

WESTCHESTER COUNTY SOLID WASTE COMMISSION
APPLICATION FOR
SOLID WASTE BROKER REGISTRATION

The County of Westchester requires all Solid Waste Brokers operating in the County to be registered under Chapter 826-a of the Laws of Westchester County (the “Solid Waste & Recyclables Collection Licensing Law”). Among other things, Chapter 826-a requires that applicants for Solid Waste Broker registrations comply with certain disclosure requirements; that all Applicants and their Principals submit to background investigations; and that all Principals are fingerprinted as part of the overall application screening process.

This application form has been developed in conformance with the application requirements set forth in Chapter 826-a, and shall be utilized by the Westchester County Solid Waste Commission (“Commission”) in determining an Applicant’s qualification for registration as a Solid Waste Broker pursuant to Chapter 826-a.

The full text of Chapter 826-a has been enclosed in this application package. For your convenience, the full text of the law, as well as this application form, is also available on the Internet at: **www.westchestergov.com/solidwastecommission**.

Section 826-a.200 (24) defines “Solid Waste Broker” as follows:

“Solid Waste Broker” means a person or entity who, for a fee, brokers agreements between commercial establishments and providers of Solid Waste removal, collection or disposal services or conducts evaluations or analysis of the waste generated by such commercial establishments in order to recommend cost efficient means of waste disposal or other changes in related business practices, and for whom registration is required.

A. GENERAL APPLICATION REQUIREMENTS:

1. Application Requirement:

An Applicant for a Solid Waste Broker registration shall submit an application in writing on the form appended hereto, along with all supplemental application materials, all disclosure materials, certifications, releases, consents, photographs, fingerprint cards and all fees as required hereunder. If an Applicant fails to provide such information, documents or fees, the Commission may refuse to issue a registration to the Applicant.

Pursuant to Section 826-a.302.4 (a), please be advised that the Westchester County Solid Waste Commission shall be entitled to request such additional information concerning good character, honesty and integrity of the Applicant and the Principals and employees of the Applicant that the Commission may deem appropriate and reasonable. An Applicant may submit to the Commission any information or explanation which the

Applicant believes demonstrates that any adverse information submitted as part of the application process does not accurately reflect upon the Applicant's good character, honesty and integrity.

2. Fee Requirement

The **application fees of \$100, plus \$100 per Principal thereof** which must be submitted to the Commission at the time of application submission.

Please note that the application fees do not include the cost of standard background investigations or the cost of fingerprinting analysis, the cost of which shall be borne solely by the Applicant as set forth in Section 826-a.202 (2)(b) of Chapter 826-a.

Pursuant thereto, the following fees shall also be submitted by the Applicant along with the basic application fee, at the time of application submission:

PLEASE REFERENCE FEE WORKSHEET TO DETERMINE APPLICABLE FEES DUE AT TIME OF APPLICATION

In the event that the Commission issues a registration to the Applicant pursuant to this application, **the annual fee for registration shall be \$250. (Due upon issuance of a "Permit to Operate" or Registration)**

3. Disclosure Obligations:

Any Applicant which holds a valid registration as a solid waste broker issued by the Business Integrity Commission of the City of New York to conduct activities similar to those activities for which the Applicant seeks to obtain a registration pursuant to this application, is required to provide all documentation specified herein.

In the event that a license or registration issued by the Business Integrity Commission of the City of New York is ever suspended or revoked, or if an application for renewal is denied by the Business Integrity Commission, the Applicant shall immediately inform the Commission of same, and the Commission may, at its discretion, immediately take any action available to it pursuant to Chapter 826-a.

