

# **EXHIBIT 7**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
EDISON, NEW JERSEY 08817

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WCL  
MNS

June 16, 1983

James B. Worthington, Ph.D.  
Director  
Environmental Affairs  
Diamond Shamrock Corporation  
World Headquarters  
717 North Harwood Street  
Dallas, Texas 75201

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Dear Dr. Worthington:

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. By said Executive Order the Governor has authorized and directed Robert E. Hughey, Commissioner, State of New Jersey, Department of Environmental Protection ("NJDEP"), 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 the State of New Jersey from any actual or potential threat or danger which may exist as a result thereof.

Preliminary test results have indicated detectable levels of dioxin present at the former site of the Diamond Shamrock Corporation ("Diamond Shamrock") at 80 Lister Avenue, in the City of Newark, New Jersey ("the site") and Robert E. Hughey has determined it is necessary to take additional measures to protect the public health, safety and welfare while further information is obtained. Furthermore, Robert E. Hughey has issued Executive Order No. EO 40-6, which states, in part:

"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 ground level 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."

Therefore, pursuant to the direction and authorization of New Jersey Administrative Order No. EO 40-6, as a representative of the United States Environmental Protection Agency ("EPA"), I direct that Diamond Shamrock comply with the following specifications and time schedules necessary until further action is determined:

### I. ACTION

1. Diamond Shamrock shall by no later than Wednesday, June 15, 1983, commence placement of a tarp-like cover ("tarp") over the entire ground surface at 80 Lister Avenue, Newark, New Jersey, in a such a manner and under such a schedule that all unpaved areas shall be covered by Saturday, June 18, 1983, and the remainder shall be covered by Tuesday, June 21, 1983, according to the following detailed specifications:
  - a. Procure and provide a tarp to control dust, to be placed on all ground surface at the site.
  - b. Ensure that said tarp is permeable to rainwater.
  - c. Ensure that said tarp is effective in trapping soil and dust to preclude the release of dust from the site.
  - d. Ensure that said tarp is laid in segments with a minimum of a two-foot overlap between segments.
  - e. Ensure that said tarp is held in place using sandbags or other weighted materials so that covering integrity is maintained. A daily monitoring of this integrity shall be conducted and proper maintenance provided.
  - f. Debris or other objects which may hinder placement of said tarp may be relocated into a building, or placed in a pile, to facilitate the placement of said tarp, upon approval of the Federal On-Scene Coordinator ("OSC").
  - g. Fabric selection for said tarp shall be coordinated with the OSC and shall be subject to his approval.

2. Road areas for vehicle travel shall be marked by paint or other suitable means, as approved by the OSC.
3. Diamond Shamrock shall by no later than Wednesday, June 15, 1983, improve site security by erection of a perimeter fence to preclude site access, including access from the river side of the site. Said erection shall be completed by Saturday, June 18, 1983. Said fence, at a minimum, shall match or exceed the dimension and strength, including barbed wire, of the fence currently on the site. The additional fencing shall have gates. Keys to said gates shall be provided to the OSC and a representative of the NJDEP.

## II. MAINTENANCE

Diamond Shamrock shall be responsible for maintaining said tarp and fence until notified in writing by EPA, of a cessation date, and that an acceptable long term alternative corrective action to safeguard public health and the environment has been initiated or implemented.

Said maintenance shall include, but not be limited to necessary repairs in a timely fashion, to the satisfaction of the OSC, should fabric tears or other damage occur. Periodic watering of the tarp shall be implemented during periods of excessive dryness if dust control effectiveness is threatened. Any removal of said tarp shall take place only upon authorization of the OSC and under conditions to be specified by the OSC at a later date.

## III. SAFETY PLAN

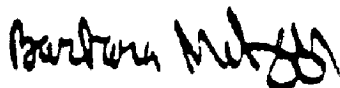
All personnel who enter the site shall adhere to a safety plan prepared by Diamond Shamrock or its technical consultant, consistent with state and federal regulations regarding worker safety.

## IV. VARIATIONS

Any and all major variations of the above specifications and time schedules shall occur only upon written approval of the OSC, who shall retain the authority for directing any adjustments to the above specifications and time schedules.

Please feel free to call if you have any problems.

Sincerely yours,



Barbara Metzger  
Director  
Environmental Services Division

cc: Mike Catania, NJDEP