From: **Candias Webster** cwebster@mpcity.org
Subject: RE: Walmart Store #131 — TLE Remodel (observed) — Active OSHA Enforcement — DSHS Asbestos Inspection #56114 findings; request for permits/phasing confirmation & enforcement follow-up
Date: October 16, 2025 at 1:31 PM
To: Lynn Barrett LBarrett@mpcity.org, John Ankrum jankrum@mpcity.org
Cc: Mt. Pleasant Fire Department mpfd@mpcity.org, Rob Vine rvine@mpcity.org, Wesley Lyon wlyon@mpcity.org

CW

Please do not reply to this email.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: 903-285-8271
Fax: 903-577-1828

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From: Kyle Moring [redacted]
Sent: Thursday, October 16, 2025 1:22 PM
To: Lynn Barrett <LBarrett@mpcity.org>; John Ankrum <jankrum@mpcity.org>
Cc: Mt. Pleasant Fire Department <mpfd@mpcity.org>; Rob Vine <rvine@mpcity.org>; Candias Webster <cwebster@mpcity.org>; Wesley Lyon <wlyon@mpcity.org>
Subject: Walmart Store #131 — TLE Remodel (observed) — Active OSHA Enforcement — DSHS Asbestos Inspection #56114 findings; request for permits/phasing confirmation & enforcement follow-up

CAUTION: [EXTERNAL EMAIL]

Good afternoon,

I am following up regarding **remodel/construction activity observed at Walmart Store #131 (TLE), 2311 S. Jefferson Ave., Mount Pleasant, TX 75455**. For transparency, this location remains under an **active OSHA Enforcement Inspection (No. 1845692.015)**.

Since my last message, I received the **Texas DSHS Mobile Inspection Report No. 56114** for this location (**Inspection Date:** July 01, 2025; **Notice issued:** July 24, 2025). Within the scope of that inspection, DSHS documented the following **asbestos-related deficiencies**:

- **25 TAC §296.191(e) / 40 CFR §61.145(a)** — *Did not conduct a thorough asbestos survey* prior to demolition/renovation.

- **25 TAC §296.251(a) / 40 CFR §61.145(b)(1)** — *Did not provide required demolition notification*(NESHAP/TAHPR).

These state-level findings elevate the urgency for City review. **Please see attached DSHS Inspection Report for review**. I am not attaching photos at this time; instead, I respectfully request written confirmation and an inspection/enforcement follow-up on the items below.

I. Permits/approvals and asbestos compliance (please provide permit numbers and status)

- **Building & M/E/P permits** for the TLE remodel (and any **demolition** scopes), including any **Temporary Power / TCO / CO** actions.
- Existence of a **TAHPR-compliant pre-renovation asbestos survey** for the TLE scope (performed by a **licensed inspector**, with lab results for suspect materials), on file with the City or otherwise available.
- If regulated asbestos-containing material (RACM) was present/disturbed: confirmation that abatement was performed by a **licensed asbestos abatement contractor** with proper **notifications to DSHS**, **work practices**(wet methods, leak-tight containers), and **disposal/manifests**.
- If any demolition/renovation occurred **before** the survey/notification requirements were met, please indicate **what enforcement steps** (e.g., **stop-work**, after-the-fact permit/penalty, corrective orders) the City is taking.

II. Approved phasing/separation plan while service continues next to construction

Please confirm that an **approved phasing/separation plan** (IFC Chapter 33 / City policy) exists and is being implemented—i.e., **rigid barriers/hoarding**, maintained **egress**, and **contractor-only access**—given that TLE vehicle service has continued adjacent to construction.

III. Inspection/enforcement follow-up (life-safety safeguards)

Please schedule/confirm an inspection that verifies:

- **Egress/exit discharge:** Temporary barriers or staging do **not** reduce required exit-access widths or obstruct **exterior exit discharge**.
- **Hot-work controls** (if grinding/cutting/welding occurred): **Hot-work permit(s)**, **35-ft combustible control**, shielding of openings, **fire watch during and ≥30 minutes after** work, and proper extinguishers (**IFC Ch. 35 / NFPA 51B**).
- **Dust/silica controls & housekeeping: Table-1 wet methods or HEPA local exhaust**; **no dry sweeping/air** that re-entrains dust; **wetting/bagging** debris before roll-off disposal (**OSHA 29 CFR 1926.1153**; IFC Ch. 33 dust-control expectations).
- **Temporary power:** All temporary wiring/cords are **listed for construction use**, **GFCI-protected** where required, and routed/guarded to prevent trip or damage (**NEC Art. 590**; OSHA Subpart K).
- **Exterior staging: Roll-off** placement/access does not impede **Fire Department access**; clarify whether any **contractor RV** on site complies with zoning and Fire Marshal conditions (power/fuel/exhaust).

IV. Public-interest fee waiver request (TPIA §552.267) — past and future Store #131 requests

Pursuant to Texas Government Code §552.267, I request a public-interest fee waiver or reduction for all records requests I have submitted to date and for future requests related to Walmart Store #131, because the requested information is intended primarily to benefit the general public (life-safety compliance; permitting/valuation transparency; coordination with state/federal regulators).

For context, I am a complainant in an active OSHA §11(c)/FSMA whistleblower matter involving this location; the records are being used to inform regulators (OSHA/DSHS) and to support public-safety oversight. If any charges remain unavoidable, please consider the maximum reduction available for a non-commercial, public-interest requester.

- If any portion of this correspondence is processed under the **Texas Public Information Act**, please assign a **PIA tracking number**.
- If estimated charges would exceed **$40**, please provide an **itemized cost estimate** per **§552.2615** before proceeding.
- Electronic delivery (PDF/CSV) is preferred.

V. Record preservation and acknowledgement

Given the **DSHS report** and the **active OSHA inspection**, please **preserve any responsive City records**, including any asbestos surveys, notifications, abatement documentation, permit applications, inspection notes, and communications with contractors. If any portion of this request is handled under the **Texas Public Information Act**, please assign and share a **PIA tracking number**.

Kindly reply with:

- an **acknowledgement**,
- the **permit/case number(s)** and the **assigned inspector(s)**, and
- the **date of the next inspection** (or the date by which these details will be provided).

Thank you for your prompt attention to these **life-safety** and **compliance** matters.

With gratitude,

Kyle Moring

[redacted]