

BUSINESS CONCERN DISCLOSURE STATEMENT FOR SECOND LEVEL COMPANIES

Mail to:

Environmental Permitting and Counseling Section, A901 Unit
25 Market Street, P.O. Box 093
Trenton, NJ 08625-0093
(609) 376-3270

Name and Mailing Address of Applicant:

Name of A901 Applicant owned by this Second Level Company:

Name of person to be contacted in reference to these forms:
(Please only list an Attorney, Owner or other Key Employee that can discuss company information).

Name: _____

Title: _____

Phone: _____

Email: _____

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PART I: IDENTIFYING DATA

1. Please enclose a copy of your company's New Jersey Certificate of Incorporation.

If your company was created outside of New Jersey, enclose the certificate of formation from the company's home state or country, and a New Jersey Certificate of Authority.

2. Fill in the following information concerning the company making this application.

Name: _____

Alternate or Trade names: _____

Your company must register any alternate name or trade name in accordance with N.J.S.A. 14A:2-21 (for corporations), N.J.S.A. 42:2B-4 (for limited liability companies) or N.J.S.A. 42:2A-6.1 (for limited partnerships). List all alternate names and attach proof of registration.

Previously used names: _____

Certificate of Incorporation #: _____ FEIN #: _____

State of Incorporation: _____ Date of Incorporation: _____

Check One: Corporation LLC Partnership Sole Proprietorship

Street address of principal office - **do not list P.O. Box:**

Phone: _____ Email: _____

Website: _____

2. EXISTING REGISTRATIONS/PERMITS/I.D.s

USDOT #: _____ USEPA #: _____

Other: _____

3. LOCATIONS IN NEW JERSEY. List all locations in the State of New Jersey where your company **has operated in the last ten years, is currently operating or plans to operate:** any aspect of a recycling, solid waste, hazardous waste or soil and fill recycling business (except as a small quantity generator), including offices or equipment storage. Please enclose copies of the State-issued document authorizing your company to operate the facility. If the solid waste, hazardous waste, or soil and fill recycling facility operates under a settlement agreement, consent order, or court order, attach copy of same.

Address: _____

Description of Property Use: _____

Property Owner: _____

Address: _____

Description of Property Use: _____

Property Owner: _____

Address: _____

Description of Property Use: _____

Property Owner: _____

4. LOCATIONS OUTSIDE OF NEW JERSEY. List all locations outside of New Jersey where your company **has operated in the last ten years, is currently operating or plans to operate:** any aspect of a recycling, solid waste, hazardous waste, or soil and fill recycling business, including offices or equipment storage. Enclose copies of the State-issued document authorizing your company to operate the facility. If the facility operates under a settlement agreement, consent order, or court order, attach copy of same.

Address: _____

Description of Property Use: _____

Property Owner: _____

Address: _____

Description of Property Use: _____

Property Owner: _____

PART II: PARTNERSHIP/JOINT VENTURE DATA

(Part II to be completed **only** by Partnerships or Joint Ventures)

5. If any business concern is listed below, a separate Business Concern Disclosure Statement (**not a Second-Level Statement**) describing that business concern must be completed and filed with this Disclosure Statement.

6. PARTNERS OR JOINT VENTURERS. List the following information as to each partner or joint venturer **and enclose agreement(s)**. Use additional copies of this page, as necessary. If a limited partnership, list limited partners separately under the heading "limited partners." **Each individual listed below must also complete and file with this Disclosure Statement a Personal History Disclosure Form.** Each individual listed below must also be listed in Part V: Involved Individuals. Do not provide SS# for any individual who has not signed the Consent Form for Disclosure of Social Security Number.

Name: _____

Address: _____

FEIN #: _____ Telephone: _____

Pick one: General Partnership Limited Partnership Joint Venture

Name: _____

Address: _____

FEIN #: _____ Telephone: _____

Pick one: General Partnership Limited Partnership Joint Venture

Name: _____

Address: _____

FEIN #: _____ Telephone: _____

Pick one: General Partnership Limited Partnership Joint Venture

PART III: OWNERSHIP

7. Provide information below for each individual and business concern that currently holds equity in your company or has previously held equity in your company in the last five years.

Each individual listed below must submit a Personal History Disclosure Statement. Each business listed below must submit a Second Level Business Concern Disclosure Statement.

