

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF: CARBON
 Magisterial District Number: 56-3-02
 MDJ: Hon. William J. Kissner
 Address: : 401 Delaware Ave, 2nd Floor
 Palmerton, PA 18071
 Telephone: (610)826-3707



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

VS.
DEFENDANT: (NAME and ADDRESS):
SEYEDAHMAD Z. ZIABARI
First Name Middle Name Last Name
 4506 Briarwood Drive Nazareth, PA 18064

NCIC Extradition Code Type

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pending Extradition	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 2-Felony Limited	<input type="checkbox"/> 6-Felony Pending Extradition Determ.	<input type="checkbox"/> D-Misdemeanor No Extradition	
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> E-Misdemeanor Pending Extradition	
<input type="checkbox"/> 4-Felony No Extradition	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> F-Misdemeanor Pending Extradition	

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-128-20	Date Filed 5-19-20	OTN/LiveScan Number U875020-6	Complaint/Incident Number 49-1228-B	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 08/21/1959	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>
First Name SEYED	Middle Name AHMAD (HAMED)	Last Name ZIABARI		Gen.
RACE <input type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input checked="" type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input checked="" type="checkbox"/> Unknown			
Hair Color <input checked="" type="checkbox"/> BLK (Black) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <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 type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> MAR (Maroon) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> XXX (Unknown)				
DNA <input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location		WEIGHT (lbs.)	
FBI Number	MNU Number			
Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO			Ft. HEIGHT In.	
Fingerprint Classification:			5 7	

DEFENDANT VEHICLE INFORMATION

Plate #	State	Haz mat <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).

SDAG BRIAN COFFEY (Name of the attorney for the Commonwealth) Brian T. Coffey (Signature of the attorney for the Commonwealth) 5/18/2020 (Date)

I, **SA HECTOR L. BAEZ** (Name of the Affiant) **BADGE #568** (PSP/MPOETC -Assigned Affiant ID Number & Badge #)
 of **Pennsylvania Office of Attorney General** (Identify Department or Agency Represented and Political Subdivision) **PA0222400** (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 **[402]** **Bowmanstown Borough, 700**
Lehigh Street, Palmerton, PA 18071 (Subdivision Code) (Place-Political Subdivision)
 in **CARBON** County **[13]** on or about **MAY 28, 2018**
 (County Code)



POLICE CRIMINAL COMPLAINT

Docket Number: CR-128-20	Date Filed: 5-19-20	OTN/LiveScan Number U 875020-U	Complaint/Incident Number 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z.	Last: ZIABARI

- 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 15.
- I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

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.)

May 19, 2020


(Signature of Affiant)

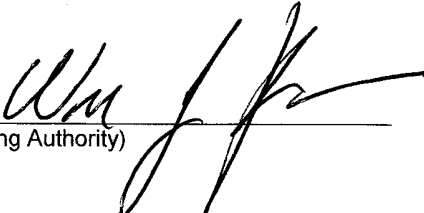
(Date)

(Year)

AND NOW, on this date May 19, 2020 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.

56-3-02
(Magisterial District Court Number)


(Issuing Authority)

SEAL



POLICE CRIMINAL COMPLAINT

Docket Number: CR-128-20	Date Filed: 5-19-20	OTN/LiveScan Number U 875020-4	Complaint/Incident Number 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z.	Last: ZIABARI

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 type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	1	2502	A	of the	TITLE 30	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"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **DISTURBANCE OF WATERWAYS AND WATERSHEDS**

Acts of the accused associated with this Offense: See Continuation Page

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	2	2504	A (2)	of the	TITLE 30	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"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **POLLUTION OF WATERS**

Acts of the accused associated with this Offense: See Continuation Page

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	3	6018.610	1	of the	TITLE 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"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **UNLAWFUL CONDUCT**

Acts of the accused associated with this Offense: See Continuation Page



POLICE CRIMINAL COMPLAINT

Docket Number: CR-128-20	Date Filed: 5-19-20	OTN/LiveScan Number U 875020-6	Complaint/Incident Number 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z.	Last: ZIABARI

