

District Attorney Gardner
48 West 3rd Street
Williamsport, PA 17701

December 11, 2023

District Attorney Ryan Gardner,

We are writing to request a criminal misconduct investigation as well as a environmental crimes investigation of Eureka Resources, LLC, as well a criminal misconduct investigation of the Pennsylvania Department of Environmental Protection, the Wilkes-Barre OSHA office, and the Williamsport Bureau of Codes for willful neglect related to these matters.

Over the past year, we have experienced working in an unsafe work environment. We have been subjected to continual gas inhalation (*e.g. methanol by-products, carbon monoxide, H2S gas, etc.*), radiation (*radium*) exposure which has sickened several of the workers, and constant exposure to poorly maintained highly pressurized vessels containing hot gases and caustics. In 2022, a Wysox worker's last several hours spent on this earth was experiencing the most pain that any human could ever attempt to imagine as his skin was melted off of his body.

When management was approached in the pursuit of health and safety activities, we've experienced threats, retaliation, intimidation, and mockery. To-date, the facility has progressively deteriorated, and the safety issues there and the concerns raised have been left unaddressed.

Of what injuries were recorded and documented, Brandon Barrett was exposed to H2S gas, became ill and disoriented (*visibly blue lips and uncontrolled drooling during the event*), and had to drive himself to the Urgi-Center to receive the immediate healthcare he needed. Eric Steppe was directly exposed to carbon monoxide gas and H2S gas, becoming extremely ill and having to be driven to the UPMC ER for immediate healthcare needs.

There are often in-facility releases of methanol, H2S, Hydrogen Chloride, radiation, and petroleum. Petroleum has repeatedly been identified in the distillate that is shipped to the Williamsport Sewer District, and the EPA has subsequently been contacted for this point-source pollution concern. When confronted, management attempted to deny and cover up the existence of petroleum in this water being exported out. In addition a spill recently occurred on November 16, 2023 releasing H2S and radiation contaminated frackwater into the public stormwater system, and exposing public workers responding to the emergency. Coincidentally there is an appearance of impropriety, and conflict of interest at the Williamsport Sanitary Authority, as a Eureka Resources LLC owner is the current vice chair of the Water Board.

These issues have occurred over the past 8+ months under new management and we have all attempted to use what government mechanisms are place for health and safety as well as environmental protection concerns, with limited success. The Wilkes-Barre OSHA branch exhibited willful neglect regarding imminent life-safety concerns raised to them, the dysfunctional Williamsport Bureau of Codes improperly closed legal RTK requests for valid and signed building permits and plans associated with the facility, without ever providing the requested documents, all while the State is actively funding this private enterprise with grant subsidies that are paid for by the taxpayers. The

system has been found to be a fraud, a façade, an unaccountable illusion of safety and security. This is why public trust in our institutions is at an all-time low and continuing to disintegrate.

Do you know what it's like to feel all alone, that there is no one that has your back, that there is no one in the government who will help? Do you know what it feels to be gaslit by the very government agencies you pay taxes into, to be told there is nothing to see, your concerns are an illusion, these issues and serious questions don't matter. That is how we felt. NOTHING happened, NOTHING, until an OSHA whistleblower complaint was actually filed with the Department of Labor AGAINST OSHA.

Please reference the **PROJECT TENORM** report from the Public Herald for more details.

This issue is urgent, as it exposes both private and public accountability issues, disenfranchises Pennsylvania workers in this overlooked labor segment, subjects workers and the public to substantive environmental hazards, and risks the lives of current and future workers and their families involved with Eureka Resources, LLC. Someone is likely to be severely maimed or killed in the future if the State does nothing, and we have sounded the alarm and notified all pertinent agencies, in writing, to this effect.

To assure health, safety, environmental protections, and accountability, we demand the following:

- 1.) The **tendered resignations of the Wilkes-Barre OSHA Area Manager and Field Inspector** for willful neglect and a perceived disdain for any health and safety whistleblower outlining numerous dangerous conditions surrounding this facility. This will attempt to restore the public trust in this institution,
- 2.) **Freeze Redevelopment Capital Program grant funding** being provided to Eureka Resources, LLC by the State (As there have been over 16 OSHA safety complaints and violations recorded over the last eight (8) years alone, and this historical performance should not be funded by the taxpayers)
- 3.) An **RTKL audit of the Williamsport Bureau of Codes**, to root out the willful neglect and violation of statutes protecting the body politic and their right to transparency, particularly surrounding this facility.
- 4.) **Knowing the radiation that we are being exposed to, having badges/dosimeters to measure dangerous levels of radiation, and a plan for when workers are overexposed,**
- 5.) **Stop the State from turning a blind eye to point-source pollution, petroleum in the distillate water being exported from the facility to the Williamsport Sewer District, and addressing that a Eureka Resources LLC owner sits on the Water Board, creating yet another conflict of interest.**
- 6.) **Assure appropriate building and vessel ventilation and building code compliance** to prevent Methanol/H₂S/Hydrogen Chlorine chronic exposure and poisoning risks to Pennsylvania workers; and
- 7.) **Assure a full time, full shift safety manager is present AT ALL TIMES** in this overlooked labor segment that involves pressurized vessels, radiation, toxic gases, and caustics.

Thank you.

Eric Steppe/Quinn Augenbaugh/Dalton Trehan/Brandon Barrett

CC: Attorney General, Representative Jamie Flick, Senator Katie J. Muth, Samuel M. Sanguedolce
12/10/2023