From: **DSHS Asbestos Help** AsbestosHelp@dshs.texas.gov
Subject: RE: Supplemental Asbestos NESHAP Complaint – Walmart Store #131, Mount Pleasant, Texas – HQ Lead FY25-333810-3712-CV
Date: September 3, 2026 at 7:42 AM

DH

Mr. Moring,

Thank you for providing additional information regarding the roof replacement project at Walmart #131 in Mount Pleasant. The Texas Department of State Health Services (DSHS) has reviewed the information you submitted along with the records collected during the complaint investigation.

DSHS inspected the site on July 1, 2025. The investigation found that approximately 18,000 square feet of roofing material had been removed before an asbestos survey was completed. A limited asbestos survey conducted afterward identified 3-5% chrysotile asbestos in the roof mastic that remained at the site.

During the inspection, the demolition contractor on site agreed to stop work, submit a DSHS notification, and have ERI Consulting conduct a survey. According to the DSHS Inspector, ERI Consulting found asbestos in some roof flashing that was on the opposite side of the project's current work scope. The demolition contractor submitted demolition notification #2025004375 on the same day as the inspection.

Based on the available evidence, DSHS issued a Notice of Alleged Violation (NOV) to the owner of record, Wal-Mart Real Estate Business Trust, for failing to conduct a thorough asbestos inspection or survey before work began.

During the review process, DSHS considered whether to include a violation for failing to provide notification before the roofing material was removed. However, the evidence did not establish that the removed material contained asbestos or that the work met the requirements for an asbestos notification violation. Although the later survey found asbestos in roof mastic that remained at the site, that result does not establish that asbestos was present in the material removed before the inspection.

DSHS must have sufficient evidence to support each alleged violation. Because the available evidence was not sufficient to prove a notification violation, that allegation was not included in the NOV.

You also asked about abatement, waste disposal, and clearance records. DSHS did not identify records of these activities because there was no

result to establish that asbestos was present in the material already removed, and therefore, no asbestos abatement was conducted as part of this project. DSHS records related to the complaint and enforcement action are maintained according to the department's record retention requirements.

The City of Mount Pleasant conducted its own inspection under its authority. Because that inspection was separate from the DSHS investigation, DSHS cannot interpret the City's observations or explain any differences between the two agencies' findings. Questions about the City's inspection or records should be directed to the City.

Questions regarding the DSHS investigation of the food contamination should be directed to the DSHS Food and Drug Section.

Please let us know if you have any questions.

Respectfully,

Asbestos Help Inbox
Jennifer Held, Programs Specialist
Asbestos, Lead, & HazCom Operations Branch
Environmental Health Section

ERI CONSULTING, INC.

2026 Repub
Ph: (

www.ericonsulting.com

July 11, 2025

DCC Contracting, LLC
Mr. Thomas Brouillard

RE: ES#25-476 - Limited Asbestos Inspection, 2311 S. Jefferson Avenue, Mt Pleasant, Texas 75455 - Roofing Only

Dear Mr. Brouillard:

On July 10, 2025, Mr. Trace Reed, of ERI Consulting, Inc., licensed through the Texas Department of State Health Services for inspections, TDSHS License No. 60-3825, performed roof sampling at the above referenced building. The inspection was limited to the roofing materials only.

A total of 18 samples were collected. The samples were delivered to the TDSHS licensed laboratory of ERI Analytical (TDSHS License No. 30-0007) immediately following the field inspection, and analyzed by Polarized Light Microscopy (PLM) in accordance with 40 CFR 763 Subpart E, Appendix E. This asbestos inspection report documents the field inspection and laboratory findings for the following homogeneous areas:

Homogeneous Area A - Roof core "A"
Homogeneous Area B - Roof core "B"
Homogeneous Area C - White parapet mastic
Homogeneous Area D - Silver roof mastic
Homogeneous Area E - White roof mastic

By definition, an asbestos-containing building material is a material that contains greater than one percent (>1%) asbestos fibers. **Of the samples collected, the following Homogeneous Area was confirmed to be asbestos-containing.**

- **Homogeneous Area D - Silver roof mastic**
  Located in Section B area only, on HVAC flashing

Prior to renovation/demolition activities which would disturb this material, it should be removed and disposed of in the regulated manner, by trained/certified personnel.

Please find enclosed the (1) General Photographs, (2) Bulk Sample Log/Chain of Custody, (3) Sample Location Diagram, (4) Laboratory Analysis Report, (5) Asbestos Diagram, and (6) ERI Licensing and Accreditation. We have enjoyed serving you on this matter. If you have any questions concerning the inspection, or if we can assist you in the future, please contact me at 903-534-5001.

Sincerely,

Christopher L. Power
Executive Vice President
TDSHS License No. 10-5566
Expires 2/15/2027