

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: PIKE

Magisterial District Number: 60-3-01  
MDJ: Hon. Deborah Fischer  
Address: 102 East John Street, Milford  
PA 18337

Telephone: (570)296-8108



POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

(NAME and ADDRESS):

JAMES

MCKINNON

MUIR

First Name

Middle Name

Last Name

Gen

809 Christine Lane, Lancaster PA 17601

NCIC Extradition Code Type

<input 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 checked="" 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 <i>CR-49-22</i>	Date Filed <i>3/21/2022</i>	OTN/LiveScan Number <i>R2635555</i>	Complaint/Incident Number 49-1203	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO
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GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 12/03/1943	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>	Gen.
AKA	First Name	Middle Name	Last Name		

RACE  White  Asian  Black  Native American  Unknown

ETHNICITY  Hispanic  Non-Hispanic  Unknown

Hair Color  
 GRY (Gray)  RED (Red/Aubn.)  SDY (Sandy)  BLU (Blue)  PLE (Purple)  BRO (Brown)  
 BLK (Black)  ONG (Orange)  WHI (White)  XXX (Unk./Bald)  GRN (Green)  PNK (Pink)  
 BLN (Blonde / Strawberry)

Eye Color  
 BLK (Black)  BLU (Blue)  BRO (Brown)  GRN (Green)  GRY (Gray)  
 HAZ (Hazel)  MAR (Maroon)  PNK (Pink)  MUL (Multicolored)  XXX (Unknown)

DNA  YES  NO DNA Location WEIGHT (lbs.)

FBI Number MNU Number

Defendant Fingerprinted  YES  NO Ft. HEIGHT In.

Fingerprint Classification:

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).

CDAG REBECCA FRANZ  
(Name of the attorney for the Commonwealth)

*Rebecca Franz*  
(Signature of the attorney for the Commonwealth)

*3/21/2022*  
(Date)

I, ANTHONY L. MARTINELLI  
(Name of the Affiant)

BADGE# 813  
(PSP/MP/OTC -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 [211] Westfield Township  
(Subdivision Code) (Place-Political Subdivision)

in PIKE County [52] on or about MAY 13, 2014 THROUGH OCTOBER 4, 2016  
(County Code)



# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-49-22</i>	Date Filed: <i>3/2/22</i>	OTN/LiveScan Number <i>R 263535-5</i>	Complaint/Incident Number 49-1203
Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

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	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	1	6018	610(1)	of the	35	1	M3		
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): **SOLID WASTE MANAGEMENT ACT, UNLAWFUL CONDUCT, 35 P.S. § 6018.610(1), A MISDEMEANOR OF THE THIRD DEGREE**

Acts of the accused associated with this Offense: see continuation page

<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	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	2	6018	610(2)	of the	35	1	M3		
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): **SOLID WASTE MANAGEMENT ACT, UNLAWFUL CONDUCT, 35 P.S. § 6018.610(2), A MISDEMEANOR OF THE THIRD DEGREE**

Acts of the accused associated with this Offense: See continuation page

<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	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	3	6018	610(4)	of the	35	1	M3		
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): **SOLID WASTE MANAGEMENT ACT, UNLAWFUL CONDUCT, 35 P.S. § 6018.610(4), A MISDEMEANOR OF THE THIRD DEGREE**

Acts of the accused associated with this Offense: see continuation page



# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR 49-22</i>	Date Filed: <i>3/12/22</i>	OTN/LiveScan Number <i>R 263555-5</i>	Complaint/Incident Number 49-1203
Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

<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(9)	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"/> Interstate	<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(9), A MISDEMEANOR OF THE THIRD DEGREE**

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:

<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. 49.22</i>	Date Filed: <i>3/21/22</i>	OTN/LiveScan Number <i>R263-555-5</i>	Complaint/Incident Number 49-1203
Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

**OFFENSE DESCRIPTION CONTINUATION**

Offense #1: Unlawful conduct, 35 Pa. C.S.A. 6018.610(1), a misdemeanor of the third degree. The Defendant, James McKinnon Muir, by his own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 306 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: the Defendant, James McKinnon. Muir, did on or about May 13, 2014, continuing through October 4, 2016, caused solid waste, namely processed sewage sludge and grit to be dumped or deposited onto the ground, or buried underground. Said offense occurred at Pike County Environmental Inc. ("PCE"), 1116 Delaware Drive, Matamoras, Pike County PA, without a permit from DEP.

