



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. ESR 8635-14

AGENCY DKT. NO. PEA

130001-254163

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION—
SITE REMEDIATION COMPLIANCE
AND ENFORCEMENT,**

Petitioner,

v.

**BLUE ROSE CORPORATION AND
SHALIMAR HOLDINGS, LLC,**

Respondents.

Bethanne Sonne, Deputy Attorney General, for petitioner (Christopher S. Porrino, Attorney General of New Jersey, attorney)

Gary Schafkopf, Esq., for respondents (Hopkins & Schafkopf, attorneys)

Record Closed: August 1, 2017

Decided: August 8, 2017

BEFORE **SOLOMON A. METZGER**, ALJ t/a:

This matter arises out of an Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) issued against Blue Rose

Corporation and Shalimar Holdings, LLC. Both companies are owned by Intesar H. Zaidi and the AONOCAPA addresses infractions at the same scrap yard, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.24. Respondents requested a hearing and the matter was transmitted to the Office of Administrative Law (OAL) as a contested case, pursuant to N.J.S.A. 52:14F-1 et seq. The Department filed a motion for summary decision and then limited the motion to Shalimar Holdings, owing to a bankruptcy filing by Blue Rose. The motion against Shalimar was granted by order of May 3, 2017, attached. (Exhibit C-1.) In a recent letter, also attached, the Department has withdrawn its AONOCAPA against Blue Rose. (Exhibit C-2.) The work of the OAL thus having been completed, the order vis-à-vis Shalimar can now progress to the agency reformed as an initial decision.

Based on the foregoing, it is **ORDERED** that Shalimar Holdings, LLC, pay penalties and comply with the terms of the AONOCAPA, as more fully discussed in the May 3, 2017, OAL order.

I hereby **FILE** my initial decision with the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Environmental Protection does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, OFFICE OF LEGAL AFFAIRS, DEPARTMENT OF ENVIRONMENTAL PROTECTION, 401 East State Street, 4th Floor, West Wing, PO Box 402, Trenton, New Jersey 08625-0402**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



August 8, 2017

DATE

SOLOMON A. METZGER, ALJ t/a

Date Received at Agency:

Date Mailed to Parties:

mph

EXHIBITS

Court Exhibits:

C-1 Order, dated May 3, 2017

C-2 Letter from Kevin F. Kratina, Assistant Director, NJDEP, to Blue Rose Corporation