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	4	6018.610	2	of the	TITLE 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"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **UNLAWFUL CONDUCT**

Acts of the accused associated with this Offense: See Continuation Page

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
---	---	--	--	---

<input type="checkbox"/>	5	6018.610	4	of the	TITLE 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"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **UNLAWFUL CONDUCT**

Acts of the accused associated with this Offense: See Continuation Page

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	6	691.307	A	of the	TITLE 35	1	F3		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **INDUSTRIAL WASTE DISCHARGE**

Acts of the accused associated with this Offense: See Continuation Page



POLICE CRIMINAL COMPLAINT

Docket Number: CR-128-20	Date Filed: 5-19-20	OTN/LiveScan Number U 875020-6	Complaint/Incident Number 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z.	Last: ZIABARI

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	7	691.401	B	of the	TITLE 35	1	F3		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
-------------------------------------	-----------------	-------------------------------------	--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance): **PROHIBITION AGAINST OTHER POLLUTIONS**

Acts of the accused associated with this Offense: See Continuation Page

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
---	---	--	--	---

<input type="checkbox"/>	8	691.611		of the	TITLE 35	1	F3		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **UNLAWFUL CONDUCT**

Acts of the accused associated with this Offense: See Continuation Page

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:



**POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE**

Docket Number: <i>CR-128-20</i>	Date Filed: <i>5-19-20</i>	OTN/Live Scan Number: <i>U 875020-4</i>	Complaint/Incident Number: 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z	Last: ZIABARI

OFFENSE DESCRIPTION CONTINUATION

Offense #1: 30 Pa.C.S.A §2502 (a), Disturbance of Waterways and Watersheds, M3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did alter or disturb any stream, stream bed, fish habitat, water, or watershed in any manner that might cause damage to, or loss of, fish without the necessary permits. To wit: On or about May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did alter or disturb any stream, stream bed, fish habitat, water, or watershed in any manner that might cause damage to, or loss of, fish, by dumping the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products, that flowed into a storm drain that discharged into Fireline Creek, a water of the Commonwealth, without a permit from the DEP and/or the Pennsylvania Fish and Boat Commission authorizing the conduct.

Offense #2: 30 Pa.C.S.A. §2504 (a) (2), Pollution of Waters, M3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did allow any substance, deleterious, destructive, or poisonous to fish, to be turned into or allowed to run, flow, wash, or be emptied into any waters within or bordering on this Commonwealth. To wit: On or about May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did allow a substance deleterious, destructive, or poisonous to fish, to be turned into or allowed to run, flow, wash, or be emptied, by dumping the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products, that flowed into a storm drain that discharged into Fireline Creek, a water of the Commonwealth.

Offense #3: 35 P.S. § 6018.610 (1), Unlawful Conduct, M3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did dump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground or underground or into the waters of the Commonwealth, by any means, unless a permit for the dumping of such solid wastes has been obtained from the department. To wit: On or about May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did dump or deposit, or permit the dumping or depositing, of solid waste onto the surface of the ground or underground or into the waters of the Commonwealth, without a permit from the DEP, by dumping the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products on the ground which then flowed into a storm drain that discharged into Fireline Creek.

Offense #4: 35 P.S. § 6018.610 (2), Unlawful Conduct, M3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did construct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit 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 department. To wit: On or about May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did construct, operate or utilized a solid waste storage, treatment, processing or disposal facility without a permit from the DEP, by using the company's loading dock to dump the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products on the ground which then flowed into a storm drain that discharged into Fireline Creek.



