12-83

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order, the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary to fully and adequately protect the health, safety, and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of additional tests conducted by the United States Environmental Protection Agency have indicated levels of dioxin contamination on Lister Avenue and on the common accessway for Duralac Chemical Company and Marisol Inc., also on Lister Avenue, in the City of Newark; and

WHEREAS, these areas are adjacent to 80 Lister Avenue, the former site of Diamond Alkali (now Diamond Shamrock Corporation); and

WHEREAS, it is necessary to immediately take additional measures to protect the public health, safety and welfare;

NOW THEREFORE pursuant to the powers vested in me by Executive Order No. 40, the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), and the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11 et seq.), I hereby order and direct that Diamond Shamrock Corporation, Duralac Chemical Company, and Marisol Inc., immediately implement the following measures at their expense:

1. All debris presently located on that portion of Lister Avenue between Cornelia Street and Joseph Street and on the common accessway from Lister Avenue of Duralac Chemical Company and Marisol Inc., shall be collected, drummed, and maintained on-site at 80 Lister Avenue in a manner approved by this Department.

2. The above described section of Lister Avenue and common accessway therefrom shall be cleaned by a contractor approved by representatives of this Department and the United States Environmental Protection Agency in such a manner as may be directed by those representatives. A high efficiency vacuum shall be utilized for this cleaning, which shall commence no later than Monday, August 15, 1983. All debris resulting from this cleaning shall be collected, drummed, and maintained on-site at 80 Lister Avenue in a manner approved by those representatives.

3. Any other protective or remedial action shall be implemented as may be directed by this Department or by United States Environmental Protection Agency.

4. A copy of this Administrative Order shall be sent by certified mail to the Diamond Shamrock Corporation, to the Duralac Chemical Company, and to Marisol Inc.

This Order shall take effect immediately.

Michael F. Catania  
WITNESS

Robert E. Hughey  
ROBERT E. HUGHEY  
COMMISSIONER

\* August 12, 1983  
DATE

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 482  
TRENTON, N.J. 08625  
609-292-3885

90V. —  
ADMINISTRATIVE ORDER NO. EO 40-13

\*8-17-83

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated detectable levels of dioxin present on a section of railroad track, known as the Manufacturer's Branch, in the City of Newark, which track is owned and operated by Conrail; and

WHEREAS, these results made it necessary to immediately take additional measures to protect the public health, safety and welfare, which measures were detailed in Administrative Order No. EO 40-8, issued to Conrail on July 28, 1983; and

WHEREAS, the implementation of interim remedial measures now allows the modification of certain provisions of the afore-cited Order;

NOW THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby order and direct that:

1. Train traffic on the Manufacturer's Branch may resume as per the oral directive of this Department of August 4, 1983.

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2. The provisions of paragraph 3 of Administrative Order No. EO 40-8 are hereby revised as follows:

Security patrols shall be maintained, at intervals of not less than once every four hours, on that portion of the Manufacturer's Branch between Lockwood Street and Lister Avenue.

3. All other provisions of Administrative Order No. EO 40-8 shall remain in full force and effect until further notice by this Department.

This Order shall take effect immediately.

Witness:

*Michael A. Caton*

*Robert E. Hughey*  
Robert E. Hughey  
Commissioner

\* August 17, 1983  
Date

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\* 8-17-83



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08635  
609-292-2885

90 V. —  
ADMINISTRATIVE ORDER NO. EO 40-14

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated detectable levels of dioxin present on two railroad track spurs, traverse the Sherwin Williams plant premises at Brown Street and Lister Avenue, in the City of Newark; and

WHEREAS, these results made it necessary to immediately take additional measures to protect the public health, safety and welfare, which measures were detailed in Administrative Order No. EO 40-11, issued to Sherwin Williams on August 3, 1983; and

WHEREAS, the implementation of interim remedial measures by Sherwin Williams and the on-site examination of certain vehicles and equipment by representatives of this Department now allow the modification of certain provisions of the afore-cited Order;

NOW THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby order and direct that:

1. Train traffic on the railroad track spurs on the Sherwin Williams plant premises may resume as per the oral directive of this Department of August 8, 1983.
2. Paragraph 6 of Administrative Order No. EO 40-11 is hereby repealed.

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3. All other provisions of Administrative Order No.  
EO 40-11 shall remain in full force and effect until  
further notice by this Department.

This Order shall take effect immediately.

Witness:

Michael A. Catania

Robert E. Hughey

Robert E. Hughey  
Commissioner

\* 8/17/83  
Date

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08642  
609-292-2881

90V. —  
ADMINISTRATIVE ORDER NO. EO 40-15

\*8-18-83

WHEREAS, Governor Thomas H. Kean issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated detectable levels of dioxin present in the vicinity of the premises of 80 Lister Avenue in the City of Newark; and

WHEREAS, in view of the cleanup activities which have been completed in this vicinity, and the results of further testing, it is now appropriate to ease the restrictions which were heretofore imposed on storage, display or staging of consumer goods;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, and after consultation with the Commissioner of the New Jersey Department of Health, I hereby order and direct that:

1. Until further notice by this Department, no consumer goods shall be stored, displayed or staged outdoors within the area bounded on the north by Lister Avenue, on the east by Lockwood Street (including the properties located on the east side thereof), on the south by Raymond Boulevard (including the properties located on the south side thereof), and on the west by the Manufacturer's Branch of the Conrail railroad tracks, including all temporary or permanent facilities of any kind which operate or exist within said boundaries, whether owned or leased, except as otherwise provided in paragraph 3 of this Order.

