STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

E.O. 40, 1983

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 potention 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:

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,

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