4. Application Submission:

All applications shall be submitted to:

Westchester County Solid Waste Commission
100 East First Street
Mount Vernon, New York 10550-3442
Attn: Executive Director
Phone: (914) 813-6850
Fax: (914) 813-6852

5. Application Completeness & Supplemental Disclosure:

Upon submission by the Applicant, the Commission shall determine whether the application submitted is complete. If the Commission determines that the application is incomplete, it shall notify the Applicant in writing and shall list the insufficiencies of the application. If the Applicant does not submit the additional application materials within thirty (30) days of the date of the Commission's notice of incomplete application, the Commission may deny the application, and require the Applicant to submit a new application.

During the pendency of this application, all Applicants shall have a continuing disclosure obligation to the Commission with respect to information that is requested pursuant to this application, in accordance with the provisions of Chapter 826-a.

The Commission may, at its discretion, require that such Applicant provide, within a reasonable time, any additional information which the Commission may deem necessary, and may, after notice and the opportunity to be heard, refuse to license such Applicant based upon the criteria and standards outlined in Chapter 826-a.

6. Refusal to Issue a Registration:

The Commission may, after notice and the opportunity to be heard, refuse to issue a registration to an Applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal. In making the determination to refuse to issue a registration, the Commission, may consider, but is not limited to the standards enumerated in Section 826-a.400.

7. Warning:

Please be advised that the failure to provide truthful information in connection with any application submitted to the Westchester County Solid Waste Commission shall serve as a basis for refusal to issue a registration to the Applicant. Moreover, the failure to comply with any material provision of a registration issued by the Westchester County Solid Waste Commission pursuant to Chapter 826-a; the failure to comply with any provision of Chapter 826-a; and/or the failure to provide truthful information to the Commission shall serve as a basis for suspension or revocation, modification or other action against the privileges of a registrant, and may subject the licensee to criminal penalties of not less than \$10,000 per offense and/or by imprisonment not exceeding (6) months, and civil penalties of up to \$5,000 per violation.

B. PHOTOGRAPHS & FINGERPRINTING

As provided in Chapter 826-a, all Applicants and each Principal thereof, shall submit to fingerprinting, and the Applicant shall submit all required fingerprint cards to the Commission at the time of application submission, along with the fingerprint fee required by the NYS Division of Criminal Justice Services, which fee is currently \$99.00 for each principal.

Each person who submits fingerprint cards to the Commission shall execute a written consent to such fingerprinting and criminal background check, in the form appended hereto. (Page 15)

The Westchester County Solid Waste Commission shall conduct fingerprinting of applicants and Principals, by appointment only. Applicant is responsible to contact the Solid Waste Commission, at (914) 813-6857 to schedule appointments for fingerprinting of its Principals in advance of the application deadline listed herein. **No fingerprinting will be conducted without an appointment.**

All Principals of the Applicant must be photographed by the Commission. Photographs will be taken the time of fingerprinting.

C. APPLICATION GUIDELINES:

In accordance with Section 826-a.804 of the Laws of Westchester County, after July 1, 2000, all persons who operate, or intend to operate, as Solid Waste Brokers in the County of Westchester must submit an application for registration to the Commission and provide all of the information required of registration Applicants under Article III. of Chapter 826-a, in order to be considered for issuance of a registration on an expedited basis.

_____ **PERMIT TO OPERATE** Please indicate if applicant seeks to obtain a **“Permit to Operate”** (see 826-a.202(2)(a). During the time this application is under review by the Commission, the Commission may, **in its discretion**, issue a “Permit to Operate” to applicants whose application for licensure was submitted but for whom no definitive license decision has been made. **This is necessary for all new applicants who intend to conduct the above referenced activities while application is under consideration.**

APPLICATION INSTRUCTIONS:

Please complete each and every question as set forth on this application (**Questions 1-15**), as well as the Certifications, Releases and Consents, as may be applicable. If a question is not applicable, write “N/A” or “not applicable” in the space provided. Applications which have not been completed properly may be rejected as incomplete and may be returned to the Applicant without further consideration. If the Applicant cannot complete the answers in the space provided, it may attach additional sheets of paper which identify the question being answered. The Applicant shall sign and date each supplemental answer page. **The person completing the application on behalf of the Applicant shall also initial each page of this application, and specify the Applicant’s business name and provide the Applicant’s Social Security Number or Federal Identification Number, where indicated on each page.**

An original and one (1) copy of the complete application, all required certifications, releases and/or supplemental documentation must be submitted, along with the appropriate application filing fees, to the Westchester County Solid Waste Commission at 100 East First Street, Mount Vernon, New York 10550.

