OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20460

January 14, 2026

Kyle Moring
[redacted]

Re: Freedom of Information Act Request – 2026-EPA-02222
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 enforcement matters involving Walmart Inc. and its retail facilities, as described below.
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> Background
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> In its Annual Report on Form 10-K for fiscal year ending January 31, 2025 (filed with the Securities and Exchange Commission), Walmart Inc. disclosed the following:
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> In October 2023, the Company received a Finding of Violation from the U.S. Environmental Protection Agency (the 'EPA') alleging violations of the Clean Air Act in connection with the Company's refrigeration leak detection and repair program at certain of its facilities. The Company is evaluating the findings and cooperating with the EPA in its investigation. The EPA may seek to impose monetary and non-monetary penalties for the alleged violations of the Clean Air Act.
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> I am seeking records related to this disclosed enforcement matter, as well as records concerning a specific Walmart facility (Store #131, Mount Pleasant, Texas) that may be connected to the same or similar violations.
>
> Records Requested
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> I request copies of the following records:

1. October 2023 Finding of Violation:

The Finding of Violation issued to Walmart Inc. in October 2023, alleging violations of the Clean Air Act in connection with refrigeration leak detection and repair programs, including any attachments, exhibits, or supporting documentation.

2. Related Enforcement Records:

All records relating to the investigation, enforcement action, or compliance proceedings arising from or related to the October 2023 Finding of Violation, including but not limited to:

a. Inspection reports, field notes, and investigation memoranda

b. Correspondence between EPA and Walmart Inc. or its representatives

c. Any consent agreements, administrative orders, or settlement documents

d. Penalty calculations or assessments

e. Compliance schedules or corrective action plans

f. Any amendments to or updates of the original Finding of Violation

3. Facility List:

Any list, index, or identification of the specific Walmart facilities referenced in the October 2023 Finding of Violation or subject to the related investigation, including facility addresses, store numbers, and the nature of alleged violations at each location.

4. Walmart Store #131 (Mount Pleasant, Texas) Records:

All records in EPA's possession relating to environmental compliance, violations, complaints, inspections, or enforcement actions at Walmart Store #131, located at 2311 S. Jefferson Avenue, Mount Pleasant, Texas 75455, including but not limited to:

a. Records indicating whether this facility is included in the scope of the October 2023 Finding of Violation or related investigation

b. Any NESHAP (National Emission Standards for Hazardous Air Pollutants) notifications, complaints, or enforcement records

c. Any referrals to or from EPA concerning this facility (including referrals to/from Texas DSHS, TCEQ, or other agencies)

d. Refrigeration-related compliance records, including leak detection and repair program documentation

e. Asbestos-related records, including any NESHAP demolition/renovation notifications

f. Complaints received by EPA concerning this facility from January 1, 2023 to present

5. Referral Records:

Records of any referrals from EPA to state agencies (including Texas Commission on Environmental Quality and Texas Department of State Health Services) or from state agencies to EPA concerning Walmart facilities in Texas, from January 1, 2023 to present.

6. Clean Air Act Section 113 Records: Any notices of violation, administrative penalty orders, compliance orders, or civil referrals issued to Walmart Inc. under Clean Air Act Section 113 from January 1, 2020 to present.

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 the operations and activities of the federal government, specifically EPA's enforcement of environmental laws against one of the nation's largest retailers.
>
> The requested records concern matters of significant public interest, including:
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> > 1. Environmental compliance by a Fortune 1 company operating thousands of retail facilities nationwide
> >
> > 2. EPA enforcement of Clean Air Act provisions protecting public health
> >
> > 3. The effectiveness of federal environmental oversight of major retailers
> >
> > 4. Matters disclosed in Walmart's public SEC filings that are of interest to shareholders, consumers, and communities where Walmart operates
>
> I am an individual requestor with no commercial interest in the requested records. I intend to analyze the records to understand the scope of EPA's enforcement action and to assess whether additional facilities may be affected by similar compliance issues.
>
> 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 Digitally signed by TRACEY KLOSTERMAN
Date: 2026.01.14 09:37:28 -05'00'

Tracey Klosterman
Government Information Specialist
National FOIA Office