

GUIDANCE FOR COMPLETING THE BUSINESS CONCERN DISCLOSURE STATEMENT FORM FOR SOLID WASTE PERMIT APPLICANTS

For assistance, contact the Kansas Department of Health and Environment, Bureau of Waste Management, Solid Waste Permits Section at (785) 296-0680.

General Guidance

- A. The Business Concern Disclosure Statement Form must be completed by the **Applicant** for a permit to operate a solid waste processing facility or a solid waste disposal area in Kansas. Pursuant to Kansas Statutes Annotated (K.S.A.) 65-3407(c) requiring the Secretary, Kansas Department of Health and Environment (KDHE) to conduct a background investigation of the applicant.
- B. The information entered on the form must be for the **Applicant** business concern, itself, unless the direct meaning of the question indicates otherwise. The “**Applicant business concern**” means the legal entity which will actually operate the facility at which the activity being permitted will be conducted. The **Applicant** is the entity named in the Application for a Solid Waste Permit.
- C. Every question on the BCDS Form must be answered completely. If the volume of data required is too large for the space provided for a response, you may create numbered or lettered Appendices to be filed following the last (signature) page of the form, in order of the identification series chosen. Enter a reference to the applicable Appendix in the space provided on the form for a response.
- D. The Affidavit of Author section of the form must be signed by a person with upper-level responsibility as an owner, officer, director, or other key management employee of the **Applicant**, who oversees collecting and entering the responses to the questions on the form. The Affidavit must be attested by a notary public who holds a currently valid license.
- E. If the **Applicant** is a subsidiary corporation or other controlled entity, a Business Concern Disclosure Statement Form will be required by KDHE, to be completed by the **controlling parent corporation** or **other controlling entity**. The information submitted on the BCDS Form will be used by KDHE to determine the suitability of the ultimate parent, or other controlling entity (which may be a natural person or a natural family), to control a solid waste processing facility or a solid waste disposal area granted a permit in the State of Kansas.
- F. If the form is being filled out by the **controlling parent corporation** or **other controlling entity**, any reference to “**Applicant**” is understood to mean the **controlling parent corporation** or **other controlling entity**.

Specific Guidance for Part I – Applicant Information

Form of Business Concern

Explain fully any form of business described in the response as “other” and provide relevant documentation in an Appendix. A “limited liability partnership” or LLP, is a partnership for the purpose of a response to this question, and a “limited liability corporation” or LLC, is a corporation.

GUIDANCE FOR COMPLETING BCDS FORM – SOLID WASTE

Specific Guidance for Part II – Information for Individuals with a Legal Interest in Business

DO NOT complete Part II, if business is a corporation

Name, Address, Position Held of Those with a Legal Interest

Enter the name, business address, and position held in the **Applicant** organization of anyone with a legal interest in the organization (general partner, limited partner, joint venture, etc.). The business address entered should be the place of usual business residence of the partner or joint venture, not the **Applicant's** address, unless the partner or joint venture is also a full-time employee of the **Applicant** organization.

Specific Guidance for Part III – Corporation Information

Only complete Part III if Applicant is a corporation

Directors

Enter the name, position held, and business address for each Director of the **Applicant**.

Officers and Principal Shareholders

This section is where executive officers of the **Applicant** organization should be listed, as well as any shareholder that is capable of exercising partial or total control through their shareholder votes.

Specific Guidance for Part IV – Miscellaneous Information

Bankruptcy

This section is to include any voluntary or involuntary bankruptcy cases filed for or against the **Applicant**. The response to the status/disposition of the action should include the date the action was terminated by the court, if any.