OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20460

January 15, 2026

Kyle Moring
[redacted]

Re: Freedom of Information Act Request – 2026-EPA-02223
Fee Waiver Determination

Dear Kyle Moring:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on January 9, 2026 in which you are seeking:

> Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I am requesting access to and copies of records in the possession of the U.S. Environmental Protection Agency relating to environmental certifications, representations, and program participation by Walmart Inc. and its subsidiaries.
>
> Background
>
> Walmart Inc. is the nation's largest retailer, operating over 4,600 stores in the United States. Due to the scale and nature of its operations, Walmart is subject to numerous EPA regulatory programs and may participate in voluntary environmental programs that require certifications or representations to the Agency.
>
> In its most recent SEC Form 10-K, Walmart disclosed receiving a Finding of Violation from EPA in October 2023 for Clean Air Act violations related to refrigeration systems. Additionally, state enforcement actions in Texas have substantiated NESHAP violations and other environmental non-compliance at Walmart facilities. I am seeking records of the certifications and representations Walmart has made to EPA to assess whether false or misleading statements may have been submitted.

Records Requested

I request copies of the following records:

1. Clean Air Act Section 608 Certifications (Refrigerant Management):

All certifications, reports, or representations submitted by Walmart Inc. under Clean Air Act Section 608 and 40 CFR Part 82, Subpart F (Recycling and Emissions Reduction), including:

a. Refrigerant leak rate reports and calculations
b. Technician certification records
c. Equipment servicing records
d. Compliance certifications related to leak repair requirements
e. Any extension requests or exemption applications

2. NESHAP Notifications and Certifications:

All notifications, certifications, or reports submitted by Walmart Inc. or its contractors under the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61), including:

a. Asbestos demolition/renovation notifications (40 CFR 61.145)
b. Certifications of compliance with asbestos work practice standards
c. Waste shipment records for asbestos-containing materials
d. Any amendments or corrections to previously filed notifications

3. RCRA Certifications and Reports:

All certifications, reports, or manifests submitted by Walmart Inc. under the Resource Conservation and Recovery Act, including:

a. Hazardous waste generator annual reports (EPA Form 8700-13A/B)
b. EPA ID numbers assigned to Walmart facilities
c. Biennial reports
d. Land disposal restriction certifications
e. Universal waste handler records

4. Voluntary Program Participation:

Records of Walmart Inc.'s participation in EPA voluntary programs, including any certifications or representations made as a condition of participation:

a. ENERGY STAR Partner agreements and certifications
b. GreenChill Partnership (advanced refrigerant management) membership records
c. SmartWay Transport Partnership records

d. WasteWise or other waste reduction program participation
e. Any sustainability or environmental commitment certifications

5. Compliance Self-Certifications:

Any self-certifications of environmental compliance submitted by Walmart Inc., including:

a. Certifications submitted pursuant to settlement agreements or consent decrees
b. Periodic compliance certifications required under permits or orders
c. Self-audit or self-disclosure reports
d. Environmental management system certifications

6. Prior Enforcement History:

Records of prior EPA enforcement actions against Walmart Inc., including:

a. Administrative orders and consent agreements
b. Civil judicial consent decrees
c. Penalty assessments and payments
d. Supplemental environmental projects e. Compliance schedules and verification reports

7. Walmart Store #131 Specific Records:

Any certifications or representations specific to Walmart Store #131, 2311 S. Jefferson Avenue, Mount Pleasant, Texas 75455, including:

a. NESHAP notifications filed for this location
b. RCRA generator records
c. Refrigerant management records
d. Any inspection reports or compliance determinations

Time Frame

Unless otherwise specified above, this request covers records created, received, or maintained from January 1, 2020 to the present date.

You requested a waiver of fees to process your FOIA request. EPA regulations provide a mechanism for requesters to seek records responsive to a FOIA request "without charge or at a charge reduced below" the agency FOIA fee schedule when the NFO determines "based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government" (public interest requirement) and "is not primarily in the commercial interest of the requester" (non-commercial interest requirement). 40 C.F.R. §§

2.107(n)(4)(i)-(ii) (2023).

