

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF LACKAWANNA
 Magisterial District Number: 45-3-04
 MDJ: Hon. Laura M. Turlip
 Address: Archibald Borough Bldg.
 400 Church Street, 2nd Flr., Archibald PA 18403
 Telephone: 570-876-0570



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT: (NAME and ADDRESS):
ERIC SPATT
 First Name Middle Name Last Name Gen.
 420 NORTH SPY ROAD, SOUTH ABINGTON TWP, PA, 18411

NCIC Extradition Code Type

- 1-Felony Full
- 2-Felony Ltd.
- 3-Felony Surrounding States
- 4-Felony No Ext.
- 5-Felony Pend.
- A-Misdemeanor Full
- B-Misdemeanor Limited
- C-Misdemeanor Surrounding States
- D-Misdemeanor No Extradition
- E-Misdemeanor Pending
- Distance: _____

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-82-17	Date Filed 1/1	OTN/LiveScan Number T914627-0	Complaint/Incident Number 49-1173	SID	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 12/26/1963	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>	
First Name		Middle Name		Last Name	
AKA					
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input checked="" type="checkbox"/> Unknown-Indian					
ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown					
HAIR COLOR					
<input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input checked="" type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input checked="" type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry)					
EYE COLOR					
<input type="checkbox"/> BLK (Black) <input checked="" type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)					
Driver License	State PA	License Number 20821522	Expires: 12/27/2017	WEIGHT (lbs.)	
DNA	<input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location			
FBI Number	MNU Number		Ft. HEIGHT In.		
Defendant Fingerprinted	<input type="checkbox"/> YES <input type="checkbox"/> NO				6
Fingerprint Classification:					

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

SENIOR DAG BRIAN COFFEY (Name of the attorney for the Commonwealth)
 Signature: *Brian T. Coffey* (Signature of the attorney for the Commonwealth)
 Date: **4/11/17** (Date)

I, **SA DONALD A. HENTZ JR** (Name of the Affiants) #**451** (PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of **Pennsylvania Office of Attorney General** (Identify Department or Agency Represented and Political Subdivision) PA**0222400** (Police Agency ORI Number)

do hereby state: (check appropriate box)

1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [**216**] **Jessup** (Subdivision Code) (Place-Political Subdivision)

in Lackawanna County **35** (county) On or about **2004 through December 2016**



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number 49-1173
Defendant Name:	First: ERIC	Middle:	Last: SPATT

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	1	6018.401	(a)	of the	35	1	F2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): Solid Waste Management Act, Management of Hazardous Waste, 35 P.S. § 6018.401(a), a felony of the second degree as defined by 35 P.S. § 6018.606(f)

Acts of the accused associated with this Offense: SEE CONTINUATION SHEET

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	2	6018.401	(a)	of the	35	1	F2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Acts of the accused associated with this Offense: SEE CONTINUATION SHEET

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	3	6018.401	(a)	of the	35	1	F2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): Solid Waste Management Act, Management of Hazardous Waste, 35 P.S. § 6018.401(a) a felony of the second degree as defined by 35 P.S. § 6018.606(f)

Acts of the accused associated with this Offense: SEE CONTINUATION SHEET



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number 49-1173
Defendant Name:	First: ERIC	Middle:	Last: SPATT

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	4	6018.403	(b)(1)	of the	35	1	F2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance) Solid Waste Management Act, Management of Hazardous Waste, 35 P.S. § 6018.403(b)(1) a felony of the second degree as defined by 35 P.S. § 6018.606(f)

Acts of the accused associated with this Offense: SEE CONTINUATION SHEET

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	5	6018.610	(2)	of the	35	1	M3		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): Solid Waste Management Act, Unlawful Conduct, 35 P.S. § 6018.610(2), a misdemeanor of the third degree as defined by 35 P.S. § 6018.606(b)

Acts of the accused associated with this Offense: SEE CONTINUATION SHEET

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	6	6018.610	(4)	of the	35	1	M3		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): Solid Waste Management Act, Unlawful Conduct, 35 P.S. § 6018.610(4), a misdemeanor of the third degree as defined by 35 P.S. § 6018.606(b).

