



## OFFICE OF THE DISTRICT ATTORNEY

DELAWARE COUNTY COURTHOUSE  
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### FOR IMMEDIATE RELEASE

DATE: July 27, 2021

### DISTRICT ATTORNEY ANNOUNCES CRIMINAL CHARGES IN CONNECTION WITH BROOKHAVEN FUEL SPILL

**Media, PA-** District Attorney Jack Stollsteimer today announced that 36 year-old George Smith of Vineland, New Jersey has been criminally charged with Causing and Risking Catastrophe, Clean Streams Law violations, and related offenses in connection with a large-scale fuel discharge that occurred on June 11, 2021 at the Gas N Go located in Brookhaven.

“We have determined that the defendant’s deliberate actions caused this fuel discharge. Motivated by a desire to speed up his route, the defendant poured in excess of 4,000 gallons of gasoline over an embankment bordering an elementary school – causing damage to a nearby stream, wildlife and vegetation and resulting in the closure of the school. As a fuel delivery driver, the defendant was entrusted with a hazardous product – gasoline – and he owed a duty of care to all of us. He chose self-interest over the safety of the Brookhaven community and the safety of the children at Coebourn Elementary School. One of my first actions as District Attorney was to establish an Environmental Crimes Unit, and this prosecution should send a message that we will pursue and prosecute those who commit crimes against our environment,” said District Attorney Stollsteimer.

Detectives Steve Cortese and Christopher Sponaugle of the Criminal Investigation Division interviewed the general manager of Lee Transport Systems, LLC (“Lee”), the defendant’s employer, and obtained records showing the defendant’s delivery route as well as bills of lading confirming the amount of gasoline defendant acquired at the fuel depot prior to the delivery at Gas N Go. Those records show that defendant filled his truck with 8,500 gallons of gasoline for delivery on the day of the incident. Additionally, those records indicate that the defendant was scheduled to make delivery to the Brookhaven location on his fourth stop of the night; however, the defendant deviated from his planned route and made the Brookhaven delivery his first stop. Due to an earlier delivery at the Gas N Go on the day of the incident, it was clear from records

that the quantity of gasoline carried by the defendant would not fit in the underground tanks at the Brookhaven station. Notably, investigators learned that safety features on defendant's fuel truck make it impossible for drivers to refill their truck if gas remains in the truck fuel compartments. Therefore, the defendant would have had to make a partial delivery at his next stop before returning to the fuel depot, which would have lengthened his route.

Investigators also obtained surveillance video from the station showing that, during the fuel delivery stop, the defendant placed the fuel hose on the ground next to the guard rail. As evidenced by dead vegetation, the defendant's hose placement in the surveillance video corresponds with the flow path of gas leading down the embankment from the gas station and into a small, wooded area between the gas station and adjacent elementary school.

Following the fuel discharge, a meter system that monitors the underground fuel tanks at Gas N Go was consulted and investigators confirmed that the tanks did not overflow during the defendant's visit. Moreover, an overfill warning system consisting of both audio and visual alarms that warns individuals when the underground tanks are reaching capacity was functioning properly. In fact, the overfill warning system triggered during the defendant's filling of the underground Gas N Go tanks. When the overfill system triggered, the defendant redirected the hose to the guardrail of the property.

Led by the response of the Brookhaven Fire Company, local and state authorities arrived at the scene the next morning to identify the source of pooling gasoline in the area of the elementary school. At that time, the source of the fuel discharge was located and additional agencies were alerted. The Delaware County Department of Emergency Services, Pennsylvania Fish and Boat Commission, and Department of Environmental Protection all arrived on location to assess the impact of the fuel discharge.

The defendant's actions had a catastrophic impact on the Brookhaven community and the environment. Immediately following the incident the Coebourn Elementary School was closed for the remainder of the school year as remediation efforts began. The environmental impact was immediate and observable with dead wild life — a dead fox, fishes, and eels — in and around the vicinity of the fuel discharge. To date, over 100 large trucks of contaminated soil have been excavated and removed from the site. Additional efforts to remediate, including testing and treating the ground water, could take years.

“This was a catastrophic event for the Brookhaven community, and I want to acknowledge and thank the first responders, particularly members of the Brookhaven Fire Company led by Chief Rob Montella, the Pennsylvania Fish and Boat Commission, the Department of Environmental Protection, and the County's Emergency Services Department, led by Director Tim Boyce, for their quick response. Their actions prevented further degradation of the immediate environment and prevented further contamination of nearby waterways. Finally, I want to thank Detectives Cortese and Sponaugle of the Criminal Investigation Division, Deputy District Attorney Douglas Rhoads and Assistant District Attorney Melissa Muroff, Chief of the Environmental Crimes Unit, for their excellent work on this case,” said DA Stollsteimer.

The District Attorney and the Criminal Investigations Division remind anyone in Delaware County who observes suspicious activity to call 911 immediately and provide the most specific and accurate details possible to assist law enforcement agencies investigating the call for service.

*CRIMINAL CHARGES, AND ANY DISCUSSION THEREOF, ARE ALLEGATIONS AND ALL DEFENDANTS ARE PRESUMED INNOCENT UNLESS AND UNTIL PROVEN GUILTY.*

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