

Compliance Assistance Guide for Submitting Utility Petitions to NJDEP

- All Petitions must comply with the Solid Waste Utility Control Act and rules.
- Both buyer and seller must be up to date with all tax filings. Please contact Bradley Jost from New Jersey Taxation at bradley.jost@treas.nj.gov prior to submitting your Petition to ensure tax compliance.
- It is recommended that an attorney or consultant familiar with New Jersey solid waste statutes and regulations is utilized to provide additional assistance with the Petition submittal.

Please remember to include in the Petition submittal, if applicable:

- Sale price and details on how buyer will secure financing
- Specific equipment inventory (numbers & types)
- Details on all assets, e.g. customer list, existing contracts. Note if there are any municipal solid waste contracts, submit a copy of the letter from the affected municipality(ies) regarding their knowledge and approval of the transfer of their contract.
- Details on the promissory note. NJDEP cannot approve the transaction if the customer list reverts back to the seller.
- Details on any payments made prior to NJDEP's approval.
- For a Petition in which the seller is a company, not an individual, the buyer is required to file Form C-9600 with the Division of Taxation prior to execution of the sale and submit a copy with the Petition in accordance with the New Jersey Bulk Sales Act, NJS 54:50-38.
- Submittal of copies of the A901 license and CPCN of the company to be purchased.

Compliance/Proof that Companies are in Good Standing

NJDEP cannot process petitions for companies that are not in good standing. This includes verification that both the seller and buyer are up to date with all tax filings; have paid or are complying with payment plans established with NJDEP or CEHA agencies for penalties; are up to date on all fees owed to NJDEP; have filed all reports and updates to NJDEP and the Division of Law. If there are outstanding violations or issues, it is best to work with the applicable NJDEP programs prior to filing the petition so the NJDEP's review and approval of the proposed transaction is not delayed. If there are unresolved violations or penalties owed by the individuals or companies, NJDEP cannot process the petition until these matters are resolved.

If a company appears to be illegally engaged in New Jersey's solid waste industry prior to approval of a petition, a referral will be made to NJDEP's Solid Waste Enforcement program for investigation, which may delay review of the petition.

Purchase of A901 Licensed Companies by Unlicensed Individuals

NJDEP works with the Division of Law to review petitions in which an unlicensed entity is seeking approval to purchase a licensed company, to ensure that such entities possess the requisite reliability, integrity, competency, and financial responsibility. If NJDEP or DOL identifies a concern, NJDEP will require that the unlicensed entity files all A901 disclosures with the Division of Law as part of NJDEP's review of the petition.