Name: _____ **Phone #:** _____

Date that interest was obtained: _____ / _____ % of interest: _____

Name: _____ **Phone #:** _____

Date that interest was obtained: _____ / _____ % of interest: _____

Name: _____ **Phone #:** _____

Date that interest was obtained: _____ / _____ % of interest: _____

Name: _____ **Phone #:** _____

Date that interest was obtained: _____ / _____ % of interest: _____

Name: _____ **Phone #:** _____

Date that interest was obtained: _____ / _____ % of interest: _____

8. OWNERSHIP CHART. Please provide a chart detailing your company's ownership structure.

If your company is a subsidiary of a parent corporation, or is the parent of one or more subsidiaries, or is part of a conglomerate or a group of companies in common ownership, supply a chart showing the names, FEIN numbers and relationships of all parent, sister, subsidiary and affiliate corporations, and/or members of the conglomerate or group. Include ultimate parents. This question applies to related companies in any business, not just the solid waste, hazardous waste or soil and fill recycling business.

PART IV: EXPERIENCE AND CREDENTIALS

99. Does your company currently hold a Transporter Registration issued by NJDEP? Has your company held a Transporter Registration within the past five years?

No Yes , Provide the following information:

Name of Registrant: _____ Registration #: _____

Name of Registrant: _____ Registration #: _____

10. Does your company currently hold any license or registration issued by the New Jersey Division of Consumer Affairs? Has your company held any such license or registration within the past five years [] No [] Yes, provide the following information:

Name of Licensee: _____ **License #:** _____

Type of License: _____ Currently Valid? []

Name of Licensee: _____ **License #:** _____

Type of License: _____ Currently Valid? []

11. Describe your company's experience and credentials in the brokerage, collection, transfer, transportation, treatment, storage, processing, recycling or disposal of solid waste, hazardous waste, or soil and fill recyclable materials.

Check here if additional copies of this page are attached.

PART V: RELATIONSHIPS WITH OTHER COMPANIES

12. SUBCONTRACTING, BROKERING, AND CONSULTING. Has your company worked as a subcontractor, broker or consultant in the last five years, for work relating to the collection, transportation, treatment, storage, transfer, recycling or disposal of solid waste, hazardous waste or soil and fill recyclable materials?

No Yes , Provide the following information and provide a copy of each work agreement.

Name: _____ **Phone #:** _____

Description of Work Done:

Name: _____ **Phone #:** _____

Description of Work Done:

Name: _____ **Phone #:** _____

Description of Work Done:

Name: _____ **Phone #:** _____

Description of Work Done:

Name: _____ **Phone #:** _____

Description of Work Done:

Check here if additional copies of this page are attached.

13. LEASES. Has your company leased waste or fill transportation equipment or operators to any other individual or company within the last five years?

No Yes , Provide the following information:

Name of Lessee: _____ **Phone #:** _____

of vehicles leased: _____ # of drivers leased: _____

Name of Lessee: _____ **Phone #:** _____

of vehicles leased: _____ # of drivers leased: _____

Name of Lessee: _____ **Phone #:** _____

of vehicles leased: _____ # of drivers leased: _____

Name of Lessee: _____ **Phone #:** _____

of vehicles leased: _____ # of drivers leased: _____

Name of Lessee: _____ **Phone #:** _____

of vehicles leased: _____ # of drivers leased: _____

You must also provide a copy of each lease agreement.

14. EQUITY INTERESTS. List any business concern, in the United States or in any foreign country, in which your company currently holds any equity interest, or previously held at least a twenty-five percent interest within the last five years.

Name: _____ **Telephone:** _____

Address: _____

FEIN #: _____ % of Equity: _____ Equity Held from ____ / ____ to ____ / ____

Description of Equity: _____

Name: _____ **Telephone:** _____

Address: _____

FEIN #: _____ % of Equity: _____ Equity Held from ____ / ____ to ____ / ____

Description of Equity: _____

PART VI: INVOLVED INDIVIDUALS

15. List all individuals currently involved with this company. Each individual listed below must sign the attached Consent Form for Disclosure of Social Security Numbers **and must submit a Personal History Disclosure Statement.**

OFFICERS

Name	Title	Date of Birth	SSN
------	-------	---------------	-----

DIRECTORS

Name	Title	Date of Birth	SSN
------	-------	---------------	-----

LLC MEMBERS

Name	Date of Birth	SSN	% of Membership
------	---------------	-----	-----------------

DEBT HOLDERS

Name	Date of Birth	SSN	Balance of Debt
------	---------------	-----	-----------------

KEY EMPLOYEES

Please list any individual employed by your company in a supervisory capacity or empowered to make discretionary decisions with respect to solid waste, hazardous waste or soil and fill recycling operations of the company within New Jersey. N.J.S.A. 13:1E-127(f).