2. All operators of the businesses within the above boundaries shall install and maintain plastic air strips on all entrances to minimize to the maximum extent possible the passage of air from the outdoors to the indoors.

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3. Consumer goods may be displayed outdoors in the area bounded on the north by Albert Avenue, on the east by Joseph Street, on the south by Euclid Avenue (but not including the south side of Euclid Avenue) and on the west by Cornelia Street, subject to the following conditions:

a. No consumer goods shall be stored, displayed or staged outdoors for more than 12 consecutive hours.

b. All foods, drugs and cosmetics shall be kept in containers and, whenever possible, placed under cover.

c. All displays shall be of a minimum quantity.

4. Representatives of the State Department of Health may require individual businesses within the boundaries described in paragraph 3 of this Order to take additional precautionary measures to protect the public health.

5. This Order shall supercede Administrative Order EO-40-9, dated July 28, 1983.

6. This Order shall take effect immediately.

Witness:

Michael H. Catana

Robert E. Hughey  
ROBERT E. HUGHEY  
Commissioner

\* 8/18/83  
Date

DIA 004

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08621  
609-292-2855

90V. —  
ADMINISTRATIVE ORDER NO. EO 40-16

\*41-23

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of testing conducted by the United States Environmental Protection Agency have indicated detectable levels of dioxin at a portion of the premises owned by Hug Holdings, a partnership, at 8 Lister Avenue, in the City of Newark, New Jersey, commonly known as the helicopter pad; and

WHEREAS, Hug Holdings leases the helicopter pad to First Season Enterprises, Inc.; and

WHEREAS, it is necessary to immediately take additional measures to protect the public health, safety and welfare;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby Order and Direct that Hug Holdings and First Season Enterprises, Inc. shall immediately implement the following measures at their expense:

1. Discontinue the use of the helicopter pad for all purposes whatsoever until further notice from the Department of Environmental Protection (hereinafter "the Department");

2. Restrict access to the helicopter pad by cordoning off the areas at the perimeter of the pad which are not fenced;

3. Submit a detailed plan for the sampling of the premises at 8 Lister Avenue, Newark, New Jersey to the Department by Friday, September 9, 1983;

4. Subsequent to the Department's approval of the sampling plan, collect samples under DEP supervision using sample collection and chain of custody procedures approved by DEP;

5. Have these samples analyzed by a laboratory certified by the U.S. Environmental Protection Agency for 2,3,7,8, TCDD analysis and transmit the results to the Department as soon as practicable; and

6. Implement any other protective or remedial action which may be directed by the Department.

This Order shall take effect immediately.

Witness:

9/1/83 James Burke

Robert E. Hughey  
ROBERT E. HUGHEY  
Commissioner

\* 9/1/83  
Date

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08642  
609-292-3885

90V. — ADMINISTRATIVE ORDER NO. E0-40-17 \* 10-17-83

WHEREAS, GOVERNOR THOMAS H. KEAN issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential danger which may exist as a result thereof; and

WHEREAS, on June 2, 1983, Administrative Order No. E0-40-1 was adopted, which order issued a presumptive fishing advisory in certain waters pending the analysis of fish and shellfish samples; and

WHEREAS, the results of this testing has indicated that fish and shellfish from the Passaic River are contaminated with dioxin in excess of the safe level thereof established by the Food and Drug Administration;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, and after consultation with the Commissioner of the New Jersey Department of Health, I hereby order and direct that:

1. Until further notice by this Department, the sale or consumption of fish and shellfish taken from that portion of the Passaic River from the Dundee Dam in Garfield/Clifton to the mouth of that River at Newark Bay is hereby prohibited.
2. Pending the analysis of additional fish and shellfish samples, the presumptive fishing advisory for Newark Bay, the Hackensack River up to the Oradell Dam, the Arthur Kill from Elizabeth to Perth Amboy, and the Kill Van Kull shall remain in effect, and the Department strongly recommends that people not consume any fish or shellfish taken from these waters.

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3. Appropriate notices, in English and in Spanish, concerning the prohibition on the consumption of fish and shellfish from the Passaic River shall be posted forthwith, along that portion of the Passaic River described in paragraph 1 of this Order.

4. This Order shall supersede Administrative Order No. E0-40-1, dated June 2, 1983.

This Order shall take effect immediately.

