From: Kyle Moring [redacted]
Subject: Re: Regional Tip and/or Complaint - Texas (342053)
Date: November 19, 2025 at 2:01 PM
To: rossillon.megan@epa.gov
Cc: gonzalez.christina@epa.gov
Bcc: Kyle Moring [redacted]

KM

Good afternoon,

Thank you for your email regarding my Regional Tip and Complaint (HQ Lead No. FY26-342053-3709-CV) concerning the Tire & Lube Express (TLE) remodel at Walmart Store #131, 2311 S. Jefferson Ave., Mount Pleasant, Texas 75455 (FRS ID 110005173230). I appreciate your response and the explanation that EPA Region 6 has forwarded my complaint to the Texas Commission on Environmental Quality (TCEQ).

I would like to provide additional information that has become available since my original tip, to clarify what has (and has not) occurred at the state level, and to request EPA's continued involvement, including appropriate updates to the facility's record in EPA's ECHO database.

1. Status of TCEQ follow-up and jurisdictional issues

Before submitting the federal tip form on October 20, 2025, I had already filed related complaints with TCEQ. On October 20, 2025, I spoke by phone with a TCEQ staff member (Ms. Cara Fisher) in the stormwater section (transcript attached). During that call, I explained that contractors performing the TLE remodel were sandblasting/grinding paint, placing the resulting powder-like material into buckets, and dumping those buckets into an open, unlocked roll-off dumpster located just upslope of a grassy swale and concrete stormwater/wastewater drop inlet south of the TLE. I also explained that bags containing motor oil waste from the shop had been placed in the same dumpster, which remained uncovered during and after a heavy rain on October 18, 2025.

Ms. Fisher advised that, because the remodel appears to be inside the existing building and does not disturb an acre or more, it is not covered by the Construction General Permit; that Walmart is not required to hold a Multi-Sector General Permit for industrial stormwater at this location; and that the City of Mount Pleasant is not an MS4 permittee. She therefore concluded that TCEQ's stormwater program had limited authority, characterized my concerns as primarily "waste issues," and stated she would forward the complaint to TCEQ's waste management program for follow-up and possible guidance.

To date, I have not been contacted by anyone from TCEQ's waste program, and I have not received any update on whether the waste handling at this site has been inspected or corrected.

Separately, in an October 17, 2025 phone call with the City of Mount Pleasant Building Official, John Ankrum, indicated that he had no information on a current TLE remodel at Walmart and would need to visit the store to see what work was occurring. This reinforced my concern that both local building oversight and state environmental oversight may be limited for this remodel.

2. Summary of the conditions observed at Walmart Store #131

As described in my original EPA complaint, during and after the TLE remodel, I repeatedly observed contractors dumping buckets of a powder-like material into an open, unlocked roll-off dumpster positioned upslope of a grassy swale with a concrete stormwater/wastewater drop inlet on the south side of the TLE. Work appeared to include sandblasting, grinding, and repainting, likely generating fine particulates in the waste. A heavy rain on October 18, 2025, contacted the waste while the dumpster was uncovered, and the same condition remained on the morning of October 20, 2025.

In addition to the sandblasting/grinding debris, the dumpster contained bags of used motor oil waste and other materials associated with the auto shop. Photographs included in my October 20, 2025 submission show the unlocked roll-off container, automotive and paint-related wastes in the dumpster, and the drainage pathway down-slope toward the concrete inlet. Given the topography and the lack of cover or containment, I remain concerned that stormwater runoff from this area may have transported pollutants from the dumpster into the inlet.

3. July 01, 2025 asbestos-related complaint inspection and NESHAP violations

Since submitting my original tip, I obtained a copy of my complaint-initiated **Texas Department of State Health Services (DSHS) Asbestos Inspection Report for the same Walmart facility** (Inspection No. 56114, Environmental Notification license, inspection date July 01, 2025). I am attaching a copy for your reference.