Name	Title	Date of Birth	SSN
------	-------	---------------	-----

16. DEBARRED INDIVIDUALS. List all individuals involved with this company in any capacity whatsoever: whether as employee, consultant, landlord, tenant, debtholder, lessor, or equity holder: who have ever been debarred from the New Jersey or New York waste industries. You can find a list of the individuals barred from the New Jersey waste industry at <http://www.state.nj.us/dep/dshw/a901/A901debarmentlist.pdf>.

Name	Title	Date of Birth
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PART VII: FINANCIAL HISTORY

17. DEBT HELD BY CHARTERED LENDING INSTITUTIONS. List the following information as to debt liability held by any chartered lending institution, such as a commercial bank or savings & loan association, now or within the last five years. Provide a copy of each debt document.

"Debt liability" means any form of monetary obligation other than an ownership interest. It includes bonds, debentures, notes, mortgages and loans of any kind, secured or unsecured. In answering the questions which follow, you may omit accounts payable for goods and services received unless the amount owed to a particular creditor exceeds 5% of the applicant's total debt liability.

Institution: _____ **Telephone #:** _____

Description of Debt: _____

_____	_____	\$ _____	\$ _____
Date incurred	Expected End Date	Original Balance	Present Balance

Institution: _____ **Telephone #:** _____

Description of Debt: _____

_____	_____	\$ _____	\$ _____
Date incurred	Expected End Date	Original Balance	Present Balance

18. DEBT HELD BY OTHER LENDERS. List all debt liability owed by your company to any other business concern, now or within the last five years. Individuals who hold debt liability of your company must be listed in Part VI: Involved Individuals.

Name: _____ **Telephone #:** _____

Description of Debt: _____

_____	_____	\$ _____	\$ _____
Date incurred	Expected End Date	Original Balance	Present Balance

Name: _____ **Telephone #:** _____

Description of Debt: _____

_____	_____	\$ _____	\$ _____
Date incurred	Expected End Date	Original Balance	Present Balance

19. BANKRUPTCY: Has your company or a parent company of your company filed a bankruptcy petition or been the subject of an involuntary bankruptcy petition within the last 10 years? If so, set forth the following information.

Date of Petition: _____ **Venue:** _____

Chapter: 7 11 13 Disposition: _____

Date of Petition: _____ **Venue:** _____

Chapter: 7 11 13 Disposition: _____

20. If your waste or fill business has been organized within the last ten years, or is yet to be organized, describe the source and amounts of the money enabling the company to commence operations.

If the source is personal funds, provide the amount, the bank name and account number.

If the source is another individual, provide the amount and that person's full name and address.

If the source is a business, provide the amount and the business's full name and address.

PART VIII: LICENSES AND PERMITS HELD

21. List **all** licenses, permits, registrations, approvals, and operating authorizations issued to the applicant in the last ten years by any local, state or federal environmental regulatory agency. Use additional copies of this page, as necessary.

Check here if additional copies of this page are attached.

Include a copy of each document.

Description of Document:

Document was in use from (Month/Year) _____ / _____ to _____ / _____

Issuing Agency: _____ Agency reference #: _____

Description of Document:

Document was in use from (Month/Year) _____ / _____ to _____ / _____

Issuing Agency: _____ Agency reference #: _____

Description of Document:

Document was in use from (Month/Year) _____ / _____ to _____ / _____

Issuing Agency: _____ Agency reference #: _____

Description of Document:

Document was in use from (Month/Year) _____ / _____ to _____ / _____

Issuing Agency: _____ Agency reference #: _____

PART IX: ENVIRONMENTAL VIOLATIONS HISTORY

22. List all Summonses, Notices of Violation, Notices of Prosecution, Administrative Orders, Administrative Actions, civil complaints, or Notices of Intent to Deny or Revoke any license or permit, or similar notices, issued to:

- a. Your company, any predecessor of your company, or any previous name under which your company operated;
- b. Subsidiaries: Any business in which your company holds at least twenty-five percent of equity or debt liability;
- c. Sister companies: Any business in which your company's parent company holds more than twenty-five percent of the equity or debt liability; or
- d. Any Owner, Officer, Director, Partner, Joint Venturer or Key Employee of your company, and any business concern owned or controlled by any such individual;

within the past ten years by any local, state or federal environmental enforcement agency, including the New Jersey Department of Environmental Protection, the New Jersey Board of Public Utilities, and the United States Environmental Protection Agency. Include a copy of each document. Use additional copies of this page, as necessary.

