

A-901 APPLICATION INFORMATION

PLEASE READ INSTRUCTIONS ON EACH FORM

When completed please return of all forms to:

State of New Jersey
Department of Law & Public Safety
Division of Law
R.J. Hughes Justice Complex
Environmental Enforcement/A-901 Unit
25 Market Street
P.O. Box 093
Trenton, New Jersey 08625-0093

To obtain forms or information on fingerprinting please call 609-292-6018 or online at www.state.nj.us/dep/dshw.

AN EXPLANATION ABOUT THE FORMS YOU WILL BE FILLING OUT

1. It is important that the applicant and individuals fill out all forms completely and answer all questions thoroughly. Read through all forms first to become familiar with the questions before answering. There are instructions at the end of each form.

Incomplete or improperly completed applications will cause your application to be returned resulting in significant delay in processing. Be sure to submit copies of required documents.

Do not leave any questions unanswered. If the appropriate answer is "none" or "no", please answer as "none" or "no". If a question does not apply, you may enter "Not Applicable" or "N/A" in the space provided with an explanation of why this does not apply.

The determination of a company's ability to demonstrate sufficient reliability, expertise, competency and integrity in order to comply with the Solid Waste Management Act will be determined, in part, by the information you supply in the disclosure forms. Failure to answer questions completely may result in the form or forms being returned for additional information and supplementation. Do not answer any questions until all records have been checked and reviewed. If additional space is required, copy the appropriate pages and insert those pages where applicable. Type or Print all answers in block form. (Handwritten forms that are illegible will be returned.)

2. A Business Concern Disclosure Statement is a statement containing information about any corporation, association, firm, partnership, trust or other form of commercial organization that contains information about the applicant who is filling out the form. Copies of documents must be included.

NOTE: An out of state business must register with the New Jersey Division of Commercial Recording and be in good standing. You may call them at 609-292-9292 or visit the website www.state.nj.us/njbgs. Enclose a copy of your Certificate of Authority to do business in New Jersey.

** All fictitious (Trading As) names must be registered. All New Jersey Corporations and Limited Liability Companies must be in good standing. A copy must be enclosed with your application.

3. A Personal History Disclosure Statement is a statement containing information about individuals who are owners, officers, directors, key employees*, or partners of an applicant, permittee, licensee or lessor. The information requested in the Personal History Disclosure Form is used to conduct a background investigation of an individual.

*The term "Key Employee" means an individual employed by the applicant in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the applicant in New Jersey. It does not include employees exclusively engaged in the physical or mechanical collection, transportation, storage, transfer, or disposal of solid waste or hazardous waste.

4. Any person who is required to fill out a Personal History Disclosure Form must also be fingerprinted for identification purposes. It is the company's responsibility to arrange for the fingerprinting to be done.

FINGERPRINT PROCEDURES

New Jersey has changed from the traditional "ink and roll" method to the "Live Scan Method" for individuals who work or reside in an approximate 50 mile radius of New Jersey. The New Jersey State Police will contact anyone who requires electronic fingerprinting.

If you have any questions concerning fingerprinting, please call the A-901 Unit at 609-292-6018.

OUT OF STATE:

Individual equity holders, directors, officers or key employees who work or reside out the State of New Jersey must submit fingerprint cards with a Personal History Disclosure. If you did not receive a set of fingerprint cards, you must request fingerprint cards from the A-901 Unit at 609-292-6018.

Submit one blue FBI fingerprint card and one black New Jersey State Police fingerprint card for each individual required to complete a Personal History Disclosure Form. Fingerprint cards should be taken by law enforcement personnel.

***Please complete all information on the fingerprint cards or they will be returned resulting in significant delay of your application.**

5. A Second Level Business Concern Disclosure Statement is to be filled out where an owner is an officer of another company or corporation. All parent companies of the applicant or holder of an NJDEP solid/hazardous waste license must file a Second Level Business Disclosure Statement. This applies to all immediate, intermediate and ultimate "parent" companies. A parent company would include any business concern which holds any equity or debt liability directly or indirectly in the applicant. In other words, all business entities "upstream" of the applicant or license holder, i.e., parents, grandparents, great-grandparents, etc. must file a form. Each company must file a separate form. These are not included in packages that are sent to you unless requested. If you need a Second Level Business Disclosure Statement, please notify our office and one will be mailed to you for each company requiring one.

6. A Business Concern Disclosure Statement For Lessors, (hereafter "Lessor Statement") is a statement containing information about any corporation, association, firm, partnership, trust or other form of commercial organization that contains information about the applicant who is filling out the form. A Lessor Statement is required to be filed when any permittee or licensee leases ten (10) or more solid waste vehicles and operators from a single lessor which is not a permittee or licensee, or when such leased vehicles represent at least 20 percent of the permittee's or licensee's fleet of solid waste vehicles. In such case, the permittee or licensee must, within 30 days of entering into the lease, file, or cause the lessor to file, a Business Concern Disclosure Statement for the Lessor, and Personal History Disclosure Statements for directors, officers, key employees, partners and equity holders of the lessor. If the lessor is an applicant applying for an A-901 License, then in lieu of filing duplicate disclosure statements, lessees may instead provide a written notice within 10 days to the Division of Law, Environmental Section, A-901 Unit that the lessor is already an applicant whose disclosure statement is on file.

7. The filing of any Lessor Statement is the responsibility of the company applying for a DEP solid/hazardous waste license. The Personal History Disclosure Form must be distributed to all of the lessor's representative(s) and returned to our office along with

the Lessor Statement. **PLEASE NOTE: ALL** owners, officers, directors, partners, stockholders and key employees listed on the primary-level Lessor Statement **MUST** complete this form and return it along with the Lessor Statement.