Acts of the accused associated with this Offense: SEE CONTINUATION SHEET



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number 49-1173
Defendant Name:	First: ERIC	Middle:	Last: SPATT

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered 1 through .

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

_____ 4/13/17 _____
 (Date) (Signature of Affiant)

AND NOW, on this date 4-13-17 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

45-3-04 _____ [Signature]
 (Magisterial District Court Number) (Issuing Authority)





**POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE**

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number
Defendant Name:	First:	Middle:	Last:

OFFENSE DESCRIPTION CONTINUATION

Offense #1: Management of Hazardous Waste 35 P.S. § 6018.401(a), a felony of the second degree as defined by 35 P.S. § 6018.606(f)

The defendant, Eric Spatt, by his own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 306, did store, transport, treat, or dispose of, or assist in the storage, transportation, treatment or disposal of hazardous waste and/or did own or operate a hazardous waste storage, treatment or disposal facility and/or did transport hazardous waste within the Commonwealth contrary to the rules and regulations set forth by the Pennsylvania Department of Environmental Protection (DEP) and/or without first obtaining a permit from the DEP, to wit: on or about November 2011 through June of 2014, the defendant, Eric Spatt, d/b/a Scranton Cooperage located at 1264 Mid Valley Drive, Jessup, Lackawanna County, PA, did store, transport, treat, or dispose of or assist in the storage, transportation, treatment or disposal of waste Methyl-Ethyl-Ketone (MEK), a hazardous waste (F005, D010, D035) and/or did own or operate a hazardous waste storage, treatment or disposal facility and/or did store containers of hazardous waste at the former Scranton Cooperage in excess of one year, without first obtaining a permit from the DEP.

Offense #2: Management of Hazardous Waste 35 P.S. § 6018.401(a), a felony of the second degree as defined by 35 P.S. § 6018.606(f)

The defendant, Eric Spatt, by his own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 306, did store, transport, treat, or dispose of, or assist in the storage, transportation, treatment or disposal of hazardous waste and/or did own or operate a hazardous waste storage, treatment or disposal facility and/or did transport hazardous waste within the Commonwealth contrary to the rules and regulations set forth by the Pennsylvania Department of Environmental Protection (DEP) and/or without first obtaining a permit from the DEP, to wit: on or about August 2004 through June of 2014, the defendant, Eric Spatt, d/b/a Scranton Cooperage located at 1264 Mid Valley Drive, Jessup, Lackawanna County, PA, did store, transport, treat, or dispose of or assist in the storage, transportation, treatment or disposal of waste lacquer thinner (ALR-10), a hazardous waste and/or did own or operate a hazardous waste storage, treatment or disposal facility and/or did store containers of hazardous waste at the former Scranton Cooperage in excess of one year, without first obtaining a permit from the DEP.

Offense #3: Management of Hazardous Waste 35 P.S. § 6018.401(a), a felony of the second degree as defined by 35 P.S. § 6018.606(f)

The defendant, Eric Spatt, by his own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 306, did store, transport, treat, or dispose of, or assist in the storage, transportation, treatment or disposal of hazardous waste and/or did own or operate a hazardous waste storage, treatment or disposal facility and/or did transport hazardous waste within the Commonwealth contrary to the rules and regulations set forth by the Pennsylvania Department of Environmental Protection (DEP) and/or without first obtaining a permit from the DEP, to wit: on or about the Spring of 2015 through December 1, 2016, the defendant Eric Spatt, d/b/a Scranton Cooperage located at 1264 Mid Valley Drive, Jessup, Lackawanna County, PA, did store, treat, or disposed of or assisted in the storage, treatment or disposal of twenty 55 gallon drums of hazardous (F005, D010, D035) waste, and/or did own or operate a hazardous waste storage, treatment or disposal facility and/or did transport hazardous waste within the Commonwealth contrary to the rules and regulations set forth by the Pennsylvania Department of Environmental Protection (DEP) and/or without first obtaining a permit from the DEP.



**POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE**

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number
Defendant Name:	First:	Middle:	Last:

OFFENSE DESCRIPTION CONTINUATION

Offense #4: Management of Hazardous Waste 35 P.S. § 6018.403 (b) (1) a felony the second degree as defined by 35 P.S. § 6018.606(f).

The defendant, Eric Spatt, by his own conduct or the conduct of another pursuant to 18 PA. C.S.A. # 306, failed to maintain such records as are necessary to accurately identify the quantities of hazardous waste generated, the constituents thereof which are significant in quantity or in potential harm to human health or the environment, the method of transportation and the disposition of such wastes; and where applicable, the source and delivery points of such hazardous waste to wit: on or about August of 2004 through December of 2016, the defendant Eric Spatt, d/b/a Scranton Cooperage located at 1264 Mid Valley Drive, Jessup, Lackawanna County, PA, did not maintain records to accurately identify unknown wastes including waste lacquer thinner and MEK, the quantities of the hazardous waste generated, the constituents thereof which are significant in quantity or in potential harm to human health or the environment, the method of transportation and the disposition of such wastes; and the source and delivery points of such hazardous waste at the former Scranton Cooperage.

Offense #5: Unlawful Conduct, 35 P.S. § 6018.610(2), a misdemeanor of the third degree as defined by 35 P.S. § 6018.606(b).

The defendant Eric Spatt, by his own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 306, did construct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit from the Department of Environmental Protection (DEP) as required by the Solid Waste Management Act (SWMA) or in violation of the rules or regulations adopted under the SWMA, or orders of the DEP, or in violation of any term or condition of any permit issued by the DEP to wit: on or about August 2004 through December, 2016 the defendant, Eric Spatt, d/b/a Scranton Cooperage located at 1264 Mid Valley Drive, Jessup, Lackawanna County, PA did construct, operate or utilize a solid waste storage, treatment, processing or disposal facility at 1264 Mid Valley Road, Jessup, Lackawanna County, 18434 without a permit from the DEP.

Offense #6: Unlawful conduct, 35 P.S. §6018.610(4), a misdemeanor of the third degree as defined by 35 P.S. §6018.606(b).

The defendant, Eric Spatt, by his own conduct or the conduct of another pursuant to 18 Pa. C.S.A. §306, did store, collect, transport, process, treat, or dispose of, or assist in the storage, collection, transportation, processing, treatment or disposal of solid waste contrary to the rules or regulations adopted under the Pennsylvania Solid Waste Management Act (SWMA) or orders of the department, or any condition of any permit issued, or in any manner as to create a public nuisance or to adversely affect the public health, safety and welfare, to wit: on or about and between Spring of 2015, through December 2016, the defendant, Eric Spatt, d/b/a Scranton Cooperage located at 1264 Mid Valley Drive, Jessup, Lackawanna County, PA, did store, collect, process, treat, beneficially use, or disposed of, or assist in the storage, collection, processing, treatment, beneficial use or disposal of waste commonly reffered to as "gack" and an other unknown solid waste contrary to the rules and regulations adopted under the SWMA or in any manner as to create a public nuisance or to adversely affect the public health, safety, and welfare .

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF LACKAWANNA :

**AFFIDAVIT OF PROBABLE CAUSE
FOR ARREST WARRANT**

NAME OF DEFENDANT: Eric Spatt
NAME OF AFFIANT: Donald A. Hentz, Jr., Special Agent
PA Office of Attorney General
Bureau of Criminal Investigations

Being duly sworn according to law, your affiant Donald A. Hentz, Jr., Pennsylvania Office of Attorney General, Bureau of Criminal Investigations, Environmental Crimes Unit, deposes and states there is probable cause to believe that Eric Spatt committed the crimes described below and that a warrant should be issued for his arrest.