Witness: Michael J. Catana

Robert E. Hughey  
ROBERT E. HUGHEY  
Commissioner

\* 10/19/83  
Date

DIA 004

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-2881

90V. ---  
(ADMINISTRATIVE ORDER NO. EO-40-18

\*10-2183

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I shall determine to be necessary in order to fully and adequately protect the public health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result thereof; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency indicated levels of dioxin present on Lockwood Street, Euclid Avenue, Esther Avenue and Lister Avenue, as well as on the accessway from Lister Avenue to 80 Lister Avenue; and

WHEREAS, I have previously determined that it was necessary to immediately cleanup these affected streets, which cleanup has already been accomplished; and

WHEREAS, this cleanup resulted in the production of certain amounts of waste material which may be contaminated with low levels of dioxin; and

WHEREAS, pursuant to Administrative Orders No. EO-40-10 and EO-40-12, this waste material has been collected and stored pending the proper disposal thereof; and

WHEREAS, the United States Environmental Protection Agency has recently designated an approved site for such disposal; and

WHEREAS, it is now necessary to secure a site where these wastes may be temporarily staged and prepared for such disposal;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, I hereby order and direct that:

1. The United States Environmental Protection Agency is hereby authorized to utilize the premises at 80 Lister Avenue, in the City of Newark, for the staging and preparation of the waste materials resulting from the cleanup of the aforementioned streets prior to the proper disposal thereof.

2. During this use of the premises at 80 Lister Avenue, the United States Environmental Protection Agency shall take appropriate measures to insure the integrity of all site stabilization measures already implemented at that site, and to insure that this use of the site does not result in additional dioxin contamination or additional migration of dioxin contamination.

3. A copy of this Order shall be sent by certified mail to Marisol Inc., and to the Diamond Shamrock Corporation.

This Order shall take effect immediately and shall expire forty five days from the signing hereof, unless otherwise extended by this Department.

Witness:

Michael F. Catania

Robert E. Hughey  
ROBERT E. HUGHEY  
Commissioner

\* 10/21/83  
Date

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CM 403  
TRENTON, N.J. 08645  
609-292-3885

90V. —  
ADMINISTRATIVE ORDER NO. EO40-19

\*8-06-84

WHEREAS, GOVERNOR THOMAS H. KEAN issued Executive Order No. 40 on June 2, 1983 declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, County of Essex, New Jersey; and

WHEREAS, by said Executive Order the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential danger which may exist as a result thereof; and

WHEREAS, on June 2, 1983 the Department of Environmental Protection issued a presumptive fishing advisory in certain waters pending the analysis of fish and shellfish samples (see Administrative Order No. EO 40-1); and

WHEREAS, on October 19, 1983, I issued Administrative Order No. EO40-17 prohibiting the sale or consumption of fish and shellfish taken from that portion of the Passaic River from the Dundee Dam in Garfield/Clifton to the mouth of the Passaic River at Newark Bay; continuing the presumptive fishing advisory for Newark Bay, the Hackensack River up to Oradell Dam, the Arthur Kill from Elizabeth to Perth Amboy, and the Kill Van Kull pending the analysis of additional fish and shellfish samples taken from certain waters specified in Administrative Order No. EO40-1; requiring the posting of appropriate notices, in English and in Spanish, concerning the prohibition of the consumption of fish and shellfish taken from that portion of the Passaic River from the Dundee Dam in Garfield/Clifton to the mouth of the Passaic River at Newark Bay; and superseding Administrative Order No. EO40-1, dated June 2, 1983; and

WHEREAS, the results of the analysis of additional fish and shellfish samples referenced in sub-section 2 of Administrative Order No. EO40-17, establish that fish and shellfish, specifically striped bass and blue crabs, are contaminated with dioxin in excess of the level of concern

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recommending no consumption established by the Food and Drug Administration;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Order No. 40, and after consultation with the Department of Health, I hereby order and direct that:

1. The prohibition of the sale and consumption of fish and shellfish taken from that portion of the Passaic River from the Dundee Dam in Garfield/Clifton to the mouth of the Passaic River at Newark Bay shall be continued in full force and effect.
2. Until further notice by this Department, the sale or consumption of striped bass and blue crabs taken from Newark Bay, the tidal Hackensack River, the Arthur Kill and the Kill Van Kull is prohibited.
3. Appropriate notices, in English and in Spanish, concerning the prohibition of the consumption of striped bass and blue crabs taken from Newark Bay, the tidal Hackensack River, the Arthur Kill and the Kill Van Kull shall be posted in conspicuous locations along said waters within 3 days of the execution of this Order.

This order shall take effect immediately.

Witness:

Thomas A. Baker

Robert E. Huchey  
ROBERT E. HUCHEY  
Commissioner

8/6/84  
Date

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STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 40

WHEREAS, the New Jersey Department of Environmental Protection has recently, undertaken the investigation, sampling and analysis of soil samples at certain property located at 80 Lister Avenue, in the City of Newark, County of Essex, and more particularly known as Block 2438, Lots 60-84(1), 60-84(2) and 74-84(3); and

WHEREAS, on the basis of this investigation the Department of Environmental Protection has reached the preliminary conclusion that the above described property may be contaminated with potentially high levels of the substance dioxin (2, 3, 7, 8 TCDD), a substance known to be highly toxic to humans, and, accordingly, has reached the preliminary conclusion that a potential hazard exists to the public health because of the possibility of transportation of contaminated substances off the above described premises into immediately surrounding areas; and