OFFENSE #2: Unlawful conduct, 35 Pa. C.S.A. 6018.610(2), a misdemeanor of the third degree. The defendant, James McKinnon Muir, by his own conduct or by 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 as required by this act or in violation of the rules and 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: the defendant, James Mckinnon Muir on or about May 13, 2014, continuing through October 4, 2016, did operate or utilize, a solid waste disposal facility by dumping processed sewage sludge and grit onto the ground and buried underground. Said offense occurred at Pike County Environmental Inc. ("PCE"), 1116 Delaware Drive, Matamoras, Pike County PA without a permit from DEP.

OFFENSE #3: Unlawful conduct, 35 Pa. C.S.A. 6018.610(4), a misdemeanor of the third degree. The Defendant, James McKinnon Muir, by his own conduct or by the conduct of another pursuant to 18 Pa. C.S.A. § 306, did store, collect, transport, process, treat, beneficially use or dispose of, or assist in the storage, collection, transportation, processing, treatment, beneficially use or disposal of, solid wastes 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; to wit: the defendant, James Mckinnon Muir on or about May 13, 2014, continuing through October 4, 2016, did store, collect or disposed of, a solid waste by dumping processed sewage sludge and grit onto the ground and buried underground. Said offense occurred at Pike County Environmental Inc. ("PCE"), 1116 Delaware Drive, Matamoras, Pike County PA without a permit from DEP.

OFFENSE #4: Unlawful conduct, 35 Pa. C.S.A. 6018.610(9), a misdemeanor of the third degree. The Defendant, James McKinnon Muir, by his own conduct or by the conduct of another pursuant to 18 Pa., C.S.A. § 306 did cause or assist in the violation of any provision of this act or any rule or regulation of the department, any order of the department, or any term or condition of any permit, to wit: the defendant, James Mckinnon Muir on or about May 13, 2014, continuing through October 4, 2016, did violate any term or condition of his permits by failing to dispose of sewage sludge and grit at a landfill. Said offense occurred at Pike County Environmental Inc. ("PCE"), 1116 Delaware Drive, Matamoras, Pa 18336.



# POLICE CRIMINAL COMPLAINT

Docket Number: <u>CR. 49.22</u>	Date Filed: <u>3/21/22</u>	OTN/LiveScan Number <u>R 263555-5</u>	Complaint/Incident Number 49-1203
Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

- 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    .
- 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.)**

MARCH 22, 2022

Anthony L. Martelli  
(Signature of Affiant)

(Date)

(Year)

AND NOW, on this date March 22 2022 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.

60 03 01

(Magisterial District Court Number)

[Signature]  
(Issuing Authority)





# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR 49-22</i>	Date Filed: <i>3/21/22</i>	OTN/LiveScan Number <i>R263555-5</i>	Complaint/Incident Number 49-1203
Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

## AFFIDAVIT of PROBABLE CAUSE

Being duly sworn according to law, your affiant, Anthony L. Martinelli, of the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations, Environmental Crimes Section, deposes and states there is probable cause to believe that James Muir committed the crimes described below and that a summons should be issued.

### I. INTRODUCTION

1. Your affiant, Anthony L. Martinelli, is a Supervisory 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 May 2018. The ECS investigates and prosecutes violations of Pennsylvania's environmental laws, as well as the Pennsylvania Crimes Code.

2. On June 13, 2017, at the request of Pike County District Attorney, Raymond J. Tonkin, by his letter dated June 6, 2017, OAG Executive Deputy Attorney General Jennifer Selber accepted jurisdiction pursuant to PS 732-205 (a) (6) of an investigation of Pike County Environmental Inc. ("PCE") and/or M&S Sanitation Sewage Disposal ("MSSSD") and/or James Muir. It is alleged that PCE engaged in crimes associated with record keeping and sewage disposal, illegal collection, storage, and disposal activities of waste without a permit, thus violating the Solid Waste Management Act. Furthermore that MSSSD may have committed theft. Initially Senior Special Agent Robert Kelly was assigned to this investigation. Your affiant was assigned the case following Kelly's retirement.