I. INTRODUCTION

1. Your affiant Donald A. Hentz, Jr., is a Special Agent with the Office of Attorney General (OAG), Bureau of Criminal Investigations (BCI), Environmental Crimes Unit (ECU). Your affiant has been a Special Agent with the ECU from January 1998 through July of 2006 and from October 2007 through the present. The ECU investigates and prosecutes violations of Pennsylvania's environmental laws, as well as the Pennsylvania Crimes Code.

2. On June 15, 2015, the OAG initiated a criminal investigation based on a referral from the Lackawanna County District Attorney, Andrew J. Jarbola pursuant to the Commonwealth Attorneys Act, 71 P.S. §732-205(a)(3). The referral alleged that the (former) Scranton Cooperage located at 1264 Mid Valley Drive, Jessup, Lackawanna, PA, 18434, owned by Eric Spatt (Spatt), had accumulated large quantities of containers

with unknown contents, some believed to be hazardous. Scranton Cooperage was in the business of reconditioning various types of used containers. It was believed that Scranton Cooperage had no permits from the Department of Environmental Protection (DEP) regulating the operation. The business caught fire in June of 2014 leading to surface runoff and the possible spread of contamination.

II. INVESTIGATION

3. On May 16, 2016 your affiant interviewed Eric Spatt, the former owner and president of Scranton Cooperage since 1984. Scranton Cooperage was purchased by Kearney Steel Container after the fire in June of 2014 and Spatt assumed the position of Vice President of Sales for Kearney Steel Container. The Mid Valley Drive property was used by Kearney Steel as a transfer site for container processing with no industrial wastewater discharges. Spatt also maintained his position as President of American Container Processors and continued to operate that business at the Scranton Cooperage location.

4. Spatt explained that American Container Processors has only ever had a single customer; Corning Incorporated, located in Corning, New York. American Container Processors refurbishes Corning Inc.'s specialized container/kegs that hold a resin used to coat fiber optics.

5. Prior to the June 2014 fire, Scranton Cooperage discharged industrial wastewater to the Lackawanna River Basin Sewer Authority (LRBSA) as part of everyday container processing. An industrial wastewater pre-treatment system was utilized that consisted of an approximately 1,000 gallon above ground circular "poly" tank.

6. After the fire, Spatt hired SCE Environmental Group, Inc. (SCE) to do an environmental assessment and remediation of 1264 Mid Valley Drive, Jessup, Lackawanna County, Pennsylvania.

7. During the June 2014 fire the poly tank melted to the level of the wastewater/solids contained within. Spat claimed that the wastewater/solids were collected from the poly tank by SCE and placed in (approximately) 15 steel drums. Spatt believed the drums were labeled as hazardous waste and that he paid SCE to have them properly disposed of.

8. On October 6, 2015 your affiant spoke with John Bistran, site manager/foreman of the Scranton Cooperage site assessment and remediation team for SCE. He worked at the Scranton Cooperage site from July of 2014 through November of 2014. The environmental assessment included sampling and arranging for the proper disposal of wastes on the property.

9. As part of the remediation project Bistran had the liquids from the aforementioned circular poly tank sampled. The liquid exhibited the characteristics of a (D001) hazardous waste with a flashpoint at less than 60^oc.

10. Bistran described an underground vault adjacent to the poly tank that contained a liquid that was similar in appearance and odor to the liquid contained within the circular poly tank. SCE pumped the liquids (not the sludge) from the poly tank and the vault into a "square tote." SCE claimed they did not place any of the contents of the poly tank or the vault into steel drums. SCE began the environmental assessment, but did not finalize the arrangements for the disposal of the contents of the square tote as a hazardous waste.

11. Spatt was notified in a November 11, 2014 e-mail from SCE of the presence of the aforementioned hazardous waste. Spatt terminated environmental cleanup activities by SCE Environmental Group, Inc. at the Scranton Cooperage property on or about December of 2014. When SCE left the Scranton Cooperage property on or about December of 2014, the square tote full of liquid and the remaining contents of the poly tank and the vault were still on site.