A. P. R. *5/19/2020*

W. J. H. *5/19/20*



**POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE**

Docket Number: <i>CR-128-20</i>	Date Filed: <i>5-19-20</i>	OTN/Live Scan Number: <i>D-875020-6</i>	Complaint/Incident Number: 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z	Last: ZIABARI

OFFENSE DESCRIPTION CONTINUATION

Offense #5: 35 P.S. § 6018.610(4), Unlawful Conduct, M3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did 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 regulation adopted under this act, or orders of the department, or any term or condition of any permit, 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 May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did store, collect, transport, process, treat, beneficially use, or dispose of solid waste contrary to the rules or regulations adopted under this act, or orders of the department, or any term or condition of any permit, or in any manner as to create a public nuisance or to adversely affect the public health safety and welfare by allowing the storage, collecting, processing, treatment or disposal of the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products by dumping the drum contents onto the ground which then flowed into a storm drain that discharged into Fireline Creek.

Offense #6: 35 P.S. § 691.307 (a), Industrial Waste Discharge, F3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did discharge or permitted the discharge of industrial wastes in any manner, directly or indirectly, into any of the Waters of the Commonwealth unless such discharge is authorized by the rules and regulations of the department or such person has first obtained a permit from the Department. To wit: On or about May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did discharge or permitted the discharge of industrial wastes, in any manner, directly or indirectly, by discharging the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products, that flowed into a storm drain that discharged into Fireline Creek, a water of the Commonwealth, without a permit from the DEP.

Offense #7: 35 P.S. § 691.401 (b), Prohibition against other pollutions, F3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did put or place into any waters of the Commonwealth, or allowed or permitted to be discharged from property owned or occupied by such person into any waters of the Commonwealth, any substance of any kind or character resulting in pollution. To wit: On or about May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did put or place, or allowed or permitted to be discharged from property owned or occupied by Ziabari into Fireline Creek, a water of the Commonwealth, the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products resulting in pollution.

Offense #8: 35 P.S. § 691.611, Unlawful Conduct, F3

The defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did fail to comply with any rule or regulation of the department or failed to comply with any order or permit or license of the department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, to cause air or water pollution, or to hinder, obstruct, prevent or interfere with the department or its personnel in the performance of any duty hereunder or to violate the provisions of 18 Pa.C.S. section 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities). To Wit: On or about May 28, 2018, the defendant, Seyedahmad Ziabari, either by his own conduct or the conduct of another did fail to comply with any rule or regulation of the department or failed to comply with any order or permit or license of the department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, to cause air or water pollution, by discharging the liquid contents of drums containing residue and/or storm water contaminated with residues of soaps, cleaning and floor wax products into Fireline Creek, a water of the Commonwealth without a permit from the DEP.

H. ZA 5/19/2020

WJK 5/19/20



POLICE CRIMINAL COMPLAINT

Docket Number: CR-128-20	Date Filed: 5-19-20	OTN/LiveScan Number U 875020-6	Complaint/Incident Number 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z.	Last: ZIABARI

AFFIDAVIT of PROBABLE CAUSE

Being duly sworn according to law, your affiant, Hector L. Baez, of the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations, Environmental Crimes Section, deposes and states there is probable cause to believe that Plastic World Recycling, Inc. committed the crimes described below and that a warrant should be issued.

I. INTRODUCTION

1. Your affiant, Hector L. Baez, is a Special Agent with the Pennsylvania Office of Attorney General (OAG), Bureau of Criminal Investigations (BCI), and Environmental Crimes Section (ECS). Your affiant has been employed by the OAG and assigned to the ECS since March 2019. The ECS investigates and prosecutes violations of Pennsylvania's environmental laws, as well as the Pennsylvania Crimes Code.

2. On September 19, 2018, the OAG initiated a criminal investigation based on a referral from Carbon County District Attorney Jean Engler, pursuant to the Commonwealth Attorneys Act, 71 P.S. §732-205(a)(6). The referral contained criminal complaints prepared by Pennsylvania Fish and Boat, Water Conservation Officer Scott Christman, alleging that on May 28, 2018, employees of Plastic World Recycling, Inc., a.k.a. Metal Management, located at 700 Lehigh Street, Palmerton, PA were observed dumping floor cleaning chemical products into a storm drain that discharged into Fireline Creek in Bowmanstown Borough, Carbon County. The referral alleged that Plastic World is owned by Seyedahmad "Alex" Ziabari.

