

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF THE ADMINISTRATOR**

In the Matter of:

Coastline Industrial Coatings, Inc.

Respondent.

**PHMSA Case No. 04-765-SD-SW
DMS Docket No. PHMSA-2005-22851-3**

DECISION ON APPEAL

On November 1, 2005, the Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT), issued an Order of the Chief Counsel¹ (Order) to Coastline Industrial Coatings, Inc. (Respondent) finding the company had knowingly committed six violations of the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180. The Order, which is incorporated by reference, assessed a \$20,125 civil penalty.

In this appeal, Respondent seeks reversal of the finding of violation with regard to two of the violations and apparently seeks a reduction in the total assessed civil penalty. Respondent failed to file an appeal within twenty (20) days of its receipt of the Order.

PHMSA procedural regulations require a Respondent to file an appeal within twenty (20) days of its receipt of an order issued by the Chief Counsel. U.S. Postal Service records show Respondent received the Order on November 7, 2005. As clearly stated in the Order, filing of an appeal is effective on the date PHMSA receives the appeal. PHMSA received Respondent's appeal, dated November 28, 2005, on December 7, 2005.

¹ DMS Docket Number PHMSA-2005-22851-1 at <http://dms.dot.gov>.

Respondent's appeal is untimely and is therefore denied. This Order constitutes the final administrative action in this proceeding.



Thomas J. Barrett
Administrator

Date Issued: OCT 24 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

CERTIFICATE OF SERVICE

This is to certify that on the ___ day of OCT 24, ~~2006~~, the Undersigned served in the following manner the designated copies of this Order with attached addendums to each party listed below:

Coastline Industrial Coatings, Inc.
3401 Fifth Street
Stafford, TX 77477
ATTN: H. MacGregor Main, Vice President

Original Decision on Appeal
Certified Mail – Return Receipt

Krista Edwards, Esquire
Chief Counsel
USDOT/PHMSA
400 Seventh Street, S.W.
Washington, DC 20590

One Copy
Internal E-mail

Ray LaMagdelaine
Enforcement Officer
USDOT/PHMSA/OHMS
400 Seventh Street, S.W.
Washington, D.C. 20590

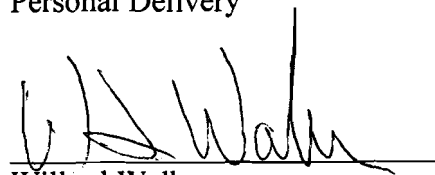
One Copy
Internal E-Mail

Billy Hines, Jr.
Southwestern Region Chief
USDOT/PHMSA/OHMS
Southwestern Region Office
8701 S. Gessner Rd., Ste. 1110
Houston, TX 77074

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Internal E-Mail

U.S. DOT Dockets
U.S. Department of Transportation
400 Seventh Street, S.W., RM PL-401
Washington, D.C. 20590

One Copy
Personal Delivery



Willard Walker

OCT 24 2006