12. On June 8, 2016 Eric Spatt telephonically contacted SA Hentz to notify him that Scranton Cooperage staff had found 62 unlabeled/unmarked drums of liquid in a trailer on the Scranton Cooperage property. Spatt stated that his staff had placed the drums in the trailer but that he was not aware of the drums until approximately one and one half weeks prior. He felt that the liquid was generated by the cleanup of the June 2014 fire.

13. On January 11, and April 12, 2016 your affiant spoke with Sean Patrick Murray. Murray has worked at Scranton Cooperage for approximately 20 years as a Driver, Yard Foreman and Plant Manager. Murray advised that prior to the fire in June of 2014, lacquer thinner (ALR10) was purchased in bulk, applied to rags and used to remove labels and label residue of containers. The rags were placed in a dumpster and taken to the landfill. Methyl Ethyl Ketone (MEK) is/was also purchased in bulk and used to clean Corning containers.

14. On or about July 11, 2016 and April 10, 2017, your affiant spoke with Robert Inshetski, who worked at Scranton Cooperage from 2007 through June of 2013. He worked as a Drum Team Supervisor, Tote Team Supervisor and Operations Supervisor. Inshetski offered that the wastewater treatment system consisted of an aboveground (oval) poly tank and a subsurface vault. The solids from both the poly

tank and the vault were referred to as gack. The gack was placed in fiber (liquid pack) drums when available, or in steel drums. The fiber drums were typically placed into the onsite dumpster and disposed of at the municipal landfill. The steel drums were stored in trailers on the Mid Valley property. The gack was cleaned out of the tank approximately three times during his tenure at Scranton Cooperage and from the vault approximately every other week. The gack contained the residues from Methyl Ethyl Ketone (MEK), paint thinners, residues from the cleaning of Corning Inc. drums and any other residue found within the drums delivered on site.

15. Inshetski recalled that the outside and inside of drums were cleaned with lacquer thinner, also known as ALR10. Rags, contaminated with the ALR10 and the residue removed from the outside and/or the inside of the containers) were thrown into the municipal trash dumpster. The rags were not separated from any other trash, nor were they labeled and/or maintained in leak proof containers. There were no special handling requirements for waste rags saturated with ALR10. Liquid ALR10 was also poured into drums to remove waste residuals that could not be removed with other methods.

16. Inshetski further recalled that Craft Oil supplied drums to Cooperage for reconditioning that had formally contained petroleum type products. The ALR10 was poured into the container being refurbished and "rolled around." The resulting waste was vacuumed via the "siphon machine", a modified shop-vac. The accumulated waste was ultimately disposed of to the sewer.

17. On August 10, 2016 your affiant spoke with Thomas J. Kolenda. Kolenda worked at Scranton Cooperage from May of 2014 through June of 2016. His job duties primarily consisted of refurbishing Corning Inc. kegs used to hold fiber optic gel. He

was laid off immediately after the Scranton Cooperage fire in June of 2014 but returned to work approximately three weeks later, performing primarily manual labor.

18. In October of 2014 Kolenda was reassigned to cleaning the Corning Inc. kegs. He was put on the Kearney Steel payroll but did work primarily for American Container Processing. He used approximately one half gallon of MEK (Methyl Ethyl Ketone) per drum. The waste MEK (and resin gel) was sucked into a 55 gallon drum. Safety Kleen Inc. handled the waste MEK as a hazardous waste.

19. In the spring of 2015 Kolenda and another employee Thomas Voto were instructed by supervisor Sean Murray to remove solids from the aforementioned oval poly wastewater treatment tank. During the June 2014 fire, the poly tank melted down to the approximate level of its contents. Murray took his orders from Spatt.

20. Kolenda and Voto took approximately two days of shoveling with long handled shovels to remove the contents (primarily solids) of the poly tank and place them in approximately 8 or 9, certified, open top "H" steel drums. He believed that the empty steel drums belonged to SCE Environmental Group, Inc. The contents of the poly tank smelled "nasty". The employees were afforded no personal protective equipment.