Check here if additional copies of this page are attached.

Name of entity cited: _____ **Date of issuance:** _____

Issuing Agency: _____ Amount of penalty or damages: \$ _____

Description of Allegations:

Name of entity cited: _____ **Date of issuance:** _____

Issuing Agency: _____ Amount of penalty or damages: \$ _____

Description of Allegations:

PART X: CIVIL JUDGMENTS AND PENDING LITIGATION

23. CIVIL JUDGMENTS. List and explain all judgments of liability in excess of \$60,000 rendered against your company in the past ten years. You need not list "slip and fall" cases or cases arising out of automobile or truck accidents if no fatality occurred. Use additional copies of this page, as necessary.

Check here if additional copies of this page are attached.

Caption of case: _____

Docket #: _____ Venue: _____

Date judgment or order entered: _____ Amount of judgment: \$ _____

Description of case:

Caption of case: _____

Docket #: _____ Venue: _____

Date judgment or order entered: _____ Amount of judgment: \$ _____

Description of case:

24. PENDING LITIGATION. List and explain all civil suits and arbitration cases in which your company is presently involved as a party. You need not list "slip and fall" cases; cases arising out of automobile or truck accidents if no fatality occurred; and suits seeking less than \$60,000 in damages where no other relief is sought. Use additional copies of this page, as necessary.

Check here if additional copies of this page are attached.

Caption of case: _____

Docket #: _____ Venue: _____

Description of case:

PART XI: CRIMINAL PROCEEDINGS

25. List all indictments, accusations, summonses, complaints, and informations filed against your company for any crime, including misdemeanors and disorderly persons offenses. Notwithstanding the foregoing, you need not list convictions for any violation of Title 39 of the Revised Statutes (N.J.S.A.) other than a violation of the provisions of N.J.S.A. 39:5B-18 et seq., N.J.S.A. 39:5B-25 et seq. or N.J.S.A. 39:5B-30 et seq., or comparable motor vehicle offenses in jurisdictions other than New Jersey. Death by Auto or Vehicular Homicide is considered a criminal offense and must be listed.

Entity charged: _____ **Date of Charge:** _____

Docket #: _____ Jurisdiction: _____

Alleged offenses: _____

Disposition or Sentence: _____

Entity charged: _____ **Date of Charge:** _____

Docket #: _____ Jurisdiction: _____

Alleged offenses: _____

Disposition or Sentence: _____

Entity charged: _____ **Date of Charge:** _____

Docket #: _____ Jurisdiction: _____

Alleged offenses: _____

Disposition or Sentence: _____

Entity charged: _____ **Date of Charge:** _____

Docket #: _____ Jurisdiction: _____

Alleged offenses: _____

Disposition or Sentence: _____

26. EVIDENCE OF REHABILITATION. A conviction of your company for any of the crimes listed in N.J.S.A. 13:1E-133(b), as well as Appendix B of this document, will result in denial of this application, unless your company can demonstrate rehabilitation from the crimes "by clear and convincing evidence." The factors the Department will consider are set forth in N.J.S.A. 13:1E-133.1(c) as well as Appendix C. Set forth any written evidence or arguments you wish to make that demonstrate rehabilitation. Attach additional sheets if necessary. Attach any additional documents you wish the Department to consider.

PART XII: CONSENT FORM FOR DISCLOSURE OF SOCIAL SECURITY NUMBERS

Each individual currently involved with this company and listed in Part VI, "Involved Individuals," must submit a signed copy of this form.

I, _____, hereby certify that I have read the Notice on this page and I consent to the disclosure of my social security number for the limited purposes set forth therein.

Notice required under Section 7(b) of the Federal Privacy Act of 1974

Under section 7(b) of the Privacy Act of 1974, 5 U.S.C. 552a(note), any government agency which requests an individual to disclose his Social Security account number must inform that individual by what statutory or other authority such number is solicited, what uses will be made of it, and whether the disclosure is mandatory or voluntary.