### II. INVESTIGATION

3. Your affiant's investigation determined that PCE was incorporated in Pennsylvania on February 17, 1989. James Muir is recorded as the President of PCE, with an address of PO Box 127, Matamoras, PA 18336-0127. PCE has an Entity # 1080721 and an address of 1065 Delaware Drive, PO Box 127, Matamoras, PA 18336.

4. On December 6, 2021, your affiant traveled to the Pike County Recorder of Deeds and obtained a certified deed recording the sale of land to PCE on February 19, 1992. The sale is recorded in Book 505 pages 244-248. The address of the Grantee is PO Box 127 Delaware Drive, Matamoras, PA 18336.

5. As part of this investigation your affiant learned that James Muir ran the businesses of PCE and MSSSD from the business property of 1065 Delaware Drive Matamoras, PA. PCE was in the business of treating sewage associated waste that was transported by trucks to that facility. The treatment plant's physical address is 1116 Delaware Drive, Matamoras, PA. A General Permit # PAG-07-2201 was held since April 3, 2004, for the application and disposition of sewage sludge waste. MSSSD was a trucking company that transported sewage waste to the 1116 Delaware Drive property for treatment.



# POLICE CRIMINAL COMPLAINT

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Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

6. Your affiant interviewed George Weber Jr, who worked for James Muir at PCE since at least 1990 through 2017. He recalled that around 2013, PCE began having financial difficulties. James Muir was the owner and directed that sacks of debris be stored in an on-site building and also buried on the property. He described debris as waste raked from the treatment plant screens, such as tampons, needles and trash. The debris would be placed in one ton bags. He estimated that 50 – 75 of these bags containing debris was buried on-site.

7. Your affiant interviewed Hector Rosado who worked at PCE between 2013 and 2017. He said James Muir was the owner and supervisor. Rosado stated that once the sewage sludge is pressed, it is referred to as "cake". He said there was a massive building on the property where James Muir was placing cake. When the building was full of cake, James Muir began placing the cake outside the building.

8. Your affiant interviewed PCE employee Orlando Lugo, who worked at PCE from 2010 to 2016. He said that James Muir was the owner and boss. During a time James "Jamie" Muir Jr., ran the PCE business's operations for his father. Jamie directed that debris produced from the treatment system be placed into sacks and stored between the buildings. Additional sludge was placed in the buildings and buried at the plant.

9. Your affiant interviewed Tracy Decker who worked at PCE from 2011 to 2016, as a dispatcher. Decker said that James Muir was the PCE owner and supervisor of the workers.

10. Your affiant interviewed Tony Lasaponara who purchased PCE in March 2017. Prior to purchasing the property Lasaponara began to clean up the property and business in February 2016. He stated that he removed sewage sludge and grit from every building on the property. He defined grit as the waste removed from the treatment plant screens. He excavated 40-50 sacks of grit that had been buried with mulch, at the property. Lasaponara removed an additional 50 – 75 sacks of grit from buildings and removed biosolids stockpile so high that you couldn't see the building. This waste was disposed of at the Keystone Landfill: 4 truckloads of grit, weighing 60.35 tons and 61 truckloads of sludge that were removed from the property, between February 2016, and October 4, 2016.

11. As part of this investigation your affiant reviewed the DEP files and the NPDES permit number PA-0062324 issued to PCE on May 2, 2012. This five year permit, issued to PCE, PO Box 127, Matamoras, PA 18336, has specific limitations, monitoring, record keeping and reporting requirements. Under Part C. 1. Other Requirements D., of this permit, states in pertinent part that: collected screenings, slurries, sludges, and other solids shall be handled and disposed of in compliance with 25 PA Code, the Pennsylvania Solid Waste Management Act of 1980.

12. Your affiant also reviewed a DEP statewide General Permit PAG07 2201, issued to James Muir/PCE, 1116 Delaware Drive, Matamoras, PA , effective April 3, 2004. This permit is for the beneficial use of exceptional quality biosolids, PAG-07. Under Section G



# POLICE CRIMINAL COMPLAINT

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Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

"Storage" Part 2, "Storage of bulk exceptional quality biosolids within the direct control of the permittee or agent for the permittee cannot be stored longer than 1 year unless otherwise approved by DEP."

13. Your affiant interviewed DEP, Soils Scientist, Tim Craven of the Clean Water Program. He began employment in this position in 2004, and has been responsible for inspecting the PCE facility, since that time. He said that PCE operates under an NPDES Permit and a General Permit, No. PAG-07 2201 for handling of sewage sludge. He has been responsible for determining PCE's compliance with the General Permit on the handling and management of the sludge that PCE generated.