WHEREAS, the Department of Environmental Protection, with the cooperation of the United States Environmental Protection Agency, is conducting further investigations, samplings, and analyses in order to determine definite information as to the nature and extent of any danger which may be posed by the possible dioxin contamination at the above described premises and in the immediate vicinity thereof in order to determine what actions if any will be required to safeguard the public health and welfare; and

WHEREAS, the potential threat indicated by the results of the preliminary investigation described above is of such magnitude that the coordinated efforts of local, regional and State agencies must be taken immediately to insure the protection of the public health and welfare from this potential hazard; and

WHEREAS, the scope of the efforts necessary to so protect the public health and welfare is beyond the capacity of regular municipal operating services, or any State agency acting singly;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby declare a state of emergency and Order and Direct as follows:

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STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

2

1. I invoke such emergency powers as are conferred upon me by the Laws of 1942, chapter 251 (N.J.S.A. App. A:9-30, et seq.), and all amendments and supplements thereto.

2. The Commissioner of the Department of Environmental Protection is hereby authorized and directed to take such emergency measures as he may determine to be necessary in order to fully and adequately protect the health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist as a result of the possible contamination of the premises located at 80 Lister Avenue in the City of Newark, as described above. The Commissioner is further authorized to adopt, pursuant to App. A:9-45, such orders, rules and regulations as may be appropriate in order to carry out the purposes and directives contained herein. The Commissioner shall supervise and coordinate all activities of all State, regional and local political bodies and agencies in order to insure the most effective and expeditious implementation of this order, and, to this end, may call upon all such agencies and political subdivisions for any assistance necessary. All State agencies, political subdivisions and local and regional agencies are directed to comply with and implement the orders, rules and regulations issued by the Commissioner pursuant hereto and to provide all assistance and cooperation requested.

3. The powers granted to the Commissioner of Environmental Protection hereby shall include, but not be limited to, the power to use, seize, impound, quarantine, restrict access to, or require the vacating of, or the making of modifications or improvements, temporary or permanent, to any real or personal property which in his judgment is reasonably required to abate the emergency caused by the possible presence of dioxin and the consequent threat to public health and welfare as described above.

4. It shall be the duty of every person in this State or doing business in this State and of the members of the governing body, and of each and every official, agency or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this emergency. No municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation,

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STATE OF NEW JERSEY  
Executive Department

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ordinance or resolution which might or will in any way conflict with any of the provisions of this order or any of the orders, rules or regulations adopted pursuant to this order, or which will in any way interfere with or impede the achievement of the purposes of this order.

5. There is hereby established an Emergency Advisory Board comprising the Commissioner of the Department of Environmental Protection as Chair, the Commissioner of the Department of Health, the Attorney General of the State of New Jersey, or their designated representatives, which shall advise and consult with the Commissioner of Environmental Protection, who shall consult with said Emergency Board prior to taking any action pursuant hereto, unless, in the opinion of the Commissioner of Environmental Protection, the exigencies of time do not permit such consultation.

6. Any person who shall violate any of the provisions of this order or any rules, regulations or orders issued pursuant hereto, or who shall impede or interfere with the implementation of this order, or any rules, regulations or orders issued pursuant hereto, shall be subject to the penalties provided by N.J.S.A. App. A-9:49.

7. This order shall take effect immediately. It shall remain in effect until terminated or amended by action of the Governor.

GIVEN, under my hand and seal  
this 2nd day of June,  
in the year of Our Lord,  
one thousand nine hundred  
and eighty-three, and of  
the Independence of the  
United States, the two  
hundred and seventh



\_\_\_\_\_  
/s/ Thomas H. Kean  
THOMAS H. KEAN, Governor

(seal)

Attest:

\_\_\_\_\_  
/s/ W. Cary Edwards  
W. Cary Edwards, Chief Counsel

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STATE OF NEW JERSEY  
Executive Department

EXECUTIVE ORDER NO. 409

WHEREAS, Executive Order No. 40 was signed on June 2, 1983 to declare an emergency relating to the dioxin contamination of a site located at 80 Lister Avenue in the City of Newark; and

WHEREAS, that emergency was extended by Executive Order No. 40A, signed on June 14, 1983, to cover the dioxin contamination of another site, located at 30 Whitman Avenue, in the Township of Edison; and

WHEREAS, that emergency was further extended by Executive Order No. 40B, signed on June 17, 1983, to cover the dioxin contamination of another site, located at 125 Delaware Avenue, in the City of Clifton, County of Passaic; and

WHEREAS, that emergency was further extended by Executive Order No. 40C, signed on June 29, 1983, to cover the dioxin contamination of another site, located at 100 West Main Street in the Borough of Bound Brook, County of Somerset; and

WHEREAS, further investigation and the analyses of samples taken in the vicinity of 80 Lister Avenue in Newark, particularly at Brady Iron and Metals, Inc., located at 55 Lockwood Street (Block 2406, Lot 5) in the City of Newark, have indicated detectable levels of dioxin; and

