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**FORMER PRESIDENT OF HUNTINGTON CHEMICAL COMPANY  
SENTENCED FOR ENVIRONMENTAL VIOLATIONS**

***Ordered to Pay Restitution and Make Payments Towards Prior \$3,000,000 Consent Decree***

HUNTINGTON, W. Va. – United States Attorney R. Booth Goodwin II announced today that James R. Holt, Jr., the former President and operator of Techsol Chemical Company, Inc. (“Techsol”), was sentenced to 60 days of community confinement, 6 months of home detention, and 5 years probation. United States District Judge Robert C. Chambers also ordered Holt to pay restitution in the amount of \$13,948 to the Huntington Sanitary Board Wastewater Treatment Plant and to make reasonable payments towards a previous \$3,000,000 consent decree with the West Virginia Department of Environmental Protection.

Holt previously pleaded guilty, admitting that he negligently introducing a hazardous substance known as Coal Tar Light Oil (CTLO) into the Huntington Sanitation District Sewage Treatment Plant, in violation of the Clean Water Act.

“Environmental crimes affect us all,” stated U.S. Attorney Booth Goodwin. “The Department of Justice is absolutely committed to holding accountable those who pollute our land, air and waters, but perhaps more importantly, we are devoted to protecting people from the very real harm events like this cause.”

During the morning of October 28, 2004, Techsol employees were transferring 22,000 gallons of CTLO from a rail car to a tanker truck when a massive spill occurred. The spill caused the multi-day evacuation of nearby residents and businesses, the closure of schools, the local sewage treatment plant, several roadways and a rail line, and resulted in millions of dollars in clean-up costs.

CTLO is generated during the production of coke from coal, and consists mostly of benzene, toluene and xylene. All three chemical are listed as hazardous substances or materials under the federal Clean Water Act, the Clean Air Act, and the Hazardous Material Transportation Act.

Holt was familiar with the dangers involving the handling of hazardous chemicals, including the possibility of spills. However, the investigation revealed that he failed to have his employees properly trained to adequately handle the transloading operation of a rail car containing a hazardous chemical such as CTLO. Moreover, Holt failed to have secondary containment for the rail car during the transloading operation.

"There are honest accidents and there are cases of criminal neglect," said David M. Dillon, Special Agent in Charge of EPA's Office of Criminal Enforcement in Philadelphia, Pennsylvania. "The defendant's failure to properly train his employees and to have adequate safety measures, directly resulted in the spill of toxic chemicals into a tributary of the Ohio River, costing millions of dollars in damages and forcing hundreds of people to evacuate their homes for more than a week. This method of doing business by cutting corners will not be tolerated. Today's sentencing demonstrates that companies and their senior executives will be held responsible for environmental crimes."

Congress enacted the CWA "to restore and maintain the chemical, physical and biological integrity of the Nation's waters." Among other things, the Act regulates the discharge of pollutants that flow ultimately into surface waters via sewer systems connected to publicly-owned sewage treatment plants. These facilities are generally designed to treat conventional pollutants or "domestic sewage," but do not have the capacity to treat every type of wastewater that could come to them through sewer systems, particularly hazardous substances such as CTLO. As relevant here, federal regulations prohibit the introduction of pollutants that interfere with a sewage treatment plant's operations, create a fire or explosion hazard, or which result in the presence of toxic gases, vapors or fumes which can cause acute worker health and safety problems.

Under the terms of a previous civil Consent Order, Wayne County Circuit Court enjoined Holt and Techsol from ever conducting business in the State of West Virginia, and enjoined Holt from ever working, or otherwise participating in any "environmentally sensitive business" which included any business which required any WVDEP permit for operations. The Order also imposed a \$3 million civil judgment against Techsol and Holt for civil penalties and the recovery of clean up costs, response costs and damages associated with the October 28, 2004 spill.

This case was investigated by the U. S. Environmental Protection Agency, Criminal Investigation Division, in conjunction with the Federal Bureau of Investigation. It was prosecuted by Special Assistant United States Attorney David Lastra (who is a Regional Criminal Enforcement Counsel with the EPA's Region 3), and Assistant United States Attorney Erik Goes.

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