

INSTRUCTIONS

A-901 APPLICATION INFORMATION PLEASE READ INSTRUCTIONS ON EACH FORM

**Please email a scanned copy and retain the original for your records
OR mail the original hard copy ONLY if scanning is not available to:**

New Jersey Department of Law & Public Safety
Division of Law, Environmental Permitting &
Counseling Section
ATTENTION: A901 Unit
25 Market Street, P.O. Box 093
Trenton, New Jersey 08625-0093

**If you have any questions please contact the Division of Law,
A901 Unit at the numbers listed below or email your questions
to: A901MAIL@LAW.NJOAG.GOV**

A-901 Main Number: 609-376-3270

You can obtain additional forms online at
<https://www.nj.gov/dep/dshw/a901/a901frms.htm>

AN EXPLANATION ABOUT THE FORMS YOU WILL BE COMPLETING:

1. It is important that the applicant and any involved individuals fill out all forms completely and answer all questions thoroughly. Read through all forms first to become familiar with the questions before answering.
2. **Incomplete or improperly completed applications will cause your application to be returned to you resulting in significant delay in processing. Be sure to submit copies of required documents.**
3. **Do not leave any questions unanswered. If appropriate, you may use the answers “none,” “no,” or “not applicable.”**
4. 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.

5. 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 requested in the Business Concern Disclosure Statement must be included when submitted to the A-901 Unit.
6. NOTE: An out of state business must register with the New Jersey Division of Commercial Recording and be in good standing. You may call at (609) 292-9292 or visit the website at <https://business.nj.gov>. Enclose a copy of your Certificate of Authority to do business in New Jersey.
7. All fictitious (trading as) names must be registered, however they will not be listed on the license. All New Jersey Corporations and Limited Liability Companies must be in good standing. **A copy of proof of good standing must be enclosed with your application.**
8. 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 these individuals.
9. *The term "Key Employee" means an individual employed or otherwise engaged by the applicant, the permittee or the licensee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste, hazardous waste, or soil and fill recycling operations of the business concern; any family member of an officer, director, partner, or key employee, employed or otherwise engaged by the applicant or permittee; or any broker, consultant or sale person employed or otherwise engaged by, or who do business with, the applicant, permittee, or licensee, with respect to the solid waste, hazardous waste, or soil and fill recycling operations of the business concern; but shall not include (1) employees, who are not family members, exclusively engaged in the physical or mechanical collection, transportation, treatment, storage, transfer or disposal of solid waste, hazardous waste, or the provision of soil and fill recycling services; or (2) a sales person employed by a publicly traded corporation or a direct or indirect subsidiary of a publicly traded corporation.
10. Any person who is required to fill out a Disclosure Form such as the Personal History Disclosure Statement must also be fingerprinted. It is the company's responsibility to complete the fingerprinting process.

FINGERPRINT PROCEDURES

11. New Jersey's fingerprint procedures have been updated. Please refer to the fingerprint instructions at <https://www.nj.gov/dep/dshw/a901/a901frms.htm> for further information.

SECOND LEVEL BUSINESS CONCERNS:

12. 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 a New Jersey Department of Environmental Protection (“DEP”) 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.

BUSINESS CONCERN DISCLOSURE STATEMENT FOR LESSORS:

13. 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.
14. 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.
15. 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 is protected from unauthorized public disclosure pursuant to N.J.A.C. 7:26-16.14.
16. **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.

17. **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.**
18. Should you have any questions you may call our office between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday at (609) 376-3270.

SOLID WASTE TRANSPORTER REQUIREMENTS

19. In addition to obtaining an A-901 license approval, solid waste transporters must also 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 email DEP for questions regarding the CPCN at swutility@dep.nj.gov or you can call (609) 984-4250 for more information.
20. You must register as a solid waste transporter in accordance with N.J.A.C. 7:26-3.1 et seq. and obtain a NJDEP registration identification number and decals for vehicles that will be used to transport that waste.
21. You must fulfill specific leasing requirements as outlined in N.J.A.C. 7:26-3.4(h) when leasing additional vehicles to transport waste.

HAZARDOUS WASTE TRANSPORTER REQUIREMENTS

22. In addition to obtaining an A-901 license, hazardous waste transporters must also:
 - a. Obtain a United States Environmental Protection Agency (“EPA”) identification number. Call EPA Region II at (212) 637-3660 for more information.
 - b. Meet USDOT-mandated liability insurance requirements at 49 CFR 387.
 - c. Provide an employee training program that includes instruction on vehicle operation, waste handling, emergency procedures, and uses of emergency equipment.
23. Vehicles must be placarded and hazardous waste transported in properly labeled containers in accordance with USDOT requirements listed in 49 CFR 171-179.
24. Hazardous waste transporters must also meet the standards for drivers listed in 49 CFR 391.