21. After removing the contents of the poly tank they were instructed by Murray to remove liquids from an adjacent subsurface vault. Kolenda and Voto used "cupped shovels" to remove the liquid from the vault. It took approximately two days to finish the job. They filled approximately 6 to 7 "H" drums (similar to the ones used for the poly tank solids). Kolenda is not aware of the ultimate disposition of the aforementioned wastes.

22. On August 10, 2016, your affiant met with Lance Piasky. Piasky worked full time for Scranton Cooperage for 38 years, and then began part time work at the Scranton Cooperage in March of 2015. He has been the Maintenance Manager since 1996. Piasky was responsible for the industrial wastewater treatment system. The treatment system was designed primarily to remove solids.

23. He was aware that the solids in the oval poly tank were removed and placed in steel drums in the Spring of 2015. Employees referred to the solids in the circular poly tank as "gack". He believes that the drums that were recently sampled and disposed of by Safety-Kleen included waste from the oval poly treatment tank.

24. Piasky assisted in the removal of approximately 40 drums that were recently found in a trailer at the Mid Valley Drive property. The drums contained primarily solids but some contained liquids. Some of the bottoms of the drums were bulged. Each drum removed from the trailer was placed in oversized "overpacks" to prevent leakage. Safety-Kleen was involved in the ultimate disposal of the drums.

25. On October 16, 2016 your affiant met with Stephen Sopko. Sopko worked for Scranton Cooperage for approximately three to four years. He was aware that the waste and waste water from the processing of containers entered a subsurface vault. The vault held sludge that Sopko cleaned out "about twenty times" during his employment. As instructed by Scranton Cooperage management, Sopko cleaned out the pits by shoveling the solids into cardboard/fiber drums. The solids were referred to as "guck" or "gack" and were ultimately disposed of in an on-site municipal dumpster. Spatt initially instructed Sopko to dispose of only a "couple" of the drums in the dumpster at a time. The drivers picking up the dumpsters complained about the

seepage from the drums/dumpsters and at times refused to pick up the dumpsters. Spatt then instructed Sopko to put only one drum in the dumpster at a time.

26. Trailers located on the property were used to store waste. The waste varied but included the guck/gack removed from the subsurface vault. Sopko was periodically instructed to remove drummed waste from onsite trailers and place it in an onsite dumpster. Drums of waste stored in the nose of some of the trailers remained untouched during his tenure at Scranton Cooperage. The drums were typically in bad shape; rotted with dripping liquids.

27. On October 3, 2016 your affiant met with Safety-Kleen Account Manager Pete Carlo. Carlo was contacted by Eric Spatt who requested that Safety Kleen sample, characterize and dispose of approximately sixty drums that were found in a trailer on the Scranton Cooperage property. Spatt told Carlo that the drums contained debris and water from the cleanup of a fire.

28. Carlo stated that on approximately August 9, 2016 Carlo travelled to 1264 Mid Valley Road and sampled 38 drums. The drums were contained within overpacks; although he did not request as such. The drums were not new and contained water and solids. He did not see any burned or charred debris in the drums he sampled.

29. Safety-Kleen, Inc. personnel provided your affiant with waste profile sheets and uniform hazardous wastes manifests that based on analytical result classified sixteen of the drums as hazardous waste solids and four as hazardous waste liquids (F005, D035) due primarily to the presence of MEK. The balance of the waste drums were disposed of as residual wastes. All of the wastes were identified as general cleanup from a building fire (as per Eric Spatt) and were transported for disposal on December 1, 2016.

30. Safety-Kleen Systems Inc. staff reviewed their records and determined that neither Scranton Cooperage, nor Eric Spatt disposed of any hazardous waste through Safety-Kleen Systems Inc. in 2013, 2014 or 2015.