The Applicant and all of those persons which are required to provide information in connection with this application should read and familiarize themselves with all provisions of Chapter 826-a of the Laws of Westchester County before completing this application form.

1. Name of Applicant business: _____
Trade names (if different from above): _____

2. Applicant’s business address:
Official business address (e.g. address of corporation as listed in Certificate of Incorporation): **(Please indicate if applicant’s business address is a residence.)**

Mailing address (if different): _____

List all other addresses/office locations of Applicant within Westchester County:

3. Applicant’s business contact numbers:
Business telephone: _____
Facsimile: _____
Mobile Phone: _____
E-mail address: _____
Website: _____

4. Designated employee/officer of Applicant to serve as an agent for service of legal process and for communications with Westchester County Solid Waste Commission:

Name: _____
 Title: _____
 Business Address (if different): _____
 Telephone number (direct): _____
 Facsimile number: _____
 Mobile phone: _____
 E-mail address: _____

5. Type of business organization:

Corporation(specify type/state of incorporation): _____
 Partnership (specify type): _____
 Sole Proprietorship: _____
 If a D/B/A, specify D/B/A name: _____
 Date of Organization: _____
 Business Identification number*: _____
 (federal or state)

*** New York State law requires licensing agencies to request either a Federal ID number OR the Social Security Number of all licensees.**

6. List the names and position/title of all Principals of Applicant:

Principal Name	Title/Position & Social Security Number

Please provide a detailed description of the ownership interest held by each such Principal listed.

Principal Name	Address	Amount & Nature of Interest

7. List the names and position/title of any other officers, directors, partners, and responsible managerial employees and/or agents of Applicant:

Name	Title/Position & Social Security Number

8. Provide a listing of all subsidiaries of Applicant and specify business identification number for each:

Legal Name of Subsidiary	Business ID Number

9. If Applicant has been issued a license to operate or registration to operate as a hauler or as a Solid Waste Broker by the New York City Trade Waste Commission or its successor agency, the New York City Business Integrity Commission, **PLEASE PROVIDE COPY OF LICENSE**, specify the date of license and/or registration issuance; the status of the license and/or registration, including any restrictions or conditions on such licenses/registrations or the imposition of independent auditing or monitoring of Applicant; and sufficient information for the Westchester County Solid Waste Commission to determine the type of activities which the Applicant conducts in New York City.

10. If Applicant is or has been licensed to provide services as a hauler of solid waste or recyclables, or has been registered as a Solid Waste Broker, in any jurisdiction other than New York City or Westchester County, New York, during the last five (5) years, PLEASE PROVIDE COPY OF LICENSE, specify the jurisdiction; the date of issuance of all such licenses/registrations; and the Applicant's current licensing/registration status in each such jurisdiction.

11. If Applicant's license and/or registration to provide services as a hauler of solid waste or recyclables in any jurisdiction, other than Westchester County, New York, was terminated, revoked, suspended or otherwise discontinued during the last five (5) years, please specify the jurisdiction and the circumstances surrounding each such incidence, including copies of any final determination issued by such other jurisdiction's regulatory agency.

12. Please describe, in detail, the nature of Applicant's activities as Solid Waste Broker, and/or a hauler of solid waste and/or recyclables in Westchester County, if any, during the most recent two (2) complete calendar years, plus any such activities during the year in which this application is being filed.