WHEREAS, the combination of dioxin and other chemicals may have a synergistic effect, resulting in a potential hazard to public health and the environment; and

WHEREAS, this situation warrants an extension of the declaration of emergency as set forth in Executive Order No. 40; and

WHEREAS, the scope of the efforts necessary to protect the public health and welfare is beyond the capacity of regular municipal operating services, or any State agency acting singly;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and Laws of the State of New Jersey, do hereby amend Executive Order No. 40 as follows:

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STATE OF NEW JERSEY  
Executive Department

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1. Continue in full force and effect Executive Order No. 40, and all terms and provisions thereof.
2. Executive Order No. 40 is amended to include all areas in the general vicinity of 80 Lister Avenue in the City of Newark where sample analyses indicate detectable levels of dioxin, including, but not limited to, the premises of Brady Iron and Metals, Inc. at 55 Lockwood Street in the City of Newark as described above.
3. This Order shall take effect immediately. It shall remain in effect until terminated or amended by action of the Governor.

GIVEN, under my hand and seal  
this 19th day of October, in the Year  
of our Lord, one thousand nine hundred  
and eighty-three, and of the United  
States, the two hundred and eighth.

Respectfully,  
/s/ Thomas E. Egan  
GOVERNOR

(seal)

Attest:  
/s/ W. Cary Edwards  
Chief Counsel



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08626  
609-292-2885

ADMINISTRATIVE ORDER NO. EO-40D-1

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40, declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, the provisions of that Order were amended and extended by Executive Order No. 40D to cover other areas in the general vicinity of 80 Lister Avenue where sample analyses indicate detectable levels of dioxin; and

WHEREAS, by said Executive Orders the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the public health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist; and

WHEREAS, the results of additional testing conducted by the United State Environmental Protection Agency have indicated significant levels of dioxin present at the premises of Brady Iron and Metals, Inc., located at 55 Lockwood Street (Block 2406, Lot 5) in the City of Newark; and

WHEREAS, it is necessary to immediately take additional measures to protect the public health, safety and welfare;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Orders No. 40 and 40D, I hereby order and direct that:

1. Brady Iron and Metals, Inc. shall immediately, at its expense:
  - a. Discontinue all use and occupancy of the premises at 55 Lockwood Street, except as otherwise directed by this Order or as specifically authorized by this Department;
  - b. Maintain fencing, gates or other means of restricting or prohibiting physical access to this site;
  - c. Provide around the clock site security until otherwise directed by this Department;
  - d. Implement a site stabilization program designed to prevent all off-site migration of dioxin and priority pollutants;



e. Prepare and, after Department approval thereof, implement a detailed sampling plan for all portions of the site, including all buildings, equipment and materials located thereon. This plan shall be designed to identify and characterize the presence of dioxin and priority pollutants on this site;

f. Quarantine, in their present location, all vehicles and other equipment utilized to transport or process scrap metals or other materials which may be contaminated. Such vehicles and equipment shall include all trucks, forklifts and cranes currently located onsite as well as the (4) four trucks currently located on the premises of Naparano Iron and Metals Co., Hawkins Street, in the City of Newark. These trucks shall remain quarantined at the Hawkins Street location until sampled for dioxin contamination in a manner approved by the Department and until approval to remove these trucks is granted by this Department;

g. Prepare and submit to this Department a detailed plan designed to identify and evaluate alternative methods to remove all dioxin and priority pollutants from this site, or, if such removal is not technically practicable, to contain such dioxin and priority pollutants on-site;

h. Implement, after Department approval thereof, a cleanup and/or containment program as outlined above;

i. Transmit to the Department, or provide immediate access to, all business records, including but not limited to the names, address and telephone numbers of:

1. All current or former employees who worked at 55 Lockwood Street;

2. All persons or corporations who sold scrap metals or other materials which may be contaminated to Brady Iron and Metals, Inc.; and

3. All persons or corporations who purchased such metals or materials from Brady Iron and Metals, Inc.;

j. Provide access to 55 Lockwood Street to representatives of this Department and/or the United States Environmental Protection Agency so as to insure the proper and expeditious implementation of this Order; and

2. In the event that Brady Iron and Metals, Inc. is not able to implement any provisions of paragraph 1 of this Order, it shall so notify the Department immediately upon receipt of this Order. In such event, or in the event that these measures are not immediately implemented as necessary to protect the public health, safety and welfare from the contamination of 55 Lockwood Street, representatives of this Department and/or the United States Environmental Protection Agency may immediately implement all or a portion of any such provision or measure as they may deem necessary. Brady Iron and Metals, Inc. shall cooperate fully with such efforts of these governmental agencies. This cooperation shall include, but not be limited to, providing

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these agencies with:

- a. Access to 55 Lockwood Street;
- b. Any information or service as may be requested;
- c. The use of any equipment or materials in the possession of Brady Iron and Metals, Inc. which may be necessary to stabilize, contain or remedy the contamination at 55 Lockwood Street, including but not limited to the use of trucks, forklifts, cranes, and torches as may be necessary for such purposes;
- d. Any assistance or service as may be required to identify, remove or contain all scrap metals or other materials which may be contaminated; and
- e. Any consent or approval which may be required to implement the provisions of this Order.

