

From: [Susan Jablonski](#)
To: [REDACTED]
Cc: [OCE](#); [Ramiro Garcia](#); [Jaya Zyman](#); [David Van Soest](#); [Michelle Harris](#); [Rosalind Stockton](#)
Subject: RE: Enforcement Discretion Response - CDL Hazmat Endorsements Statewide
Date: Friday, April 17, 2020 6:51:43 PM

Nour Baki
Vice President
Instafuel - Texas Operations

Dear Mr. Baki:

This is in response to your request dated April 16, 2020, seeking enforcement discretion to exempt fuel delivery drivers for the required Commercial Driver's Licenses (CDLs) with HAZMAT and Tank Endorsements.

The Texas Commission on Environmental Quality (TCEQ) is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing operational impacts due to the COVID-19 pandemic. The issues you outline in your request are issues we would consider critical functions; however, CDLs with HAZMAT and Tank Endorsements within Texas fall under the jurisdiction of the Texas Department of Public Safety (TDPS). Due to the critical need of fuel availability during the current pandemic, we advise you to submit your request directly to TDPS. Please refer to the following links that contain COVID-19 related and other general contact information that may be of assistance as you advance your request with TDPS:

<https://www.dps.texas.gov/DriverLicense/hme.htm> and <https://www.txdmv.gov/motor-carriers>.

If you have any questions on this response, please feel free to contact David Mann, Waco Region Waste Section Manager, at 254-761-3002 or David.Mann@tceq.texas.gov.

Sincerely,

Susan Jablonski, P.E.
Area Director for Central Texas
Texas Commission on Environmental Quality
(512) 239-6731

From: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Date: April 16, 2020 at 4:37:56 PM CDT
To: Nour Baki <[REDACTED]> OCE <OCE@tceq.texas.gov>
Cc: Tracy Miller <tracy.miller@tceq.texas.gov>, Susan Johnson <susan.johnson@tceq.texas.gov>, Jayme Sadlier <jayme.sadlier@tceq.texas.gov>, Susan Jablonski <susan.jablonski@tceq.texas.gov>, Michelle Harris <michelle.harris@tceq.texas.gov>, Monica Aplin <Monica.Aplin@tceq.texas.gov>, Jacqueline Cullather <Jacqueline.Cullather@tceq.texas.gov>
Subject: RE: Enforcement Discretion Request - Hazmat Endorsement

Hello Mr. Baki,

This email confirms receipt of your correspondence. We are reviewing your request and expect to have a response soon.

Best regards,

Ramiro Garcia, Jr.
Deputy
Office of Compliance & Enforcement
TCEQ

From: Nour Baki <[REDACTED]>
Sent: Thursday, April 16, 2020 4:29 PM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Subject: Enforcement Discretion Request - Hazmat Endorsement

To Whom It May Concern -

My company - Instafuel - transports and delivers fuel to customers across the state of Texas. We employ drivers with CDLs with HAZMAT and Tank Endorsements with valid Medical cards. We are considered an 'essential business' and we are continuing to supply our customers, who are also considered as 'essential businesses' with fuel.

Due to the Covid-19 disaster, the workforce pool has declined significantly. Also, DPS and clinics are closed throughout the state and therefore new quality candidates that do NOT have (N)Tank Endorsements or have Expired Medical Cards cannot meet state regulations due to the closures. Non-compliance is unavoidable.

We are requesting enforcement discretion on our drivers that do NOT have Tank Endorsements on their CDL or if their medical card is expired. Duration for request is for 90 days or until DPSs or clinics are re-opened.

Regards -

Nour Baki
VP & Co-Founder



832-436-3158 | [REDACTED] | instafuel.com