II. INVESTIGATION

3. Office of Attorney General, Senior Supervisory Special Investigator (SSSI) Anthony Martinelli reviewed the referral documents from DA Engler and learned that on May 28, 2018, employees of Plastic World Recycling, Inc. were observed dumping the contents of drums off the loading dock of the facility at 700 Lehigh Street, Palmerton, PA 18701. The contents from the drums flowed to a storm water drain that discharged into Fireline Creek.

4. Investigation revealed that Plastic World Recycling, Inc., 700 Lehigh Street, Palmerton, PA 18071, is a business that accepts a variety of plastics and paper for processing and redistribution to manufacturers or re-users. Your affiant was advised by SSSI Martinelli and OAG Annuitant Paul Zimmerer that after their review of Bowmanstown Borough records they determined that Plastic World Recycling, Inc. has operated at this location as Plastic World Recycling, Inc. since 2013.

H. L. Baez 5/19/2020 *ALH* 5/19/20



POLICE CRIMINAL COMPLAINT

Docket Number: CR-128-20	Date Filed: 5-19-20	OTN/LiveScan Number U 875020-L	Complaint/Incident Number 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z.	Last: ZIABARI

5. On February 21, 2019, Christopher Sommers was interviewed by SSSI Martinelli and Annuitant Zimmerer. Sommers has operated a warehouse along Lehigh St. next to the Plastic World Recycling, Inc. property since 2007. Sommers related that he first observed drums being cut up and emptied on the Plastic World Recycling, Inc. loading dock on June 21, 2017. At that time, he observed a milky white liquid traveling on the ground Plastic World Recycling, Inc., across a parking lot between his warehouse and Plastic World's operations, then flowing into a storm water drain.

6. Sommers further reported that while working at his warehouse on May 28, 2018, he again observed two (2) workers at Plastic World Recycling, Inc. dump the contents of drums on the loading dock and then cut them apart. He estimated they were working on 100 drums this time. Sommers estimated that 100 gallons flowed off the loading dock into the storm water drain between the businesses, making, "quite the mess." Sommers further observed that the small creek into which the storm water drained turned completely white. Sommers contacted Kara Scott, Bowmanstown Borough Manager, to report the problems.

7. On January 16, 2019, Bowmanstown Borough Manager Kara Scott was interviewed by SSSI Martinelli and Annuitant Zimmerer. SSSI Martinelli reported to your affiant that Scott stated she received a phone call from Christopher Sommers on May 28, 2018, at approximately 9:30 am, reporting that he observed employees at Plastic World Recycling, Inc. dumping the contents of drums at the loading dock that was running through the parking lot and into the creek.

8. When Scott arrived at Plastic World Recycling, Inc. at about noon, she observed two workers dumping the contents of drums on the loading dock at Plastic World Recycling, Inc. She described the drums' contents as bluish white and running into a storm water drain about 20 yards from the loading dock. As the drums were dumped, they were then cut in half and stacked on the dock. Scott also observed that Fireline Creek had a white frothy look to it from the drum contents running into it from the storm water drain. Scott summoned emergency response agencies including: the Department of Environmental Protection (DEP), Fish and Boat Commission, Emergency Management Services and Bowmanstown's Mayor, William Ravert.

9. On January 16, 2019, William Ravert was interviewed, by SSSI, Martinelli and Annuitant Zimmerer. Ravert stated that he arrived at Plastic World Recycling at 1:00 P.M. that day and observed two workers dumping the contents of drums on the loading dock at Plastic World Recycling, Inc. A white liquid was running across the blacktop and into a storm water drain and there was a strong acid like smell in the air. He immediately approached two Plastic World Recycling Inc. workers and told them to "stop dumping; it is going into the creek." One of the employees replied, "we're only doing what we're told to do." Ravert reports that he observed a white substance in Fireline Creek that disappeared after about six feet where it joined the Lehigh River.