Key points from the DSHS report include:

- The inspection was conducted in response to a complaint regarding removal of roofing material at Walmart Store #131, 2311 South Jefferson, Mount Pleasant, TX 75455.
- The contractor's representative reported that approximately **18,000 square feet of roof material had already been removed** when the inspector arrived. He confirmed that **no asbestos survey had been conducted** prior to this work and that he was unaware that a demolition notification was required. Work was paused only after the inspector raised these issues, at which point a survey and notification were initiated.
- ERI Consulting subsequently identified **asbestos-containing material in roof flashing** on the opposite side of the contractor's initial work area, and an abatement was scheduled for a later date.
- In its formal Notice of Deficiency/Violation, DSHS found Walmart "not in compliance" and cited the facility for:

- Failing to conduct a thorough asbestos survey before demolition, in violation of Texas Asbestos Health Protection Rules (TAHPR) § 296.191(e) and **Asbestos NESHAP 40 C.F.R. § 61.145(a)**; and

- Failing to provide **demolition notification**, in violation of TA HPR § 296.251(a) and **Asbestos NESHAP 40 C.F.R. § 61.145(b)(1)**.

These findings indicate that earlier in 2025, the same Walmart facility and its contractor undertook roof demolition activities in violation of the **federal Asbestos NESHAP**, and that compliance measures were implemented only after a state inspector intervened. The later TLE remodel issues I reported suggest that environmental compliance and contractor oversight problems persisted at the store.

In addition to the asbestos-related deficiencies described above, I personally documented extensive roof debris, particulate matter, and fibrous material falling into active customer areas during the roof-replacement period. This included roofing dust and fibers landing directly onto food products – such as fresh produce – being sold to the public, as well as visible particulate shedding onto customers and store associates. No protective barriers, containment systems, overhead shielding, or product protection measures were in place during these periods of active disturbance. My recordings show that roofing materials and debris were allowed to migrate into customer-accessible areas while the store remained open for business.

These observations are consistent with the DSHS findings that regulated materials were removed prior to any asbestos survey or notification, and they raise additional concerns regarding the potential uncontrolled release of asbestos-containing dust and debris inside an occupied retail facility. Should EPA require further review, I can provide evidence binders containing still photographs, timestamped videos, field notes, and chronological documentation of these conditions.

Because the DSHS notice expressly cites federal NESHAP provisions under **40 C.F.R. § 61.145(a) and (b)**, I would be grateful if EPA Region 6 could:

1. Confirm whether these asbestos-related NESHAP violations have been reported to and are being tracked by EPA's air enforcement program; and

2. Confirm that any resulting enforcement actions or formal findings will be incorporated into the facility's record in EPA's ECHO database for FRS ID 110005173230. If these violations are not automatically transmitted to ECHO from DSHS, I respectfully request that Region 6 coordinate with the appropriate state and EPA offices so that the asbestos NESHAP violations appear in the facility's compliance history.

4. Relationship to Walmart's prior federal environmental cases

I understand that EPA's enforcement decisions are case-specific, and I am not asking EPA to re-litigate past matters. However, I believe Walmart's prior history with the EPA and the DOJ is relevant context for the current situation:

- In 2001, EPA and DOJ reached a Clean Water Act settlement with Walmart over stormwater violations at 17 construction sites in Texas, New Mexico, Oklahoma, and Massachusetts. Walmart agreed to pay a $1 million civil penalty and to implement a nationwide $4.5 million environmental management plan for construction-site stormwater, including additional inspections, training, and record-keeping.
- EPA's subsequent Clean Water Act complaint in Delaware describes an ongoing "pattern of failures to comply" with construction stormwater permits at additional Walmart construction sites in at least nine states, leading to a consent decree that established a formal stormwater compliance program, required SWPPPs and BMPs at construction sites, and mandated frequent inspections and contractor oversight.
- In 2013, Walmart pleaded guilty in federal court to six misdemeanor counts of violating the Clean Water Act by illegally handling and disposing of hazardous materials at its retail stores, and to violating FIFRA for mishandling returned pesticides. As part of the resolution of these criminal and related civil cases, Walmart agreed to pay approximately $81.6 million in fines and penalties and to implement a comprehensive, nationwide environmental compliance agreement covering hazardous waste generated at its stores and return centers, including requirements for proper identification and management of hazardous wastes, environmental personnel, training, and Environmental Management Systems at store level.

