BACKGROUND INVESTIGATION DISCLOSURE STATEMENT APPLICATION

INTRODUCTION

Attached is the Background Investigation Disclosure Statement Application (“Application”). The Background Investigation Disclosure Statement Application must be filled out accurately and completely.

INSTRUCTIONS

Each person (defined by West Virginia Code, Chapter 22, Article 15, Section 2(25)) that is required to be listed in Questions 2 and 6 must answer all questions contained in the Application. If the person is able to affirm all statements contained in the attached Affidavit, then the Affidavit shall be filed with this application. However, if this affirmation is not possible, then an addendum form must be filed for each spouse, child, sibling and parent of the person with this application. The filing of this affidavit does not preclude the Director from requiring an addendum to be submitted later.

All individuals listed in either Question 2 and Question 6 may fill out an affidavit instead of the addendum if the individuals are able to affirm all the statements contained in the affidavit. However, if this affirmation is not possible, then an addendum form must be filed for each spouse, child, sibling and parent of the individual. The filing of the affidavit does not preclude the Director from requiring an addendum to be submitted at a later date. Any person listed on an addendum may be required to complete a Background Investigation Disclosure Statement application at the Director’s discretion.

Promoting a healthy environment.
All persons listed below in Questions 2 and 6 must answer Questions 7 through and including Question 24. **A separate background investigation disclosure statement is required for each person listed.**

Each individual listed in the application in Questions 2 and 6 is required to submit two fingerprint cards, Form FD-258. The Division can supply the necessary fingerprint cards upon request.

For all persons listed in Questions 2 and 6 a nonrefundable one thousand ($1,000.00) dollars per person investigation fee must be submitted to the Division of Water and Waste Management with this application and fingerprint cards in order to initiate review. Any person, who at the Director’s discretion, is required to file an application at a later date, will have to submit the nonrefundable one thousand ($1,000.00) dollars per person investigation fee at that time. This fee is required pursuant to subdivision 3.14.b. of 33CSR1 “Solid Waste Management Rule”.

All information in Questions 8, 9, 10, 11 and 22 shall fully describe the information required for the previous ten (10) years of the filing date of this application.

If this application is being submitted by a partnership, this application must be signed by each of its partners. If this application is being submitted by a limited partnership, this application only needs to be signed by each of its general partners. If this application is being submitted by a corporation, the permit application must be signed by its president, its chairman of the board, any other chief executive officer thereof, its secretary, and its treasurer.

The application shall be filed by submitting one original set of all papers that is notarized and one certified copy of all papers. All documents must contain original signatures. The Division must be notified of any future changes to the application.

If you have any questions, please contact the Solid Waste Management Unit at (304) 926-0499, or:

**West Virginia Department of Environmental Protection**
Solid Waste Management
601 57th Street
Charleston, WV 25304
BACKGROUND INVESTIGATION
DISCLOSURE STATEMENT APPLICATION
FOR A SOLID WASTE FACILITY PERMIT

A. As defined by West Virginia Code §22-15-2(2) “Applicant” means:

the person applying for a commercial solid waste facility permit
or similar renewal permit and any person related to such person
by virtue of common ownership, common management or family
relationships as the director may specify, including the following:
Spouses, parents and children and siblings.

B. As defined by West Virginia Code §22-15-2(25) “Person” or "persons" means:

any industrial user, public or private corporation, institution,
association, firm or company organized or existing under the laws of
this or any other state or country; State of West Virginia;
governmental agency, including federal facilities; political
subdivision; county commission; municipal corporation; industry;
sanitary district; public service district; drainage district; soil
conservation district; watershed improvement district; partnership;
trust; estate; person or individual; group of persons or individuals
acting individually or as group; or any legal entity whatever.
C. Application Information

1. Purpose of the application (Permit modification, permit transfer, permit closure, or operational permit): ________________________________

2. List all applicable information for the Permit Applicant.

**Full Name** (First, Middle, Last. Individual or business, whichever applies):

______________________________________________

Have you ever used an alias? ________________________________

If **yes**, what alias have you used?

