

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

IN THE MATTER OF:

**Delstar Metal Finishing, Inc.

(Respondent)**

PHMSA CASE NUMBER

11-0227-SD-SW

FINAL ORDER

By this Order, I find that Delstar Metal Finishing, Inc. (Respondent) committed five (5) violations of the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, and I assess Respondent a \$8,175 civil penalty.

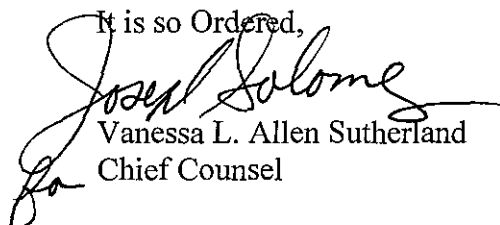
On March 5, 2013, the Office of Chief Counsel issued a Notice of Probable Violation (Notice) to Respondent proposing a \$8,175 civil penalty for five (5) violations of the HMR. On March 12, 2013 Respondent submitted a payment in the amount of \$8,175. By paying the full amount of the civil penalty proposed in the Notice, Respondent admitted the violations as alleged in the Notice (49 CFR § 107.315). Therefore, I find 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 March 12, 2013 payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 3/22/2013

It is so Ordered,


Vanessa L. Allen Sutherland
Chief Counsel

CERTIFICATE OF SERVICE

This is to certify that on the 25th day of March 2013 the undersigned served in the following manner the designated copies of this Order to each party listed below:

Mr. Calvin Riggs
President
Delstar Metal Finishing, Inc.
11501 Brittmoore Park Dr.
Houston, TX 77041

Original Order
Certified Mail Return Receipt

Enforcement Officer One Copy
Office of Hazardous Materials Enforcement
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

Electronic

Mr. Robert Strollo
Acting Director
Southwest Region, PHH-45
8701 S. Gessner Road Suite 1110
Houston, TX 77074

One Copy
Electronic

Tyler Patterson, Attorney
Pipeline and Hazardous Materials
Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

One Copy to File

U.S. DOT Dockets
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

One Copy
Personal Delivery



Jewel Smith