8. The information contained in your statement is confidential. Once this information is supplied by your company to the Attorney General's office, this information will not be released or disclosed to any person, except in accordance with the provisions of the Solid Waste Management Act or other applicable provisions of law. Personal information of a confidential nature, once collected by the Department of Law & Public Safety, will then become confidential information and protected from unauthorized public disclosure by the DEP pursuant to N.J.A.C. 7:26-16.14(I) which states in part:

. . . Any information required to be furnished to the Department of the Attorney General by an applicant, licensee or an individual required to be listed on a disclosure statement, which pertains to private financial matters of the applicant, licensee or individual which are not otherwise subject to public disclosure by any statute or regulation . . . shall not be released or disclosed to any person except in accordance with the provisions of this section.

PLEASE NOTE: Financial information disclosed in the statement will not be provided to the IRS or state tax agencies unless it is subpoenaed by those agencies.

WARNING

FRAUDULENT, DECEPTIVE OR MISLEADING ANSWERS MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IN ADDITION, ANY PERSON WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE OR MISLEADING STATEMENT ON ANY FORM MAY BE SUBJECT TO CRIMINAL PROSECUTION.

Should you have any questions you may call our office between the hours of 9:00 a.m. to 5:00 p.m. Monday thru Friday at (609) 292-6018.

Solid waste Transporter Requirements

In addition to obtaining an "A-901" license approval, solid waste transporters must also:

- 1) Obtain a Certificate of Public Convenience and Necessity "CPCN") as required by N.J.S.A 4:13A-6. A certificate can only be obtained subsequent to having received an A-901 approval. Some types of waste transporters are exempt from this requirement. Please call 609-984-2080 for more information on this.
- 2) Register as a solid waste transporter in accordance with N.J.A.C.-3,4 and obtain a NJDEP registration identification number and decals for vehicles that will be used to transport that waste.
- 3) Fulfill specific leasing requirements as outlined in N.J.A.C. 7:26-3.4(h) when leasing additional vehicles to transport waste

Please note that "solid" waste includes non-hazardous liquid, semi-liquid, regulated medical, asbestos and petroleum wastes

Hazardous Waste Transporter Requirements

In addition to obtaining an "A-901" license approval, hazardous waste transporters must also:

- 1) Obtain an EPA identification number. Call EPA Region II at (212) 637-3660 for information.
- 2) Meet USDOT mandated liability insurance requirements
- 3) Provide an employee training program that includes instruction on vehicle operation, waste handling, emergency procedures, and uses of emergency equipment.
 - (a) Vehicles must be placarded and transported in properly labeled containers in accordance with USDOT requirements listed in 49 CFR 171-179
 - (b) Standards for drivers are listed in part 391 of the Federal Motor Carrier Safety Act Regulations
 - (c) Haulers may not accept hazardous waste from a generator unless it is accompanied by a National Uniform Hazardous Waste Manifest form signed by the generator per N.J.A.C. 7:26-7.5 et seq.
 - (f) Spills must be contained and handled in accordance with N.J.A.C. 7:26-7.5 et seq.

Please note that hazardous wastes are specifically identified and regulated by the United States, Environmental Protection Agency ("EPA") by 40CFR, Part 262 and incorporated by reference into the regulations of the New Jersey Department of Environmental Protection ("DEP").

Solid and/or Hazardous Waste "Brokers"

"Brokers" provide for the waste hauling needs of its customers New Jersey by contracting with properly licensed NJDEP waste transporters.

In addition to obtaining an A-901 approval, a Certificate of Public Convenience and Necessity must be obtained. Please call 609-984-2080 for more information.

Solid Waste Facility

This category includes solid waste transfer or material recovery facilities, regulated medical waste facilities and landfills. In addition to obtaining an "A-901" license approval solid waste facility operators must also:

1) Obtain an approved "permit" to operate a solid waste facility, in compliance with N.J.A.C. 7:26-1 et seq, from the Bureau of Transfer Stations and Recycling Facilities. Please call 609-292-9880 for permit information.

2) Obtain a Certificate of Public Convenience and Necessity Please call 609-984-2080 for more information

Hazardous Waste "TSD" Facility

This category includes facilities for the treatment, storage and disposal of hazardous waste. In addition to obtaining an "A-901" license approval, hazardous waste facility operators must also:

1) Obtain an EPA Identification number. Call EPA Region II at (212) 264-9880 for informstion

2) Obtain an approved "permit" to operate a hazardous waste facility from the Bureau of landfill and Hazardous Waste Permitting. Please call 609-633-9839 for more information.

A-901 APPLICATION PROCESS

Once the Department receives an application and it is deemed to be administratively complete, you will receive an Initial Invoice. The Initial Invoice must be paid when due. The application will then be forwarded to the New Jersey State Police for a background investigation. When this is completed, the Division of Law will review and forward to the Department of Environmental Protection (DEP) for approval/denial. The DEP does not license individual employees of a company; it licenses the company, which is the applicant. The exception being a Sole Proprietorship or Partnership where an individual is the Licensee. **Note that A-901 Licensees must continue to be in good standing with the New Jersey Department of Treasury, Division of Commercial Recordings.

TO MAINTAIN AN APPROVED A-901 LICENSE

A-901 Licensees are required to submit a yearly Update as part of the A-901 Program yearly renewal. Updates are due by November 1st.

Please note that the Department requires notification within 30 days of any changes in an A-901 License. This includes changes in address, telephone numbers, owners, directors, officers and key employees.

CHANGES IN OWNERSHIP OF APPROVED A-901 LICENSEES

The Department of Environmental Protection and the A-901 Unit must be notified prior to changes in ownership of an A-901 approved licensee.

The A-901 Unit requires submission of disclosures within 30 days from the transaction date. Questions may be directed to the A-901 Unit at 609-292-6018.