The New Jersey Department of Environmental Protection is authorized to request Social Security numbers by N.J.S.A. 13:1E-127(e), the section of the A-901 statute that defines the content of the Disclosure Statement. The Social Security number is used as a secondary identifier when the State Police conduct checks of criminal history records maintained by the State and Federal governments. When the State Police obtain records from outside sources, the Social Security number may be used to determine whether the records pertain to the individual under investigation.

The listing of Social Security numbers on the disclosure forms is voluntary. Under Section 7(a) of the Federal Privacy Act of 1974, the Department cannot deny or revoke a license or impose any penalty because of an individual's refusal to disclose a Social Security number. However, confirmation of identification without a Social Security number may take longer, which would lengthen the State Police investigation and thereby lengthen a decision on licensure. In addition, there is the possibility that the absence of a Social Security number may result in the initial identification of an individual as having a criminal record which actually is that of another person. That, again, may result in a delay in the decision on licensure.

/s/

Signature

Date

Print name

APPENDIX A: INSTRUCTIONS

For questions related to the A901 Program, feel free to contact the New Jersey Division of Law, Environmental Permitting and Counseling Section, A901 Unit, at (609) 376-3270.

1. WHO MUST FILL OUT THIS FORM. Second-Level Business Concern Disclosure Statements must be filed by all parent companies of the A901 applicant, including all immediate, intermediate and ultimate parent companies. Each parent company must file a separate Second-Level Business Concern Disclosure Statement.

Parent companies include any business concern which holds any equity or debt liability in the applicant or license-holder itself, or which holds, directly or through another entity, any debt liability or equity in a parent company. In other words, all business entities "upstream" of the applicant or license holder, i.e., parents, grandparents, great-grandparents, etc. must file Second-Level Business Concern Disclosure Statements. These Second-Level Forms must be submitted along with the Business Concern Disclosure Statement of the applicant or license holder. Debt liability does not include debts owed to a chartered lending institution, or accounts payable for goods and services received unless the amount owed to a particular creditor is greater than \$10,000 and also exceeds 5% of the business concern's total debt liability or net worth, whichever is greater.

2. ALL QUESTIONS MUST BE ANSWERED. Read every question carefully before answering it. Answer every question completely. Do not leave any blank spaces. Provide a response in each section. If an answer is "none", write "none". If the item is not applicable, write "not applicable" or "N/A", with an explanation of why. Unanswered questions will result in the form being deemed incomplete and, therefore, returned for additional information.

3. ANSWER COMPLETELY AND TRUTHFULLY. You should not answer "Do Not Remember" or something similar simply because the information is not immediately at hand. You are expected to make reasonable efforts to check your records so that you can answer the questions completely. Failure to answer truthfully may result in a denial or revocation of a business concern's application or license.

4. ADDITIONAL SPACE. If you need additional space to answer a question, use copies of the appropriate pages. Insert additional pages immediately following the page on which the question you are answering initially appears.

5. FEE CALCULATION. Certain fees must be paid to the Division of Law in connection with the processing of this Disclosure Statement. The Division of Law will calculate the fee upon the review of the Disclosure Statement and forward an invoice to the applicant - **DO NOT SEND PAYMENT WITH THE SUBMISSION OF THIS DISCLOSURE DOCUMENT.**

6. PERSONAL HISTORY DISCLOSURE FORMS. Personal History Disclosure Forms must be submitted by the equity holders, directors, officers, partners and key employees of the applicant or license-holder itself.

a. In addition, Personal History Disclosure Forms must be filed by the equity holders, directors, partners and officers of all parent companies of the applicant or license-holder. This applies to all immediate, intermediate and ultimate parent companies.

b. Please Note: If a business concern has more than four officers or two key employees, contact the

Division of Law at the numbers or address noted below prior to submitting the Personal History Disclosure Statements for those officers or key employees.

7. LESSOR BUSINESS CONCERN DISCLOSURE STATEMENTS. Business Concern Disclosure Statements for Lessors must be filed by business concerns from which the applicant leases ten or more solid waste vehicles and operators and which are not themselves permittees or licensees, or when such leased vehicles represent at least 20 percent of the permittee's or licensee's fleet of solid waste vehicles, or when they lease 20 or more solid waste operators from a single lessor which is not a permittee or licensee, as well as personal history disclosure statements for the lessor's directors, officers, key employees, partners, and equity holders. N.J.A.C. 7:26-16.6(i) and (j).

