

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

IN THE MATTER OF:
 West Texas Agriplex, Inc. (Respondent)

PHMSA CASE NUMBER

11-0075-CCT-SW

FINAL ORDER

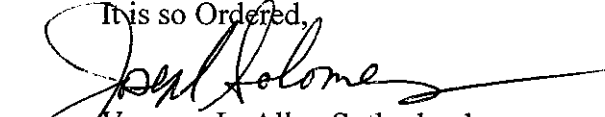
By this Order, I find that West Texas Agriplex, Inc. (Respondent) committed one (1) violation of the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180, and I assess Respondent a \$5,950 civil penalty.

On February 4, 2013, the Office of Chief Counsel issued a Notice of Probable Violation (Notice) to Respondent proposing a \$5,950 civil penalty for one (1) violation of the HMR. On February 1, 2013, Respondent submitted a payment in the amount of \$5,950. By paying the full amount of the civil penalty proposed in the Notice, Respondent admitted the violation as alleged in the Notice (49 C.F.R. § 107.315). Therefore, I find Respondent committed the violation as set forth in the Notice.

This violation 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 February 1, 2013, payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 2/11/2013

It is so Ordered,

Vanessa L. Allen Sutherland
Chief Counsel
for

CERTIFICATE OF SERVICE

This is to certify that on the 12th day of February 2013 the undersigned served in the following manner the designated copies of this Order to each party listed below:

Mr. David Hicks
President
West Texas Agriplex, Inc.
2003 N. Main Street
Seminole, Texas 79360

Original Order
Certified Mail Return Receipt

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

One Copy
Electronic

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


One Copy
Electronic

Amelia Samaras, 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