13. Please describe, in detail, the nature of the Solid Waste Broker services which Applicant will provide upon issuance of a registration under Chapter 826-a:

14. Please provide the information and supporting documents, if applicable, as outlined below:

- a. **If Applicant is doing business under an assumed name:** provide a Certificate of Assumed Name, or its equivalent, certified by the County Clerk if a sole proprietorship or partnership, or by the Secretary of State if a corporation;
- b. **In addition, provide the following documents:**
 - i. **If applicant is a sole proprietorship:** provide the notarized Certificate of Business if a sole proprietorship.
 - ii. **If applicant is a partnership,** provide the partnership papers.
 - iii. **If applicant is a corporation,** provide the Certificate of Incorporation.
- c. **A business telephone number and a business address where the records** required under Chapter 826-a **are maintained,** if different from that which was specified in Question No. 4, hereof;

Address:

- d. A listing where any **Principal of the Applicant holds,** or has held at any time in the ten (10) years preceding the date of application, **a license for Solid Waste removal or to operate as a Solid Waste Broker in the County of Westchester,** a listing of such license number(s);

- e. Where any Principal of the Applicant is, or has been at any time during the ten (10) years preceding the date of application, a Principal of a Solid Waste business required to be licensed in the County of Westchester, a listing of such Solid Waste removal business(es) and the nature of the involvement of such Principal in each such business;

- f. A listing of any suspensions or revocations of licenses, registrations or permits held by the Applicant, or any judgments or orders finding liability of the Applicant in a civil or administrative action, related to the conduct of a business that removes or recycles Solid Waste, a Solid Waste Broker business or the operation of a dump, landfill or transfer station.

- g. A listing of any contractual or other business relationship, at any time during the ten (10) years preceding the date of application, between the Applicant business and any Solid Waste removal business.

Name & Address of Business	Nature of business relationship

h. A listing of all criminal convictions, in any jurisdiction, of the Applicant and each of its Principals:

Applicant/Principal	Date Filed	Location / Jurisdiction	Indictment / case number	Charge	Sentence

i. A listing of all pending civil, criminal or administrative actions or proceedings to which such Applicant or any of its Principals is a party, including but not limited to, indictments and arrests:

Applicant/Principal	Date Filed	Location / Jurisdiction	Case number	Charge

SECTION D : CERTIFICATIONS

A Certification must be completed and executed, individually, **by the person completing the application on behalf of the Applicant, as well as by each and every Principal of the Applicant, and each such Certification shall be individually notarized.**

CERTIFICATION/APPLICANT

I, _____, being duly sworn, state that I am the
(Name of party executing application)
_____ of _____ and that I have been duly
(Title) (Applicant)
authorized to complete and execute this application on behalf of _____.
(Applicant)

I, _____, hereby certify that I have read and understand
(Name of party executing application)
the instructions and the questions set forth in this application, which consists of a total of _____ pages, plus _____ supplemental pages; and
that to the best of my knowledge the information provided in response to the questions set forth herein is full, complete and truthful, and has been prepared based upon my personal knowledge, as well as a diligent search of all business and other records in my possession and control; and

that I understand that the Westchester County Solid Waste Commission may, by any legal means it deems necessary and appropriate, determine the accuracy and truth of the statements made in this application; and

that I understand that the Westchester County Solid Waste Commission shall rely upon and issue a determination as to _____'s registration status based upon the
(Applicant)

information provided herein, along with any information provided during the verification process; and

that I understand that neither Westchester County nor the Westchester County Solid Waste Commission shall be liable for any business loss which may result from a change in the services provided by Applicant during the course of any application or licensing/registration period which may trigger a change in its licensing and/or registration classification.