______________________________________________

______________________________________________

______________________________________________

Business Address: ______________________________________

______________________________________________

______________________________________________

Home Address: ______________________________________

______________________________________________

______________________________________________

Is your mailing address the same as your residential address? ______

If **not**, what is your mailing address?

______________________________________________

______________________________________________

______________________________________________

______________________________________________

Email Address: ______________________________________

Telephone number: ____________________________________

How do you wish to be contacted, telephone or email? ______________
3. List the following information for any contractor who recovers gas or energy from the proposed operation if the contractor is a person other than the applicant.

Name of Contractor: ____________________________
Business Address: ____________________________
Telephone No.: (____) _______ - ________

4. List the following information for the owners of record of all surface and subsurface areas within, and contiguous to, the proposed permit area.

Name: ____________________________
Address: ____________________________

5. List the following information for the holders of record to a leasehold interest in all surface or subsurface areas within, and contiguous to, the proposed permit area.

Name: ____________________________
Address: ____________________________
6. List the name of every officer, director, manager, or shareholder owning five (5) percent or more of capital stock, beneficial or otherwise, general or limited partner, any person performing a function similar to a director, United States parent corporations, including ultimate parent corporations, agent, or associates of the permit applicant.

Name: __________________________________________
Address: _______________________________________

Telephone No.: (___) _______ - _________
Date of Birth: _______ / _______ / _________
Social Security No. or State Tax ID: ____________________________

7. Provide the full name and business address of any company which collects, transports, treats, stores, disposes or processes solid waste or hazardous waste in which any person listed in Question 2 or Question 6 currently owns or operates, or owned or operated, in the previous ten (10) years.

Name: __________________________________________
Address: _______________________________________

Telephone No.: (___) _______ - _________
State Tax ID No.: ____________________________
8. A description of the experience and credentials, including any past or present permits or licenses, for the collection, transportation, treatment, storage, disposal or processing of solid waste or hazardous waste possessed by any person listed in Question 2 or 6 and Question 7.

Type of Permit/ License: ________________________________
Permit/ License Number: ________________________________
Location: ____________________________________________
____________________________________________________
Issuance Date: ________________________________________
Expiration Date: _______________________________________  

9. A listing, explanation and status of any notices of violation, citations, indictments, subpoenas, prosecutions, administrative orders or other similar action, permit/ license revocations, permit/ license denials, or permit/ license suspensions issued by any state or federal authority, which are pending or have resulted in a finding, a settlement or a conviction of a violation of any law or regulation relating to the collection, transportation, treatment, storage, disposal or processing of solid waste or hazardous waste by any person listed in Question 2 or 6 and Question 7.

Type of action: ________________________________________
Date: ________________________________________________
Explanations, including nature of action: ____________________
____________________________________________________
Status: ______________________________________________

10. A listing, explanation and status of any judgment of liability, bond forfeiture action, civil administrative penalty, consent order, plea, plea bargain, consent adjudication, consent decree or settlement agreement, or other similar acts or convictions which were rendered pursuant to any state or federal statute, state or federal regulation, or local ordinance against any person listed in Question 2 or 6 and Question 7.

Type of action: ________________________________________
Date: ________________________________________________
Explanations: _________________________________________
____________________________________________________
Status: ______________________________________________
11. A listing, explanation and status of any misdemeanor or felony conviction, or plea of guilt or no contest, that have been obtained against any person listed in Question 2 or 6 and Question 7.

Date of Conviction: ________________________________
Crime or Offense: ________________________________
Explanation: ________________________________
Disposition: ________________________________

12. A listing of any agency outside West Virginia which has regulatory responsibility over any person listed in Question 2 or 6 and Question 7 in connection with its collection, transportation, treatment, storage, disposal or processing of solid waste or hazardous waste.