14. Craven said that because PCE's biosolids are treated with lime they are considered Class A biosolids. Craven described PCE as being "a mess" from the time he began inspecting the facility. At one time he had documented over 50 violations. These violations included placing biosolids directly onto the ground and filling a building with biosolids. At one point PCE had a biosolids pile the entire front of the facility.

15. Your affiant interviewed DEP, Water Quality Supervisor, Sandra Insalaco. She inspected PCE between 2011 until the fall of 2016. She dealt with partial owner Paul Dilger on site. All her correspondence related to PCE went through owner, James Muir. Beginning in 2014, PCE began storing sludge in an on-site building. She said that PCE was not permitted to store any sludge on-site, except for a 40 cubic yard dumpster. PCE's permit, PAG-07 2201, required that the sludge they generate be land applied or disposed of at a landfill. All debris and grit from the plant was required to be disposed of at a landfill.

16. On May 13, 2014, Insalaco conducted an inspection of PCE and noted the following: "class A biosolids are not being stored properly on-site and leachate is coming from the two stockpiles and spreading out on the ground."

17. On May 21, 2014, James Muir/PCE was issued a Notice of Violation for violations observed at the treatment facility: "Class A biosolids were being stored in an unpermitted area measuring 100 feet by 100 feet. The sludge holding building was also full."

18. On August 26, 2014, Insalaco conducted an inspection of PCE and noted the following: "PCE does not have a permit to distribute biosolids and the storage building remains about 90% full. PCE does not have approval to use this building for storage."

19. On November 25, 2014, Insalaco conducted an inspection of PCE and noted the following: "The building has not been emptied of processed sewage."

20. On January 12, 2015, Insalaco conducted an inspection of PCE and noted the following: "This building was to be emptied by December 31, 2014, as requested by a DEP Notice of Violation, dated December 9, 2014." She noted that "additional materials have been placed in the building. Mr. Muir was on site."





# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR 49-22</i>	Date Filed: <i>3/21/22</i>	OTN/LiveScan Number <i>R243555-5</i>	Complaint/Incident Number 49-1203
Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

21. On February 28, 2022, Cynthia Kanavy, DEP Clerical Supervisor, certified that no record was found to exist that Pike County Environmental Inc., (PCE), M&S Sanitation or James Muir has ever applied for or received a permit under the Clean Streams Law or Solid Waste Management Act to store or dispose of sewage sludge or grit at or near 1116 Delaware Drive, Westfall Township, Pike County, PA 18336. No record was found to exist that DEP or its predecessor, DER, has ever granted an exemption to Pike County Environmental Inc., (PCE), M&S Sanitation or James Muir, from any permitting requirements of the above mentioned laws.

### APPLICABLE LAW

22. 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.

"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.

"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.

22. The SWMA § 6018.610(1) provides that it shall be unlawful for any person or 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.



**POLICE CRIMINAL COMPLAINT**

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Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

23. 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.

24. 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.

25. The SWMA § 6018.610(9), provides that it shall be unlawful to cause or assist in the violation of any provision of this act or any rule or regulation of the department, any order of the department, or any term or condition of any permit.

26. 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.

**CONCLUSION**

27. Based upon the above facts, your affiant has probable cause to believe that James Mckinnon Muir committed criminal violations of the, Solid Waste Management Act, as set forth in the criminal complaint, which is incorporated herein by reference.

28. As may be required by Rule 507(a) of the Pennsylvania Rules of Criminal Procedure, Rebecca S. Franz, Chief Deputy Attorney General, has reviewed and approved the affidavit of probable cause and the criminal complaint for the issuance of a summons.

29. Your affiant asserts and verifies that the facts contained in this affidavit are true, correct and accurate to the best of my knowledge.

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



# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CP-49.22</i>	Date Filed: <i>3/21/22</i>	OTN/LiveScan Number <i>R236535-5</i>	Complaint/Incident Number 49-1203
Defendant Name:	First: JAMES	Middle: MCKINNON	Last: MUIR

I, ANTHONY L. MARTINELLI, 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 THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

*Anthony L. Martinelli*  
 \_\_\_\_\_  
 (Signature of Affiant)

Sworn to me and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January,