J. P. K. 5/19/2020

WJK 5/19/20



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-128-20</i>	Date Filed: <i>5-19-20</i>	OTN/LiveScan Number <i>U 875020-6</i>	Complaint/Incident Number 49-1228-B
Defendant Name:	First: SEYEDAHMAD	Middle: Z.	Last: ZIABARI

10. On January 16, 2019, Scott Christman, Fish and Boat Commission's, Waterways Conservation Officer, was interviewed by SSSI Martinelli and Annuitant Zimmerer. Christman stated that he arrived at Plastic World Recycling, Inc. at 1:20 P.M. and observed that a white/gray liquid had run across the parking lot from the Plastic World Recycling, Inc's loading dock to a storm drain. He noticed a strong chemical odor in this area. Christman observed the white/gray liquid in the storm drain catch basin. Christman determined that the storm drain outlet pipe discharges into Fireline Creek. An indeterminate quantity of the white/gray liquid was observed to have discharged into and impacting an estimated 0.5 mile of Fireline Creek before it flowed into the Lehigh River. Christman said that Fireline Creek is designated as a high quality cold water fishery and Class A wild trout water.

11. Christman inspected the Plastic World Recycling, Inc's. loading dock and observed 64 drums on the loading dock, turned upside down, some of which were still leaking a white/gray liquid into a storm water grate on the dock and strong chemical odor was noted in this area as well. Your affiant reviewed photographs taken by Christman of the loading dock and path of the waste liquid and labeling on the inverted drums on the loading dock. The drum's label's identified: Spartan Chlorinated Degreaser, One Up Multi Speed Floor Finish, and Spartan On An' On High Solids Metal Interlock Floor Finish. Christman stated, based on his investigation and observations, he estimated 300 drums were illegally dumped in this episode.

12. Christman advised SSSI Martinelli that he spoke with Joshua Joyce and Justen Neff, Plastic World Recycling employees working that day. Both Joyce and Neff told Christman that they were dumping the drums contents on the loading dock pursuant to instructions from Plastic World Recycling, Inc. owner Seyedahmad "Alex" Ziabari. Joyce and Neff provided Christman signed written statements. Your affiant reviewed the written statements of Joyce and Neff. Joyce and Neff's statements admitted that they were emptying the drums of their contents on the loading dock pursuant to instructions from Plastic World Recycling, Inc. owner Seyedahmad "Alex" Ziabari. Joyce wrote, "As instructed by the owner Alex Ziabari, to tip, dump barrels into drain on top of loading dock to flow into sewer drain."

13. On April 12, 2019, Amy Faulch, DEP Solid Waste Supervisor was interviewed by SSSI Martinelli and Annuitant Zimmerer. Faulch stated that on May 30, 2019, she conducted an Incident Response Follow-up Inspection at Plastic World Recycling, Inc. The inspection report written by Faulch stated that Plastic World Recycling, Inc. owner Ziabari admitted that while some drums came in empty, other drums came in with product residue. Faulch related that she observed and photographed 55 gallon drums containing residue and/or storm water of soaps, cleaning and floor wax products staged on the loading dock that appeared to have been emptied onto the ground and into a storm drain on site, which discharges into Fireline Creek and then flows into the Lehigh River.

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14. Faulch continued that during the inspection at the Plastic World recycling, Inc. facility, plastic pellets were observed in the area of the loading dock. DEP Water Quality Specialist Supervisor Steve Pletchan tracked the storm drain and identified the outfall where it discharged into Fireline Creek and observed plastic pellets in the creek.

15. On February 21, 2019, Gary Lutz, Vice President, ARC Maintenance Inc., Bath PA, was interviewed by SSSI Martinelli and Annuitant Zimmerer. Lutz stated that ARC is in the business of stripping and finishing floors. The floor stripping/finishing chemicals utilized by ARC are delivered in 55 gallon plastic drums and include: stripper, sealer, floor finisher and chlorinated degreasers. For the past four to five years they have sold spent drums to Plastic World Recycling.

