



Department of Justice

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Eastern District of Texas

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LUFKIN, TEXAS MAN GUILTY OF ENVIRONMENTAL VIOLATIONS

LUFKIN, Texas – A 48-year-old Lufkin man has pleaded guilty to disposing of hazardous wastes without a permit in the Eastern District of Texas announced U.S. Attorney John M. Bales today.

David Overdorf pleaded guilty to disposing of hazardous wastes without a permit on Mar. 18, 2011 before U.S. Magistrate Judge Earl S. Hines.

According to information presented in court, Overdorf was the former owner and president of H.O.T. Transport, Inc. (HOT), a Lufkin-based chemical transportation business which offered commercial transportation of industrial liquids such as caustics, ethanol, methanol, hot wax, cresol, and formaldehyde. During the normal course of business, Overdorf directed HOT employees to wash out the interiors of trailer mounted tanks at HOT's place of business knowing that the tanks contained hazardous wastes. Overdorf also directed HOT employees to pump the wash wastewater containing hazardous wastes from a catch basin into a trailer mounted tank labeled "wastewater" at the business.

On Mar. 10, 2006, Overdorf directed a HOT employee to transport approximately 45,000 tons of tank wash wastewater containing hazardous wastes in a trailer mounted tank from the business to Quala Wash in Houston for disposal and authorized payment of \$450 to Clinton Promise for the disposal. These wastes possessed the hazardous characteristic of Ignitability. This action was a direct violation of the Resource Conservation and Recovery Act (RCRA). The RCRA criminalizes the storage, transportation, or disposal of hazardous wastes without a permit.

As part of his plea agreement with the government, Overdorf has agreed to pay a \$50,000 fine. He must also hire an independent environmental engineering firm within four weeks to determine the full extent of soil contamination at HOT's former business site. Overdorf must also spend up to \$250,000 towards the costs of cleaning up any contamination left at the site. HOT is no longer in business.

Overdorf faces up to five years in federal prison. A sentencing date has not been set.

This case is being investigated by the EPA's Criminal Investigation Division and the Texas Commission on Environmental Quality's Tyler and Beaumont offices. This case is being prosecuted by Assistant U.S. Attorney Jim Noble.