8. ATTACHMENTS AND/OR EXHIBITS. In order to submit any document in connection with your answer to any question, refer to it in your answer as "Attachment No._____" or "Exhibit No._____" and attach it at the end of the form.

9. TYPE OR PRINT YOUR ANSWERS. Type or print in legible block letter style. Handwritten forms will be returned if entries are illegible. This form is available online at www.state.nj.us/dep/dshw.

WARNING

FRAUDULENT, DECEPTIVE OR MISLEADING ANSWERS ON DISCLOSURE STATEMENTS MAY RESULT IN THE DENIAL OR REVOCATION OF A LICENSE OR LOSS OF AUTHORIZATION TO ACT AS A LESSOR TO A LICENSEE OR PERMITTEE. IN ADDITION, ANY PERSON WHO MAKES FALSE OR MISLEADING STATEMENTS ON THIS FORM MAY BE SUBJECT TO CRIMINAL PROSECUTION.

Be especially careful not to leave out information in a way that might create an impression that you are trying to hide it. For example, a minor criminal conviction will probably not disqualify you or your company from being licensed -- but attempting to conceal the conviction may lead to a finding of untrustworthiness and result in disqualification. Omitting such information from this form, even unintentionally, may result in your trustworthiness being questioned. Even if the question is resolved in your favor, an application may be delayed while the inquiry goes forward.

If you are unsure of, or do not remember the answer to a question, indicate this in some way -- For example, by writing "Do Not Remember". This may result in additional inquiries from the Department or the Attorney General's Office, but it will avoid the implication that you are trying to conceal information. However, you should not answer "Do not remember", simply because the information may not be immediately at hand. You are expected to make reasonable efforts to check your records so that you can answer the questions completely.

APPENDIX B: FINGERPRINTS

IF YOU LIVE OR WORK IN NEW JERSEY, OR WITHIN FIFTY MILES OF NEW JERSEY: New Jersey uses the “Live Scan” fingerprinting process for individuals who work or reside within an approximate 50 mile radius of New Jersey. After you have submitted your application, you will receive instructions from New Jersey State Police on Live Scan fingerprinting.

IF YOU LIVE AND WORK FURTHER THAN FIFTY MILES FROM NEW JERSEY: Individuals who work and reside outside of a 50 mile radius of the State of New Jersey can obtain fingerprint cards at: <http://www.state.nj.us/dep/dshw/a901/a901frms.htm>. Follow the instructions that accompany the cards. You can also contact us for assistance at 609-376-3270.



New Jersey State Police

THIS RECORD IS SUBJECT TO THE FOLLOWING USE AND DISSEMINATION RESTRICTIONS

Under provisions set forth in *Title 28, Code of Federal Regulations (CFR), Section 50.12*, both governmental and nongovernmental entities authorized to submit fingerprints and receive FBI identification records must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. Identification records obtained from the FBI may be used solely for the purpose requested and may not be disseminated outside the receiving department, related agency or other authorized entity. If the information on the record is used to disqualify an applicant, the official making the determination of suitability for licensing or employment shall provide the applicant the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. The deciding official should not deny the license or employment based on the information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so. An individual should be presumed not guilty of any charge/arrest for which there is no final disposition stated on the record or otherwise determined. If the applicant wishes to correct the record as it appears in the FBI's CJIS Division Records System, the applicant should be advised that the procedures to change, correct or update the record are set forth in *Title 28, CFR, Section 16.34*.

APPENDIX C: DISQUALIFYING CRIMES

Pursuant to N.J.S.A. 13:1E-133(b) and N.J.A.C. 7:26-16.8(b), an applicant, permittee or licensee may be disqualified from holding a solid waste or hazardous waste license "if any person required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant, permittee, or the licensee" has been convicted of any of 22 categories of crimes listed in the statute.

The term "any person required to be listed in the disclosure statement" includes owners, stockholders, officers, directors, partners, key employees and holders of debt liability. The term "shown to have a beneficial interest" is meant to cover situations where an individual has an informal interest that may not show up on a disclosure statement-- such as a regular cash payment from company funds.

Disqualifying crimes are any of the following under New Jersey laws, or equivalent laws of any other jurisdiction.

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;
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.

APPENDIX D: 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 "by clear and convincing evidence" the convicted person's rehabilitation.

The Department is required to request a recommendation from the Attorney General, and to 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.