16. Lutz provided SSSI Martinelli the Material Safety Data Sheets (MSDS) for the stripping/finishing chemicals in plastic drums purchased by ARC and disposed of at Plastic World Recycling, Inc. The MSDS sheets stated the steps to be taken in case a material is released or spilled: Chlorinated Degreaser - keep spills out of storm sewers and waterways; Damp Mop - small spills of one gallon or less may be flushed to sanitary sewers (if permitted by local sewer regulations) with plenty of water; On An' On - do not discharge into streams, lakes or other surface water.

17. On April 4, 2019, Jeffery Levan was interviewed, by the Office of Attorney General, Special Agent Hector Baez and SSSI Martinelli. Levan was a truck driver for Plastic World Recycling, Inc. from February to September, 2018. Levan stated that the week prior to May 28, 2018, he witnessed the dumping of resin from totes. The totes, which had a picture of a dead fish on them, were being dumped into a different inlet between the Plastic World Warehouse and office building. Levan related to you affiant that he told Plastic World Recycling, Inc. owner, Ziabari that he was not allowed to do this. Ziabari replied to Levan that the drain went to a treatment plant.

18. As part of this investigation your affiant queried the PA Department of State for corporation information for Plastic World Recycling, Inc. On September 3, 2013, an Application for Certificate of Authority to operate a Foreign Business for Plastic World Recycling, Inc, was filed. The Application was signed by Ziabari on August 21, 2013. The only Corporate Officer on Record is identified as President, Sayed Hamed Ziabari and the address of the business is recorded as 700 Lehigh Street, Palmerton, Pa, 18071.

19. As part of this investigation SSSI Martinelli contacted the PA DEP office in Wilkes Barre, PA and was advised that there were no permits issued to Plastic World Recycling, Inc. nor Ziabari, nor anyone, to dispose of solid waste or waste water onto the ground, or underground, or into waters of the Commonwealth or into Fireline Creek, Bowmanstown Borough, Carbon County.

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III. APPLICABLE LAW

20. Your affiant is familiar with the Fish and Boat Code Title 30 § 102 which provides the following definitions:

"Person." Includes individuals, partnerships, associations, corporations, political subdivisions, municipality authorities, the Commonwealth or any other legal entities.

"Waters of this Commonwealth." Includes all inland, tidal and boundary waters, whether navigable or nonnavigable, under the jurisdiction of the Commonwealth. The term includes ice that forms on these waters.

21. The Fish and Boat Code, Title 30 § 2502(a) states in pertinent part : "No person shall alter or disturb any stream, stream bed, fish habitat, water, or water shed in any manner that might cause damage to, or loss of, fish without the necessary permits. Any person violating this section commits a misdemeanor of the third degree.

22. The Fish and Boat Code, Title 30 § 2504(a)(2) which states in pertinent part: "no person, regardless of intent shall allow any substance deleterious, destructive, or poisonous to fish to be turned into or allowed to run, flow, wash or be emptied into any waters within or bordering on the Commonwealth. Any person violating the provisions of this section commits a misdemeanor of the third degree.

23. Your affiant is familiar with the Pennsylvania Solid Waste Management Act (SWMA), 35 P.S. § 6018.101, which provides the following definitions:

"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.

"Person." Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal, of General Services and the State Public School Building Authority), or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this act prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

"Facility" Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility.

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

M. E. P 5/19/2020 *WJL 5/19/20*



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24. The SWMA § 6018.610(1) provides that: It shall be unlawful for any person or municipality to dump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground or underground or into the waters of the Commonwealth, by any means, unless a permit for the dumping of such solid wastes has been obtained from the department; provided, the Environmental Quality Board may by regulation exempt certain activities associated with normal farming operations as defined by this act from such permit requirements.

25. The SWMA § 6018.610(2) provides that: It shall be unlawful for any person to construct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit 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 department.

26. The SWMA § 6018.610(4) provides that: It shall be unlawful for any person 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.