13. Nature of interest and role of the person listed in Question 2 or Question 6 (check all that apply):

_____ Individual
_____ Corporation - Officer

_____ Manager
_____ Corporation - Agent

_____ Proposed permitted premise-
_____ Corporation - Director

_____ Associates
_____ Corporation - 5% Shareholder

_____ Children
_____ Parent Corporation

_____ Sibling
_____ Partner

_____ Spouse
_____ Partnership - General

_____ Parent
_____ Partnership - Limited Corporation
14. All business, partnerships or corporations for which any person listed in Question 2 or Question 6 is presently an owner, partner, officer, director or manager.

Business Name: ________________________________
Position Held: ________________________________
Address: ______________________________________
______________________________________________

15. The occupation record of the person listed in Question 2 or Question 6 for the past 10 years.

Date: From: _______________ To: _______________
Business Name: ________________________________
Position Held: ________________________________
Address: ______________________________________
______________________________________________

16. Will the person listed in Question 2 or Question 6 take an active part in the operation of the person seeking this permit?

Yes: _______ No: _______

If yes, explain the nature of activity: ________________________________
______________________________________________

17. Has the person listed in Question 2 or Question 6 ever been known by any other names (including maiden name and nicknames)?

Yes: _______ No: _______

If yes, state each such name: ________________________________
______________________________________________

18. Has the person listed in Question 2 or Question 6, or any business partnership or corporation in which the person listed in Question 2 or Question 6 was a principal, ever filed a petition in bankruptcy court or has been judged to be bankrupt?

Yes: _______ No: _______

If yes, give details: ____________________________________________
19. Are there any arrests, indictments or summonses (except for misdemeanor traffic infractions) pending against the person listed in Question 2 or Question 6?

Yes: ________  No: ________

If yes, state below the date of the alleged crime and offense action (arrest, indictment or summons): __________________________

20. Has the person listed in Question 2 or Question 6 ever applied anywhere for a license or permit to transport regulated waste material or regulated hazardous material as an individual, business, partnership or corporation in which the person listed in Question 2 or Question 6 was a principal?

Yes: ________  No: ________  If yes, answer Questions 20a. and 20b.

20a. State name and address of business and date of filing:

Name of Business: __________________________
Address: __________________________

Date of Filing: __________________________

20b. Has such license or permit ever been revoked, canceled or otherwise involuntarily terminated?

Yes: ________  No: ________  If yes, state date and action taken:

21. Has the person listed in Question 2 or Question 6 ever been found in a civil proceeding to have committed a negligent or intentional act in violation of laws or regulations related to handling, storing, treating, disposing or transporting of hazardous waste, solid waste, hazardous material, or any other material in this state or any other state?

Yes: ________  No: ________  If yes, state date filed and disposition:
22. A listing of all permit applications denied the person listed in Question 2 or 6 and Question 7.

Business/ Individual for whom application was denied:

Date denied: ________________________________
By what agency: ________________________________

23. List the principal shareholders that have also been principal shareholders of other corporations which have committed violations of environmental laws or regulations.

Shareholder: ________________________________
Violation: ________________________________
Date: ________________________________

24. All individuals listed in Question 2 and Question 6 must submit four fingerprint cards with this disclosure form -- two cards issued by the state of West Virginia and two cards issued by the federal government.

Cards attached? Yes: No: _______
AFFIDAVIT

I, ____________________________, hereby certify, under penalty of law,

Print Name

that all statements herein made by me are true to my knowledge and belief, that no information known to me to be pertinent to this investigation has been withheld, and if any representations therein are changed prior to the receipt of the permit, I shall so notify the Department of Environmental Protection. False statements made herein will subject any permit issued hereunder to revocation.

______________________________  ______________________________
Signature                        Date

STATE OF WEST VIRGINIA
COUNTY OF: ______________________

Taken, subscribed and sworn to before me the undersigned authority in my said county this ______ day of __________________, 20 ______.

My Commission Expires

_____________________________
Notary Public

STAMP OR SEAL
We will process your personal information (email address, mailing address and/or telephone number) in accordance with the state of West Virginia’s Privacy Policy for appropriate and customary business purposes. Your personal information may be disclosed to other state agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. The Division of Water and Waste Management will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact the DEP’s Chief Privacy officer at depprivacyofficer@wv.gov.