31. American Container Processors, located at 1264 Mid Valley road did utilize Safety-Kleen Systems, Inc. to dispose of thirty-seven 55 gallon drums of hazardous (F005, D001) hazardous waste from December of 2015 through July of 2016. The waste was described as: waste MEK used to rinse drums that contained a UV Resin. American Container Processing also made one shipment in 2016 (two drums) of hazardous waste (F005,D035) described as: process wipes used to wipe down drums (F005,D035) being cleaned with MEK.

32. On approximately January 31, 2017 your affiant contacted Daniel P. Christmas, Director of Corporate Compliance for Corning Inc. Christmas affirmed that Corning Inc. contracted American Container Processors, Inc. to refurbish containers (that originally held a fiber optic coating) from (invoice date) November 28, 2011, through December 10, 2016. A total of 2235 containers were serviced during that period. Eric Spatt was the contact person for Scranton Cooperage and/or American Container Processors.

33. Christmas also provided to your affiant a document entitled "Scranton Cooperage-Corning Washing Procedure" that specified the use of acetone (during the main and second wash) and MEK (during the final wash) of Corning containers.

34. On approximately February 17, 2017 your affiant obtained information from Pam Rexer, Vice President and Director of Safety and Regulatory Affairs for Amrex Chemical Co. Inc. regarding the types and quantities of chemicals sold to

Scranton Cooperage and or American Container Processors, Inc.. Eric Spatt was listed as a contact person for purchases.

35. From November 22, 2011, through June 25, 2014 Amrex Chemical Co. Inc. sold 3,245 gallons of MEK to Scranton Cooperage. From February 24, 2015 through February 7, 2017 Amrex Chemical Co. sold 2,585 gallons of MEK to American Container Processors, Inc.

36. From August 24, 2004 through June 25, 2014 Scranton Cooperage purchased 26,290 gallons of Lacquer thinner (ALR-10-55 and ALR10-55OS) from Amrex that contain the following constituents and relative concentrations: Toluene (60%), Acetone (10%), and MEK (10%).

37. Your affiant learned that spent non-halogenated solvents that before use contain a total of ten percent or more (by volume) of Toluene, Acetone and/or MEK constitute a F003 and/or a F005 hazardous waste as per 25 Pa. Code 261.31.

38. On March 22, 2017, your affiant contacted facilities servicing hazardous waste facilities in Northeast Pennsylvania including Hazelton Oil Company Inc., TIER Environmental Services Inc., Veolia North America, ACV Environmental (formally Cycle Chem), Heritage Crystal Clean and Freehold Cartage Inc. Only Freehold Cartage Inc. ever arranged for the disposal of hazardous waste on behalf of Scranton Cooperage, specifically three drums in the year 2000.

39. On approximately March 23, 2017 your affiant contacted Paul Surgent, Program Coordinator for the Industrial Pretreatment Program for the Lackawanna River Basin Sewer Authority (LRBSA). His job duties include writing monitoring and enforcing regulations pertaining to industrial and commercial discharges to the LRBSA. The LRBSA issued a permit to Eric Spatt and Scranton Cooperage on January 1, 2012. The

permit required that the permittee notify the LRBSA, the EPA Regional Waste Management Director and the State hazardous waste authorities in writing of any discharge in the POTW (Publically Owned Treatment works) of a substance, which, if otherwise disposed of, would be a hazardous waste.

40. Surgent nor the LRBSA was ever notified of any disposal of hazardous waste to the LRBSA by Scranton Cooperage or American Waste Processors.

41. The Northeast Regional Office of the DEP certified that neither the DEP nor its predecessor the Department of Environmental Resources had any records to indicate that Scranton Cooperage, American Container or Eric Spatt has ever applied for or ever received a permit to use land located at 1264 Mid Valley Drive, Jessup, Lackawanna County, PA as a solid waste processing, storage, treatment or disposal area.

RELEVANT STATUTORY PROVISIONS

42. The Solid Waste Management Act ("SWMA"), 35 P.S. § 6018.101 *et. seq.*, defines the following words and phrases:

Solid waste - Any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. The term does not include coal ash or drill cuttings.