This Order shall take effect immediately.

Witness:

Michael L. Catania

Robert E. Huchly  
ROBERT E. HUCHLY  
Commissioner

10/19/83  
Date

DIA 004

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-2865

ADMINISTRATIVE ORDER NO. EO-40D-2

WHEREAS, Governor Thomas H. Kean has issued Executive Order No. 40, declaring that a state of emergency exists arising from the dioxin contamination of the premises at 80 Lister Avenue, in the City of Newark, New Jersey; and

WHEREAS, the provisions of that Order were amended and extended by Executive Order No. 40D to cover other areas in the general vicinity of 80 Lister Avenue where sample analyses indicate detectable levels of dioxin; and

WHEREAS, by said Executive Orders the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the public health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist; and

WHEREAS, the results of additional testing conducted by the United State Environmental Protection Agency have indicated significant levels of dioxin present at the premises of Brady Iron and Metals, Inc., located at 55 Lockwood Street (Block 2406, Lot 5) in the City of Newark; and

WHEREAS, it is necessary to immediately take additional measures to protect the public health, safety and welfare;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Orders No. 40 and 40D, I hereby order and direct that:

1. Brady Iron and Metals, Inc. shall immediately, at its expense:
  - a. Discontinue all use and occupancy of the premises at 55 Lockwood Street, except as otherwise directed by this Order or as specifically authorized by this Department;
  - b. Maintain fencing, gates or other means of restricting or prohibiting physical access to this site;
  - c. Provide around the clock site security until otherwise directed by this Department;
  - d. Implement a site stabilization program designed to prevent all off-site migration of dioxin and priority pollutants;

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e. Prepare and, after Department approval thereof, implement a detailed sampling plan for all portions of the site, including all buildings, equipment and materials located thereon. This plan shall be designed to identify and characterize the presence of dioxin and priority pollutants on this site;

f. Quarantine, unless otherwise directed by this Department, all vehicle and other equipment utilized to transport or process scrap metals or other materials which may be contaminated. Such vehicles and equipment shall include, but not be limited to, all trucks, forklifts and cranes. Such equipment and vehicles shall remain quarantined at a location approved by this Department until sampled for contamination in a manner approved hereby and until approval to release same is granted by this Department;

g. Prepare and submit to this Department a detailed plan designed to identify and evaluate alternative methods to remove all dioxin and priority pollutants from this site, or, if such removal is not technically practicable, to contain such dioxin and priority pollutants on-site;

h. Implement, after Department approval thereof, a cleanup and/or containment program as outlined above;

i. Transmit to the Department, or provide immediate access to, all business records, including but not limited to the names, address and telephone numbers of:

1. All current or former employees who worked at 55 Lockwood Street;

2. All persons or corporations who sold scrap metals or other materials which may be contaminated to Brady Iron and Metals, Inc.; and

3. All persons or corporations who purchased such metals or materials from Brady Iron and Metals, Inc.;

j. Provide access to 55 Lockwood Street to representatives of this Department and/or the United States Environmental Protection Agency so as to insure the proper and expeditious implementation of this Order; and

k. Implement any other precautionary or remedial action as may be directed by this Department, the N.J. Department of Health, or the U.S. Environmental Protection Agency.

2. In the event that Brady Iron and Metals, Inc. is not able to implement any provisions of paragraph 1 of this Order, it shall so notify the Department immediately upon receipt of this Order. In such event, or in the event that these measures are not immediately

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implemented as necessary to protect the public health, safety and welfare from the contamination of 55 Lockwood Street, representatives of this Department and/or the United States Environmental Protection Agency may immediately implement all or a portion of any such provision or measure as they may deem necessary. Brady Iron and Metals, Inc. shall cooperate fully with such efforts of these governmental agencies. This cooperation shall include, but not be limited to, providing these agencies with:

- a. Access to 55 Lockwood Street;
- b. Any information or service as may be requested;
- c. The use of any equipment or materials in the possession of Brady Iron and Metals, Inc. which may be necessary to stabilize, contain or remedy the contamination at 55 Lockwood Street, including but not limited to the use of trucks, forklifts, cranes, and torches as may be necessary for such purposes;
- d. Any assistance or service as may be required to identify, remove or contain all scrap metals or other materials which may be contaminated; and
- e. Any consent or approval which may be required to implement the provisions of this Order.

3. This Order shall supercede Administrative Order No. EO-40D-1, dated October 19, 1983.

This Order shall take effect immediately.