The conditions I observed at Walmart Store #131 – uncovered construction and auto shop wastes, including sandblasting/grinding debris and used motor oil waste, placed in an open roll-off dumpster located directly upslope of a stormwater/wastewater inlet and exposed to heavy rainfall – appear inconsistent with the type of environmental management and waste handling controls that these prior federal cases sought to establish across Walmart's construction activities and retail operations. The apparent recurrence of serious issues – including Asbestos NESHAP violations and potential unauthorized stormwater discharges – raises questions about the effectiveness of those systems at the store level.

5. Requested EPA involvement and clarification

In light of the above, I respectfully request that EPA Region 6:

1. **Confirm and, as appropriate, oversee state follow-up** by TCEQ's waste and water programs on the dumpster/stormwater issues associated with the TLE remodel at Walmart Supercenter #131, and advise me whether any inspections, corrective actions, or enforcement steps are planned or have occurred.

2. **Review the attached DSHS Asbestos Inspection Report (Inspection No. 56114)** and determine whether additional federal action or oversight is warranted under the Asbestos NESHAP, given the documented violations at this facility.

3. **Ensure that the asbestos-related NESHAP violations and any associated enforcement actions are reflected in EPA's ECHO database** for the facility's FRS ID 110005173230, or coordinate with the appropriate agencies to accomplish this if such reporting is not automatic.

4. Consider whether the pattern of issues at this store is consistent with Walmart's obligations under past **EPA/DOJ settlements, consent decrees, and environmental compliance agreements**, and whether further federal engagement with the company's corporate environmental management systems is warranted.

My intent in raising these issues is to help ensure that past federal enforcement efforts to improve Walmart's environmental compliance are fully realized on the ground at this store, and that pollutants from the TLE remodel and TLE operations are not discharged into local waters through avoidable waste mismanagement.

I appreciate your time and attention to these concerns and would be happy to provide any additional documentation, including photographs, videos, or correspondence with local and state agencies, that would assist EPA in evaluating this facility.

2025-07-01 - DSHS - Asbestos Inspection Report 56114.pdf

Respectfully submitted in good faith,

Kyle Moring

[redacted]

> On Nov 19, 2025, at 10:48 AM, rossillon.megan@epa.gov wrote:
>
> 11/19/2025
>
> SUBJECT: RE: Regional Tip and/or Complaint - Texas (342053)
> FROM: rossillon.megan@epa.gov
> TO: [redacted]
> CC: cmplaint@tceq.texas.gov; gonzalez.christina@epa.gov
>
> We apologize for the long delay. We were out of the office due to the government shutdown. But we are back and here to help. We thank you for your email to the Environmental Protection Agency. The EPA appreciates you taking the time to write to us and share your concerns. As a convenience, I am forwarding this information to the Texas Commission on Environmental Quality, the state agency that investigates environmental concerns in your jurisdiction. In the future, you can contact TCEQ directly by using their website at https://www.tceq.texas.gov/compliance/complaints. Christina Gonzalez EPA, Region 6
>
> -----Original Message-----
>
> 10/20/2025 6:32 PM
>
> HQ LEAD NUMBER: FY26-342053-3709-CV
>
> SUBJECT: Regional Tip and/or Complaint - Texas
>
> FROM: [redacted]

TO:

Name: Kyle Moring

Phone: [redacted]

