

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

IN THE MATTER OF:
 D & M Propane (Respondent)

**PHMSA CASE NUMBER
13-0040-SCCC-CE**

FINAL ORDER

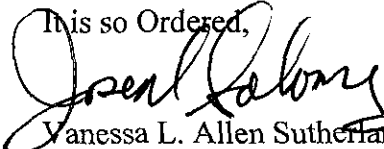

By this Order, I find that D & M Propane (Respondent) committed two (2) violations of the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, and I assess Respondent a \$6,000 civil penalty.

On July 29, 2013, the Office of Chief Counsel issued a Notice of Probable Violation (Notice) to Respondent proposing a \$6,000 civil penalty for two (2) violations of the HMR. On August 27, 2013, Respondent submitted a payment in the amount of \$6,000. By paying the full amount of the civil penalty proposed in the Notice, Respondent admitted the violations as alleged in the Notice (49 CFR § 107.315). Therefore, I find that Respondent committed the violations as set forth in the Notice.

These violations shall constitute a prior violation under 49 U.S.C. § 5123 in the event Respondent commits any future violation of the Federal hazardous materials transportation law, 49 U.S.C. § 5101 et seq., or the HMR.

By paying the proposed civil penalty, Respondent waived all rights to further respond to the Notice and to appeal this Order. Accordingly, PHMSA accepts Respondent's August 27, 2013 payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 10/25/2013

It is so Ordered,

Vanessa L. Allen Sutherland
Chief Counsel


CERTIFICATE OF SERVICES

This is to certify that on the 29 day of October 2013 the undersigned served in the following manner the designated copies of this Order to each party listed below:

Mr. John DeClark

President

D & M Propane

63119 Dogwood Road

Mishawaka, Indiana 45644

Original Order

Certified Mail Return Receipt

Mr. Aaron Mitchell, Acting Director

Office of Hazardous Materials Enforcement

Field Support Division, PHH-40

1200 New Jersey Avenue, SE

Washington, DC 20590-0001

One Copy

Electronic

Mr. Kipton Wills, Director

Hazardous Materials Enforcement Office

Central Region, PHH-43

2300 East Devon Avenue Suite 478

Des Plaines, IL 60018

One Copy

Electronic

Shawn C. Wolsey, Attorney

Pipeline and Hazardous Materials

Safety Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

One Copy to File

U.S. DOT Dockets

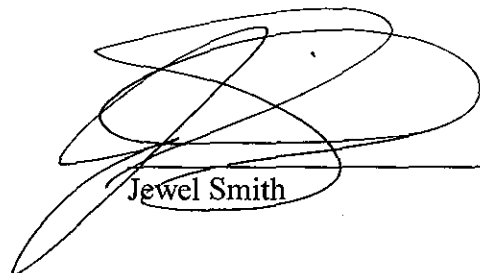
U.S. Department of Transportation

1200 New Jersey Avenue, SE

Washington, DC 20590

One Copy

Personal Delivery



Jewel Smith