Witness:

Michael J. Catana

Robert E. Hughey  
ROBERT E. HUGHEY  
Commissioner

10/21/83  
Date

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CM 402  
TRENTON, N.J. 08633  
609 - 292 - 3886

ADMINISTRATIVE ORDER NO. EO-40D-3

WHEREAS, Governor Thomas H. Kean has issued Executive Orders No. 40 and No. 40D, declaring that a state of emergency exists arising from the dioxin contamination in the vicinity of 80 Lister Avenue and 55 Lockwood Street in the City of Newark; and

WHEREAS, by said Executive Orders the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the public health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist; and

WHEREAS, the results of additional testing conducted by the United States Environmental Protection Agency have indicated levels of dioxin present along the perimeter of the Brady Iron and Metals, Inc. site located at 55 Lockwood Street in the City of Newark, which dioxin is presumed to be present as a result of transport from the Brady premises via wind or water prior to the implementation of interim remedial measures, and

WHEREAS, it is necessary to take additional measures to protect the public health, safety and welfare; and

WHEREAS, these measures include the implementation of remedial actions to contain the dioxin and to preclude public access thereto; and

WHEREAS, these actions will necessitate access to 55 Lockwood Street and the use thereof for the storage of certain materials and equipment;

NOW, THEREFORE, pursuant to the powers vested in me by Executive Orders No. 40 and 40D, I hereby order and direct that:

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1. Representatives and/or agents of this Department and the United States Environmental Protection Agency are hereby authorized to enter and use the premises at 55 Lockwood Street in the City of Newark for the following purposes:

a. To implement any and all additional remedial measures as may be necessary;

b. To store any necessary equipment or materials, including but not limited to any debris or other materials resulting from the implementation of remedial measures taken in the vicinity of the premises.

This Order shall take effect immediately.

WITNESS: Michael L. Catania

Robert E. Hughes  
ROBERT E. HUGHES  
Commissioner

9/26/84  
Date

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State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF REGULATORY SERVICES  
CN 402  
TRENTON, N.J. 08625  
609-292-2900

MICHAEL F. CATANIA  
DIRECTOR

HERBERT S. BERNETT  
DEPUTY DIRECTOR  
GERARD BURKE  
ASSISTANT DIRECTOR

MEMORANDUM

TO: DISTRIBUTION LIST  
FROM: *for* Michael F. Catania, Director  
Office of Regulatory Services  
SUBJECT: Administrative Order No. EO 40D-4;  
Hildemann Industries, 335 Raymond Boulevard,  
Newark, New Jersey  
DATE: July 25, 1984

Attached please find a copy of Administrative Order No.  
EO 40D-4 authorizing the Department and EPA to enter the  
Hildemann property at 335 Raymond Boulevard in Newark for the  
purpose of implementing necessary remedial actions.

MFC:ms

Distribution List:

Dr. Marwan Sadat  
Dr. Jorge Berkowitz  
Dr. Merry Morris  
Assistant Director Burke  
Ron Senna  
Lisa Geiger  
DAG Howard Epstein  
DAG Rick Engel  
Andrew Praschak, Esq., EPA

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-2885

ADMINISTRATIVE ORDER NO. EO 40D-4

WHEREAS, Governor Thomas H. Kean has issued Executive Orders No. 40 and 40F, declaring that a state of emergency exists arising from the dioxin contamination in the vicinity of 80 Lister Avenue and 55 Lockwood Street in the City of Newark;

WHEREAS, by said Executive Orders the Governor has authorized and directed me to take such emergency measures as I may determine to be necessary in order to fully and adequately protect the public health, safety and welfare of the citizens of this State from any actual or potential threat or danger which may exist;

WHEREAS, the results of testing conducted by the United States Environmental Protection Agency and the Department of Environmental Protection (hereinafter "the Department") have indicated levels of dioxin present at 335 Raymond Boulevard (Block 2407, Lot 32) in the City of Newark which is owned by Hildemann Industries, Inc.;

WHEREAS, it is necessary to take additional measures to protect the public health, safety and welfare;

WHEREAS, these measures include the implementation of certain interim remedial actions to contain or remove the dioxin and to minimize public exposure thereto;

WHEREAS, the Department has requested Hildemann Industries, Inc. to allow the Department access to the premises at 335 Raymond Boulevard for the purpose of implementing necessary interim remedial actions; and

WHEREAS, Hildemann Industries has denied the Department's requests for access to the premises;

NOTICE: If the film image  
is less clear than this  
notice, it is due to the  
quality of the document  
being filmed

NOW, THEREFORE, pursuant to the powers vested in me by Executive Orders No. 40 and 40D, I hereby order and direct that representatives and/or agents of the Department and the United States Environmental Protection Agency are hereby authorized to enter and use the premises at 335 Raymond Boulevard in the City of Newark for the purpose of implementing necessary remedial actions to contain or remove the dioxin and minimize public exposure thereto.

This Order shall take effect immediately.

