

Readopt with amendments Env-Sw 316.04, eff. 7-1-14 (Document #10595), to read as follows:Env-Sw 316.04 Use of Disclosure Forms; Signatures.

- (a) Disclosure of personal information shall be on a “Personal Disclosure Form” (PDF) dated April 2021.
- (b) Disclosure of business information shall be on a “Business Disclosure Form” (BDF) dated April 2021.
- (c) Any PDF filed shall be signed and dated by the individual who is the subject of the PDF.
- (d) If a PDF is completed by someone other than the individual who is the subject of the PDF, the name, address, and telephone number of the individual who completed the PDF shall be stated on the PDF.

{(e) has been moved, renumbered as (g), below}

- (e) The signature provided pursuant to (c), above, shall constitute a sworn or affirmed statement that:
 - (1) The signer has made diligent inquiry into all matters addressed in the PDF;
 - (2) Based on such inquiry, the submitted information is true, complete, and not misleading to the best of the signer’s knowledge and belief; and
 - (3) The signer understands that if any of the statements are false, incomplete, or misleading, then:
 - a. Processing of the application may be delayed;
 - b. The permit sought may be denied or revoked; and
 - c. He or she may be subject to prosecution for false swearing under RSA 641:3 or any successor statute.
- (f) The individual who prepares a BDF on behalf of an entity shall complete, sign, and have notarized an “Affidavit of Author”, which shall constitute a sworn or affirmed statement that:
 - (1) The signer is the individual who filled out the attached BDF in the name of the entity that is the subject of the BDF or who directed that the information contained in the BDF be set down therein;
 - (2) The signer has made diligent inquiry into all matters addressed in the BDF;
 - (3) Based on such inquiry, the submitted information is true, complete, and not misleading to the best of the individual’s knowledge and belief; and
 - (4) The signer understands that if any of the statements are false, incomplete, or misleading, then:
 - a. Processing of the application may be delayed;
 - b. The permit sought may be denied or revoked; and
 - c. He or she is subject to penalties for false swearing under RSA 641:3 or any successor statute.
- (g) Any BDF filed for an entity shall be signed and dated by the individual(s) identified below, as applicable to the legal form of the entity:
 - (1) If the entity is a corporation, the:

- a. President, chairman of the board, or chief executive officer;
 - b. Secretary; and
 - c. Treasurer;
- (2) If the entity is any type of partnership, each general partner;
 - (3) If the entity is a sole proprietorship, the owner; and
 - (4) If the entity is any other business form, the individuals having positions equivalent to a corporation's chief executive officer, secretary, and treasurer.
- (h) The signatures provided pursuant to (g), above, shall constitute certification that:
- (1) The signer has examined the BDF;
 - (2) The BDF contains no statement or information the signer knows to be false, incomplete, or misleading; and
 - (3) The signer understands that if the certification is false, then:
 - a. Processing of the application may be delayed;
 - b. The permit sought may be denied or revoked; and
 - c. He or she is subject to penalties for false swearing under RSA 641:3 or successor statute.

Readopt with amendments Env-Sw 316.06, eff. 7-1-14 (doc. #10595) to read as follows:

Env-Sw 316.06 Scope of Disclosure; Release Authorization.

- (a) Each individual required to submit a disclosure form shall provide the information requested on the PDF, including:
- (1) Personal identifying data such as name, address, physical description, date and place of birth, nationality, and residential history;
 - (2) Marital and family information, including information about relatives in the solid waste industry;
 - (3) Education, military and professional experience, employment history, public offices, and waste management licenses and experience;
 - (4) All other business and financial interests; and
 - (5) Involvement in professional or environmental violations, or civil or criminal proceedings.
- (b) Each entity required to submit a disclosure form shall provide the information requested on the BDF, including:
- (1) Business identifying data such as names, date and nature of organization, ownership, principal location and address, and past and present facilities;
 - (2) Corporate, partnership or business venture history and structure, including information about key employees, officers, directors, partners and trustees as applicable;
 - (3) Information about subsidiaries and affiliated entities;

(4) Experience and credentials in the waste management industry, including waste permits and licenses held;

(5) History of environmental violations, and other administrative, civil or criminal proceedings;

(6) Equity structure and debt liability; and

(7) Financial history.

(c) Each individual who files a PDF shall sign, date, and have notarized a release to inform courts, probation departments, selective service boards, employers, banks, financial and other such institutions, and all government agencies, whether federal, state, or local without exception both foreign and domestic, that:

(1) The individual is affiliated with an applicant for a solid waste permit;

(2) The recipient of the release is authorized to release any and all information pertaining to the individual, documentary or otherwise, as requested by an appropriate employee, agent, or representative of the New Hampshire attorney general;

(3) The authorization supersedes and countermands any prior request or authorization to the contrary; and

(4) A photostatic or electronic copy of the authorization shall be considered as effective and valid as the original.

(d) Each entity that files a BDF shall duly authorize an individual to sign, date, and have notarized a release to inform courts, probation departments, selective service boards, employers, banks, financial and other such institutions, and all government agencies, whether federal, state, or local without exception both foreign and domestic, that:

(1) The individual has been duly authorized to authorize the office of the attorney general of New Hampshire to conduct an investigation into the background of the named business for the purpose of determining its suitability to hold a solid waste permit;

(2) The recipient of the release is authorized to release any and all information pertaining to the named business, documentary or otherwise, as requested by an appropriate employee, agent, or representative of the New Hampshire office of the attorney general;

(3) The authorization supersedes and countermands any prior request or authorization to the contrary; and

(4) A photostatic or electronic copy of the authorization shall be considered as effective and valid as the original.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	Statute(s) Being Implemented
Env-Sw 316.04, Env-Sw 316.06	RSA 149-M:6, III; RSA 149-M:9, III & IX