

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

**IN THE MATTER OF:**

**Timber Supply Explosives, Inc.**

**(Respondent)**

**PHMSA CASE NUMBER**

**12-0222-SE-SO**

**FINAL ORDER**

**By this Order, I find that Timber Supply Explosives, Inc. (Respondent) committed two (2) violations of the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, and I assess Respondent a \$8,640 civil penalty.**

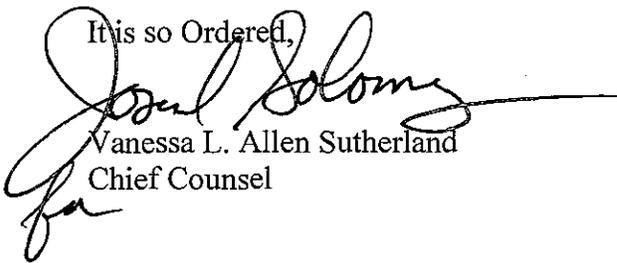
On July 19, 2013, the Office of Chief Counsel issued a Notice of Probable Violation (Notice) to Respondent proposing a \$8,640 civil penalty for two (2) violations of the HMR. On August 15, 2013, Respondent submitted a payment in the amount of \$8,640. By paying the full amount of the civil penalty proposed 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 August 15, 2013 payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 09/27/2013

It is so Ordered,

  
Vanessa L. Allen Sutherland  
Chief Counsel

## CERTIFICATE OF SERVICE

This is to certify that on the 27<sup>th</sup> day of September 2013 the undersigned served in the following manner the designated copies of this Order to each party listed below:

Mr. Dennis Bennett  
Owner  
Timber Supply Explosives, Inc.  
2354 Main Street  
Philomath, OR 97370

Original Order  
Certified Mail

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. John Heneghan, Director  
Hazardous Materials Enforcement Office  
Southern Region, PHH-46  
233 Peachtree Street NE, Suite 602  
Atlanta, GA 30303

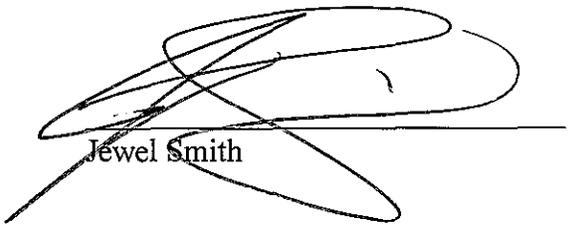
One Copy  
Electronic

Adam Horsley, 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