To evaluate the public interest requirement, the EPA considers each of four factors: (1) the subject of the request; (2) the informative value of the information to be disclosed; (3) the contribution to an understanding of the subject by the public is likely to result from disclosure; and (4) the significance of the contribution to public understanding. 40 C.F.R. §§ 2.107(n)(5)(i)-(iv) (2023).

To determine the non-commercial interest requirement, the EPA considers each of two factors: (1) the existence and magnitude of a commercial interest; and (2) the requester's primary interest in the information disclosure. 40 C.F.R. §§ 2.107(n)(6)(i)-(ii) (2023). If the EPA determines the requester has a commercial interest that is furthered by disclosure of the requested information and the commercial interest is primary to any specified public interest, the requester is not entitled to a waiver of fees.

Fee waiver requests must specifically address each, and all, of the factors. 40 C.F.R. § 2.107(n)(2) (2023). If a requester's written justification for a fee waiver fails to address or substantiate each of the factors discussed below, the EPA will deny the request for a fee waiver. *See id*. The NFO evaluated the information you provided in support of your request for a fee waiver and applicable EPA regulations. For the reasons explained below, your request for a fee waiver is denied.

For the second factor above, EPA's regulations state that "The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be "likely to contribute" to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such understanding when nothing new would be added to the public's understanding." *See* 40 C.F.R. § 2.107(n)(5)(ii) (2023).

For the reasons below, your fee waiver justification failed to adequately demonstrate the informative value of the information to be disclosed.

Your fee waiver justification stated:

> I request a waiver of all fees associated with this request pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l). Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of EPA's regulatory oversight of major corporations and the integrity of environmental compliance certifications.

> I am an individual requestor with no commercial interest in the requested records. In the alternative, if a fee waiver is not granted, I agree to pay reasonable fees up to $50.00. Please contact me for authorization before incurring costs in excess of this amount.

However, your justification did not detail the *informative value* of these specific requested records (records description provided above) and what would be shared for an increased public understanding. Additionally, you did not describe how the records are not already in the public domain. For these reasons, your request for a fee waiver is denied.

Please note that in accordance with 40 C.F.R. 2.107(g)(1) (2023), EPA will not charge a requester fees if EPA accumulates less than $320 of total chargeable FOIA fees. If processing will exceed $320, the agency will contact you to provide a fee estimate. If you have any questions, please contact the EPA FOIA program identified in your Acknowledgment Letter.

You may appeal this determination in writing within 90 calendar days from the date of this letter by one of the following methods:

> 1. Visit EPA's FOIA submission website (https://foiapublicaccessportal.epa.gov/), sign into your account by clicking *Sign-In*, and select *Submit Appeal*;
> 2. U.S. Mail sent to the following address: National FOIA Office, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW (2310A), Washington, DC 20460; or
> 3. Overnight delivery service to National FOIA Office, U.S. Environmental Protection Agency, 1200 Pennsylvania NW, Room 7309C, Washington, DC 20460.

The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received on the next business day. The appeal should include the FOIA tracking number listed above. For quickest possible handling by mail or overnight delivery, the appeal letter, and its envelope, should be marked "Freedom of Information Act Appeal."

Your fee waiver request is denied because you did not address with enough detail the factor described above, under EPA's FOIA Regulations, located at 40 C.F.R. § 2.107(n) (2023). Because your fee waiver request did not provide enough detail on the one identified factor, the National FOIA Office did not make a determination on the sufficiency of your request with respect to the other factors. Should you choose to appeal this determination, please be sure to provide information to address all six factors required by EPA's FOIA Regulations in your appeal. For more information about the FOIA fee waiver factors, please visit our website at: https://www.epa.gov/foia/requesting-foia-fee-waivers.

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001**;** email, ogis@nara.gov; or telephone, (202) 741-5770 or (877) 684-6448.

Sincerely,

TRACEY KLOSTERMAN

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Tracey Klosterman
Government Information Specialist
National FOIA Office