25. 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.
26. Spills must be contained and handled in accordance with N.J.A.C. 7:26- 7.5 et seq.
27. Please note that hazardous wastes are specifically identified and regulated by the EPA at 40 CFR Parts 261 and 262, and are incorporated by reference into the regulations of the DEP at N.J.A.C. 7:26G-1.4.

SOLID WASTE BROKERS

28. Pursuant to N.J.A.C. 7:26-16.3(a) and N.J.A.C. 7:26H-1.6(a), solid waste brokers must have an A-901 license and Certificate of Public Convenience and Necessity (“CPCN”).

SOLID WASTE FACILITY

29. 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 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.
30. To obtain a Certificate of Public Convenience and Necessity, please call (609) 984-4250.
31. 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 obtain an EPA Identification Number. Call EPA Region II at (212) 264-9880 for more information.
32. Solid Waste Facilities must also obtain an approved permit to operate a hazardous facility from the Bureau of Recycling and Hazardous Waste Management. Please call (609) 984-3438 for more information.

A-901 APPLICATION PROCESS

33. 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 DEP for approval/denial. Excluding sole proprietorships and certain partnerships, the DEP does not license individual employees of a company but rather licenses the company which is the applicant.
34. Note that A-901 Applicants 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

35. A-901 Licensees are required to submit an annual update as part of the A-901 Program yearly renewal. Updates are due by November 1st of each calendar year.
36. Please note that the Department requires notification within 30 days of any change 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

37. The DEP and the A-901 Unit must be notified prior to changes in ownership of an A-901 approved licensee if the licensee also has a CPCN. If the licensee does not have a CPCN but wishes to change ownership, the licensee must inform the DEP and the A-901 Unit within 30 days of the change in ownership.
38. Questions about change in ownership may be directed to the A-901 Unit at (609) 376-3270.

DISQUALIFYING CRIMES

Pursuant to N.J.S.A. 13:1E-133(b) and N.J.A.C. 7:26-16.8(b), any person who has been committed any of the following twenty-two categories of crimes, in New Jersey or any other jurisdiction, is disqualified from participation in the New Jersey waste industry:

1. Murder;
2. Kidnapping;
3. Gambling;
4. Robbery;
5. Bribery;
6. Extortion;
7. Criminal usury;
8. Arson;
9. Burglary;
10. Theft and related crimes;
11. Forgery and fraudulent practices;
12. Fraud in the offering, sale or purchase of securities;
13. Alteration of motor vehicle identification numbers;
14. Unlawful manufacture, purchase, use or transfer of firearms;
15. Unlawful possession or use of destructive devices or explosives;
16. Violation of N.J.S.A. 2C:35-5, except N.J.S.A. 2C:35-10 or possession of 84 grams or less of marijuana;
17. Racketeering, N.J.S.A. 2C:41-1 et seq.;
18. Violation of criminal provisions of the "New Jersey Antitrust Act," N.J.S.A. 56:9-1 et seq.;
19. Any purposeful, knowing, willful or reckless violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations, including but not limited to solid waste or hazardous waste management law, rules or regulations;
20. Violation of N.J.S.A. 2C:17-2: "Causing or Risking Widespread Injury or Damage";
21. Perjury, false swearing or any other offense set forth in Chapter 28 of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:28-1 et seq.;
22. Any violation of the Solid Waste Utility Control Act, N.J.S.A. 48:13A.
23. Aggravated assault.

REHABILITATION CRITERIA

N.J.S.A. 13:1E-133.1 provides for an exception to the disqualification that would otherwise result from a criminal conviction where the applicant, a licensee or individual demonstrates the convicted person's rehabilitation "by clear and convincing evidence."

The Department will consider the following factors when weighing the issue of rehabilitation for convicted individuals:

1. The nature and responsibilities of the position which a convicted individual would hold;
2. The nature and seriousness of the crime;
3. The circumstances under which the crime was committed;
4. The date of the crime;
5. The age of the individual when the crime was committed;
6. Whether the crime was an isolated or repeated act;
7. Any evidence of good conduct in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, or the recommendation of persons who have supervised the convicted individual since the conviction;
8. The full criminal record of the convicted individual, any record of civil or regulatory violations or notices or any complaints alleging any such civil regulatory violations, or any other allegations of wrong doing.

SEVERANCE OF DISQUALIFYING INDIVIDUALS

As an alternative to demonstrating "rehabilitation", an applicant or licensee may be able to avoid disqualification by severing the interest or affiliation of the person who would otherwise cause disqualification. Under a regulation of the Department, N.J.A.C. 7:26-16.11, companies that choose this course must completely sever the individual's interest or affiliation, and file an affidavit attesting to the terms of the removal.

Applicants and licensees should be aware that severing a disqualifying individual will not necessarily guarantee a license, especially if the presence of the disqualified individual evidences unreliability in the company management.