WITNESS:

Frank Burke

Robert E. Hughey  
Robert E. Hughey  
Commissioner

DATE: 7/24/04

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EXECUTIVE ORDER NO. 408

WHEREAS, Executive Order No. 40 was signed on June 2, 1963 to declare an emergency relating to the dioxin contamination of a site located at 80 Lister Avenue in the City of Newark; and

WHEREAS, that emergency was extended by Executive Order No. 40A, signed on June 14, 1963, to cover the dioxin contamination of another site, located at 30 Whitman Avenue, in the Township of Edison; and

WHEREAS, that emergency was further extended by Executive Order No. 40B, signed on June 17, 1963, to cover the dioxin contamination of another site, located at 125 Delaware Avenue, in the City of Clifton, County of Passaic; and

WHEREAS, that emergency was further extended by Executive Order No. 40C, signed on June 29, 1963, to cover the dioxin contamination of another site, located at 100 West Main Street in the Borough of Bound Brook, County of Somerset; and

WHEREAS, that emergency was further extended by Executive Order No. 40D, signed on October 19, 1963, to cover the dioxin contamination in the general vicinity of 80 Lister Avenue in the City of Newark including the premises of Brady Iron and Metals, Inc. at 55 Lockwood Street in the City of Newark; and

WHEREAS, the preliminary investigation, sampling and analysis of soil samples at certain property located at 338 William Avenue (Block 507A, Lot 70) in the City of Newark has indicated detectable levels of dioxin present at certain areas on that property; and

WHEREAS, further investigations, sampling and analyses are necessary in order to determine the extent of the contamination and the nature and

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extent of any danger which may be posed by the possible disin-  
contamination at the above described premises and in the vicinity thereof  
in order to determine what action if any will be required to safeguard  
the public health and welfare; and

WHEREAS, this situation warrants an extension of the declaration of  
emergency as set forth in Executive Order No. 40; and

WHEREAS, the scope of the efforts necessary to protect the public  
health and welfare is beyond the capacity of regular municipal operating  
services, or any State agency acting singly;

NOW, THEREFORE, I, Thomas H. Egan, Governor of the State of New  
Jersey, by virtue of the authority vested in me by the Constitution and  
Laws of the State of New Jersey, do hereby amend Executive Order No. 40  
as follows:

1. Continue in full force and effect Executive Order No. 40, and  
all terms and provisions thereof.
2. Executive Order No. 40 is amended to include the property at  
338 Wilcox Avenue in the City of Newark and the area in the vicinity  
thereof.
3. This Order shall take effect immediately. It shall remain in  
effect until terminated or amended by action of the Governor.

GIVEN, under my hand and seal  
of this day of , in  
the year of our Lord, one  
thousand nine hundred and  
eighty-five, and of the United  
States, the two hundred and ten.

*Thomas H. Egan*  
Governor

Attest:

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STATE OF NEW JERSEY  
Executive Department

EXECUTIVE ORDER NO. 105

WHEREAS, Executive Order No. 40 was signed on June 2, 1963, to declare an emergency relating to the dioxin contamination of a site located at 80 Lister Avenue in the City of Newark; and

WHEREAS, that emergency was extended by Executive Order No. 46A, signed on June 14, 1963, to cover the dioxin contamination of another site, located at 30 Whitson Avenue, in the Township of Edison, County of Middlesex; and

WHEREAS, that emergency was further extended by Executive Order No. 46B, signed on June 17, 1963, to cover the dioxin contamination of another site, located at 125 Delaware Avenue, in the City of Clifton, County of Hudson; and

WHEREAS, that emergency was further extended by Executive Order No. 46C, signed on June 29, 1963, to cover the dioxin contamination of another site, located at 100 West Main Street in the Borough of Bound Brook, County of Somerset; and

WHEREAS, that emergency was further extended by Executive Order No. 46D, signed on October 19, 1963, to cover the dioxin contamination in the general vicinity of 80 Lister Avenue in the City of Newark including the premises of Beady Iron and Metals, Inc. at 55 Lockwood Street in the City of Newark; and

WHEREAS, the preliminary investigation, sampling and analysis of soil samples at certain property located at 338 Wilson Avenue (Block 303B, Lot 79) in the City of Newark has indicated detectable levels of dioxin present at certain areas on that property; and

WHEREAS, further investigations, sampling and analyses are necessary in order to determine definite information as to the nature and extent of the contamination and any danger which may be posed by the possible dioxin contamination at the above described premises and in the immediate vicinity thereof in order to determine what action, if any, will be required to safeguard the public health and welfare; and

WHEREAS, this situation warrants an extension of the declaration of emergency as set forth in Executive Order No. 40; and

WHEREAS, the scope of the efforts necessary to protect the public health and welfare is beyond the capacity of regular municipal operating services, or any State agency acting singly.

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STATE OF NEW JERSEY  
Executive Department

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HON. THOMPSON, J. THOMAS E. ELIAS, Governor of the State of New Jersey, by  
virtue of the authority vested in me by the Constitution and statutes of this  
State, do hereby ORDER and DIRECT:

1. Executive Order No. 40 is amended to include the property at 110  
Wilson Avenue in the City of Newark and the area in the immediate vicinity  
thereof.
2. Executive Order No. 40, and all terms and provisions thereof and  
amendments thereto, is continued in full force and effect and shall remain in  
effect until terminated by action of the Governor.
3. This Order shall take effect immediately.

GIVEN, under my hand and seal  
\* this 10th day of June  
in the Year of Our Lord, one  
thousand nine hundred and  
eighty-five, and of the Second  
State, the two hundred and  
sixth.

/s/ Thomas E. Elia  
GOVERNOR

(seal)

Attest:  
/s/ W. Cary Edwards  
Chief Counsel