



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

NEW JERSEY DEPARTMENT OF)	<u>ADMINISTRATIVE ACTION</u>
ENVIRONMENTAL PROTECTION,)	FINAL DECISION
BUREAU OF HAZARDOUS WASTE)	
ENFORCEMENT,)	OAL DKT NO.: ECE 19333-16
)	
Petitioner,)	AGENCY REF. NO.: PEA 130001-
)	0381459
v.)	
)	
NJ INSTITUTE OF ALLIED HEALTH)	
LLC,)	
)	
Respondent.)	

This Order addresses the appeal of an Administrative Order and Notice of Civil Administrative Penalty (AONOCAPA) issued on April 3, 2013, by the New Jersey Department of Environmental Protection (Department), Bureau of Hazardous Waste Enforcement (Bureau), against NJ Institute of Allied Health LLC (Respondent). The AONOCAPA assessed \$59,000 in civil administrative penalties against Respondent for violations of the Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq., and its implementing regulations, N.J.A.C. 7:26-3A.1 et seq., arising from the improper disposal of regulated medical waste (RMW), including bloody tubing, syringes, gloves, and blood vials, generated by Respondent, which was discovered on or about September 11, 2012. Specifically the violations included abandonment of medical waste, in violation of N.J.A.C. 7:26-3A.16(j), failure to register as a regulated medical waste generator, N.J.A.C. 7:26-3A.8(j), failure to properly package regulated

medical waste prior to transport off site, N.J.A.C. 7:26-3A.11(b) and (c), failure to comply with labeling, tracking and recordkeeping requirements for regulated medical waste, as set forth in N.J.A.C. 7:26-3A.14(a), N.J.A.C. 7:26-3A.19(a), and N.J.A.C. 7:26-3A.21(a)1, and failure to pay applicable fees, N.J.A.C. 7:26-3A.8(a).

The Department granted the request for a hearing to contest the AONOCAPA and transferred the matter to the Office of Administrative Law (OAL), where it was assigned to Administrative Law Judge (ALJ) Gail M. Cookson. In 2017, the OAL was unable to reach Respondent for a case management conference. The Department's efforts to reach Respondent were also unsuccessful.

Therefore, based on the certification of the deputy attorney general representing the Department, which set forth the steps taken to locate Respondent or one of its officers or principals, and upon the Department's request to have the matter returned to the agency due to Respondent's failure to appear, the ALJ issued an Initial Decision dated September 26, 2017. In the Initial Decision, the ALJ incorporated by reference the certification of the deputy attorney general, detailing the Department's unsuccessful efforts to locate Respondent or a representative thereof, and dismissed the appeal for failure to file an appearance and failure to prosecute the hearing request. The dismissal was without prejudice due to the passage of time between the hearing request and the transmittal to OAL. No exceptions were filed.

According to the AONOCAPA, based on a December 4, 2012, compliance review and a December 7, 2012, inspection, the Department determined that Respondent had corrected the violations.

For the reasons set forth therein, the Initial Decision of ALJ Cookson is HEREBY ADOPTED without modification, no exceptions having been filed, and the decision being reasonable and properly based upon the record.

IT IS SO ORDERED.

DATE: November 8, 2017

A handwritten signature in blue ink, reading "Bob Martin", is positioned above a horizontal line.

Bob Martin, Commissioner
New Jersey Department of
Environmental Protection

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION –
BUREAU OF HAZARDOUS WASTE ENFORCEMENT

v.

NJ INSTITUTE OF ALLIED HEALTH LLC

OAL DKT. NO. ECE 19333-16
AGENCY REF. NO. PEA 130001-0381459

SERVICE LIST

Elspeth Hans, DAG
Division of Law
R. J. Hughes Justice Complex
P.O. Box 093
25 Market Street
Trenton, NJ 08625-0093
Email: Elspeth.Hans@law.njoag.gov

NJ Institute of Allied Health LLC
333 N. Broad St., Suite 201
Elizabeth, NJ 07208-3706
c/o Dr. Eliashea Mansour (Registered Agent)

Dr. Eliashea Mansour
Registered Agent for NJ Institute of Allied Health LLC
7 Howell Place
Sicklerville, NJ 08081-2551