By: _____ Dated: _____
(Name and Title)

Sworn to me this ____ day of _____

Notary Public

SECTION E

CERTIFICATION/PRINCIPAL

I, _____, being duly sworn, state that I am the
(Name of Principal)
_____ of _____ hereby certify that I have read and
(Title) (Applicant)
understand the instructions and the questions set forth in this application and all disclosure requirements set forth therein as they may apply to Principals of Applicants for registration pursuant to this application and Chapter 826-a generally; and

that to the best of my knowledge the information and/or documents which I have provided in response to the questions set forth herein relating to my position as a Principal of Applicant is full, complete and truthful, and has been prepared based upon my personal knowledge, as well as a diligent search of all business and other records in my possession and control; and

that I understand that the Westchester County Solid Waste Commission may, by any legal means it deems necessary and appropriate, determine the accuracy and truth of the statements made in this application; and

that I understand that the Westchester County Solid Waste Commission shall rely upon and issue a determination as to Applicant’s registration application status based upon the information provided herein, along with any information provided during the verification process; and

that I understand that the that neither Westchester County nor the Westchester County Solid Waste Commission shall be liable for any business loss which may result from a change in the services provided by Applicant during the course of any application or licensing/registration period which may trigger a change in its licensing and/or registration classification.

By: _____ Dated: _____
(Name and Title)

Sworn to me this ____ day of _____, 20____

Notary Public

SECTION F: RELEASES

The Release set forth below must be completed and executed individually by the person completing the application on behalf of the Applicant, as well as by each and every Principal of the Applicant, and each such Release shall be individually notarized.

The person executing said Release shall indicate where specified whether the person is executing such Release in its capacity as a Principal of the Applicant or in the capacity of the duly authorized representative of the Applicant to issue such releases on behalf of the Applicant.

RELEASE AUTHORIZATION

To all Courts, Probation Departments, Selective Service Boards, Employers, Educational Institutions, Banks, Financial and other Institutions, and all Government Agencies (federal, state and local), without exception, both foreign and domestic:

I, _____, (check one of the following:)
(Name of party executing release)

- _____ (1) the duly authorized representative of an Applicant for a registration from the Westchester County Solid Waste Commission, or
- _____ (2) a Principal of an Applicant for a registration from the Westchester County Solid Waste Commission,

have authorized the Westchester County Solid Waste Commission, and its designees, to conduct an investigation into my background/Applicant's background (please indicate which) for the purpose of determining the suitability of Applicant/the company of which I am affiliated (please indicate which) for a solid waste broker's registration as defined and required by Chapter 826-a of the Laws of Westchester County.

Therefore, you are hereby authorized to release any and all information pertaining to me/to Applicant (please indicate which), documentary or otherwise, as may be requested by an appropriate employee, agent or representative of the Westchester County Solid Waste Commission.

This Release Authorization shall supercede and countermand any prior request or authorization to the contrary. A photo static copy of this Release Authorization will be considered as effective and valid as the original.

(Signature)

(Type/print name)

Sworn and subscribed before me
this ____ day of _____, 20____.

Notary Public

SECTION G

CONSENT TO FINGERPRINTING ANALYSIS & BACKGROUND CHECK

To be completed by all Principals, and other persons, who are required pursuant to Chapter 826-a or in the discretion of the Commission, to submit fingerprint cards as part of this application.

CONSENT

I, _____, hereby certify that I am employed by / affiliated with _____ in the capacity of _____; and that
(Applicant) (Title)

I, _____, hereby consent to the submission of fingerprint cards bearing my fingerprints to the New York State Division of Criminal Justice Services, or its designee, for purposes of conducting a criminal background analysis of such fingerprints pursuant to the requirements of Chapter 826-a of the Laws of Westchester County;

Dated:

By: _____

Sworn to before me
this _____ day of _____, 20____.

Notary Public

SECTION H

APPLICATION SUBMISSION STATEMENT

I, _____, hereby submit this application for registration
(Name of party submitting application)

as a Solid Waste Broker, pursuant to Chapter 826-a of the Laws of Westchester County in
my capacity as _____ of the Applicant, _____.

Dated:

By: _____

Sworn to before me this ____
day of _____, 20__.

Notary Public