27. The SWMA § 6018.606(b) provides that: Any person other than a municipal official exercising his official duties who violates 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, shall be guilty of a misdemeanor of the third degree and, upon conviction, shall be sentenced to pay a fine of not less than \$1,000 but not more than \$25,000 per day for each violation or to imprisonment for a period of not more than one year, or both.

28. Your affiant is familiar with the Pennsylvania Clean Streams Laws, Title 35 P.S. § 691.1, which provides the following definitions:

"Person" shall be construed to include any natural person, partnership, association or corporation or any agency, instrumentality or entity of Federal or State Government. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall not exclude the members of an association and the directors, officers or agents of a corporation.

"Pollution" shall be construed to mean contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters.

"Industrial Waste" shall be construed to mean any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industry, or from any establishment, as herein defined, and mine drainage, refuse, silt, coal processing operation. "Industrial Waste" shall include all such substances whether or not generally characterized as waste.

H. L. Bay 5/19/2020



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"Establishment" shall be construed to include any industrial establishment, mill, factory, tannery, paper or pulp mill, garage, oil refinery, oil well, boat, vessel, mine, coal colliery, breaker, coal processing operations, dredging operations, except where the dredger holds an unexpired and valid permit issued by the Pennsylvania Water and Power Resources Board prior to the effective date of this act, quarry, and each and every other industry or plant or works.

"Waters of the Commonwealth" shall be construed to include any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

29. The Clean Streams Law § 691.307(a) provides that: It shall be unlawful for any person for any person or municipality to discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any of the waters of the Commonwealth unless such discharge is authorized by the rules and regulations of the department or such person or municipality has first obtained a permit from the department. For the purposes of this section, a discharge of industrial wastes into the waters of the Commonwealth shall include a discharge of industrial wastes by a person or municipality into a sewer system or other facility owned, operated or maintained by another person or municipality and which then flows into the waters of the Commonwealth.

30. The Clean Streams Law § 691.401 provides that: It shall be unlawful for any person or municipality to put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared to be a nuisance.

31. The Clean Streams Law § 691. 602(b.1) provides that: Any person or municipality who intentionally or knowingly violates any provision of this act, any rule or regulation of the department, any order of the department, or any condition of any permit issued pursuant to the act is guilty of a felony of the third degree and, upon conviction, shall be subject to a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000) for each separate offense or to imprisonment for a period of not more than seven years, or both.

IV. CONCLUSION

32. Based upon the above stated facts, your affiant has probable cause to believe that SEYEDAHMAD Z. ZIABARI, a.k.a. SEYED AHMAD ZIABARI, a.k.a. SEYED HAMED ZIABARI committed criminal violations of the Fish and Boat Code, Solid Waste Management Act, and Clean Streams Law, as set forth in the criminal complaint, which is incorporated herein by reference.

Jfk 4.1 5/19/2020

ALH

5/19/20



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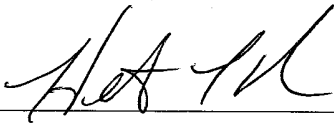
33. As may be required by Rule 507(a) of the Pennsylvania Rules of Criminal Procedure, Brian Coffey, Senior Deputy Attorney General, has reviewed and approved the affidavit of probable cause and the criminal complaint for the issuance of a warrant.

34. 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.

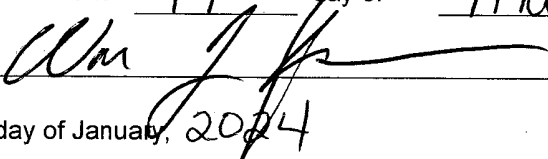
35. This information is made subject to the penalties of the Pennsylvania Crimes Code relating to unsworn falsification to authorities (18 Pa. C.S. § 4904).

I, SA HECTOR L. BAEZ, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAT NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.



(Signature of Affiant)

Sworn to me and subscribed before me this 19 day of May 2020
5-19-2020 Date , Magisterial District Judge

My commission expires first Monday of January, 2024