Storage - The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

Disposal - The incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth.

Hazardous waste - Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Residual waste - Any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act." "Residual waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to "The Clean Streams Law."

43. Section 6018.401(a) of the SWMA states, in relevant part, as follows:

"No person or municipality shall store, transport, treat or dispose of hazardous waste within this Commonwealth unless such storage, transportation, treatment, or disposal is authorized by the rules and regulations of the department; no person or municipality shall own or operate a hazardous waste storage, treatment or disposal facility unless such person or municipality has first obtained a permit for the storage, treatment and disposal of hazardous waste from the department; and, no person or municipality shall transport hazardous waste within the Commonwealth unless such person or municipality has first obtained a license for the transportation of hazardous waste from the department." 35 P.S. § 6018.401(a).

44. Section 6018.403(b)(1) of the SWMA states, in relevant part, as follows:

"It shall be unlawful for any person or municipality who generates, transports, stores, treats or disposes of hazardous waste to fail to maintain such records as are necessary to accurately identify the quantities of hazardous waste generated, the constituents thereof which are significant in quantity or in potential harm to human health or the environment, the method of transportation and the disposition of such wastes; and where applicable, the source and delivery points of such hazardous waste."

45. Section 6018.610(2) of the SWMA states, in relevant part, as follows:

"It shall be unlawful for any person or municipality to construct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit issued from the department as required by this act or in violation of the rules or regulations adopted under this act, or orders of the department, or in violation of any term or condition of any permit issued by the Pennsylvania Department of Environmental Protection (DEP)." 35 P.S. § 6018.610(2).

46. Section 6018.610(4) of the SWMA states, in relevant part, as follows:

"It shall be unlawful for any person or municipality to store, collect, transport, process, treat, beneficially use, or dispose of, or assist in the storage, collection, transportation, processing, treatment, beneficial use or disposal of, solid waste contrary to the rules or regulations adopted under this act, or orders of the department, or any term or any condition of any permit, or in any manner as to create a public nuisance or to adversely affect the public health, safety and welfare." 35 P.S. § 6018.610(4).

47. Section 6018.610(9) of the SWMA states, in relevant part, as follows:

"It shall be unlawful for any person or municipality to cause or assist in the violation of any provision of this act, any rule or regulation of the department, any order of the department or any term or condition of any permit." 35 P.S. §6018.610(9).

48. Based upon the aforementioned facts, your affiant has probable cause to believe that Eric Spatt has committed violations of the Solid Waste Management Act and Title 18.

49. As may be required by Rule 507(a) of the Pennsylvania Rules of Criminal Procedure, Brian Coffey, Senior Deputy Attorney General, has reviewed and approved the affidavit of probable cause and criminal complaint.

50. Your affiant asserts and verifies that the facts contained in this affidavit are true, correct and accurate to the best of my knowledge, information and belief. This information is made subject to the penalties of the Pennsylvania Crimes Code relating to unsworn falsification to authorities (18 Pa. C.S.A. § 4904).

Respectfully Submitted,

Date: 4/13/17

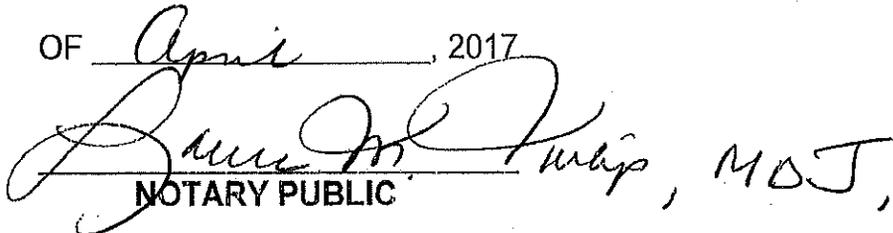


DONALD A. HENTZ JR.
Special Agent
Office of Attorney General
Bureau of Criminal Investigations
Environmental Crimes Unit

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 13 DAY

OF April, 2017



NOTARY PUBLIC