Alleged Violator's Name: WALMART SUPERCENTER 131

Alleged Violator's Address: 2311 S JEFFERSON

Alleged Violator's City: MT PLEASANT

Alleged Violator's State: Texas

Alleged Violator's Zip: 75455

Alleged Violator's Latitude / Longitude: 33.134910 / -94.968100

Alleged Violator's FRS ID: 110005173230

Tip or Complaint: During and after the Tire & Lube Express (TLE) remodel at Walmart Supercenter #131 (2311 S. Jefferson Ave., Mount Pleasant, TX 75455), contractors repeatedly dumped buckets of a powder-like material into an open, unlocked roll-off dumpster located upslope of a grassy swale with a concrete stormwater/wastewater drop inlet on the south side of the TLE. A heavy rain on 10/18/2025 contacted the waste while the dumpster was uncovered; as of the morning of 10/20/2025 the same condition remained. Work appeared to include sandblasting/grinding and repainting, which generate fine particulates likely present in the waste. The situation presents a potential unauthorized discharge of industrial wastewater/pollutants via runoff to the inlet. Photos and video are available upon request. This is supplement to original complaint.

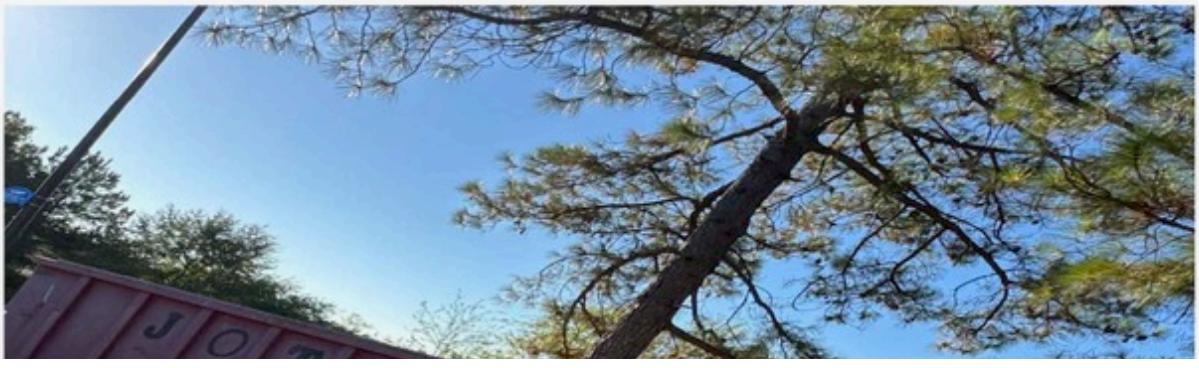
Violation Still Occurring? Yes

State DEP/DEQ/DEM Notified? No












STOP
HERE
TOO






4






DANGER





2025-10-17 - City of Mount Pleasant - John Ankrum Phone Call (TLE Remodel Concerns)

Speaker 1
Test, test. This is Regina. Hi, Regina. My name's Kyle Mooring. I was just trying to follow up on a couple emails that I had sent Mr. Ancrum and Ms. Barrett.

Speaker 2
Okay, just a moment. Thanks. building inspection this is John

Speaker 1
hi John this is Kyle Mooring I'm just trying to follow up on some emails I sent you over the last couple days about the TLE remodel at Walmart

Speaker 2
yeah what year was that done?

Speaker 1
it's going on right now

Speaker 2
Oh, they're doing a remodel right now?

Speaker 1
Yeah, that's what I said in the email.

Speaker 2
Oh, okay. No, I don't have anything. I don't know. I got to go down there. I'm going to have to go down there and see what they're doing.

Speaker 1
I don't know if that was part of the big remodel that they did, which was... It's not.

Speaker 2
it's not okay okay yeah i'm gonna have to go down there and see what's going on then

Speaker 1

yeah and they've been doing like you know i've seen visible documented hot work being done they've got it to where there's a partition with just plastic sheet and plywood