EPA production index and gap summary

March 31, 2026 appeal exhibits

RECORD TYPE

Dated requester analysis

SELECTION AND CONTEXT

Requester-prepared exhibits, not agency findings. One private-case row is redacted. The source calls 97 numbered one-page PDFs “97 Produced Documents”; that does not establish 97 distinct records. Statements about missing records and the request period reflect the appeal as written. The later mediation request describes the original request period differently. The remaining appeal exhibits are not included.

SOURCE

2026-03-31 - EPA - FOIA Appeal Binder (2026-EPA-00386).pdf

ORIGINAL PDF PAGES

9, 10, 57

SCOPE

Only the following selected pages are included. This copy does not clear or reproduce the complete source binder.

EXHIBIT 2 — Production Index

FOIA Request No. 2026-EPA-00386 — 97 Produced Documents

Doc #	Date	Type	From / To	Content Summary	Bates Number	Notes
1	7/7/2025	Email	Moring to Gonzalez, CC: Hays, Acosta	Follow-up re: complaint 333810; roof water intrusion, paused activity	ED_020053_00000005-00001	
2	7/1/2025	Email	Moring to Gonzalez	Response re: ongoing roof work, white particles on produce, ECHO database discrepancy	ED_020053_00000005-00002	
3	6/30/2025	Complaint Form	Moring to EPA	Original complaint FY25-333810-3712-CV: roof tear-off, asbestos, NESHAP violations	ED_020053_00000005-00003	
4	6/30/2025	Complaint (cont.)	Moring to EPA	Attachment list for complaint 333810 (10+ photos)	ED_020053_00000005-00004	
5	8/7/2025	Complaint Form	Moring to EPA	Second complaint FY25-336835-3714-CV: refrigeration unit, uncapped lines	ED_020053_00000012-00001	
6	8/7/2025	Complaint (cont.)	Moring to EPA	Refrigeration unit details: HCFCs/HFCs, exposed foam, FRS ID 110005173230	ED_020053_00000012-00002	
7-13	8/7/2025	Photos (7)	Evidence	Abandoned refrigeration unit: exterior, interior, uncapped lines, foam, labels	ED_020053_00000013 to 00019	
14-18	8/7-11/2025	Photos (5)	Evidence	Interior components, rear property area, additional units staged outdoors	ED_020053_00000020 to 00024	
19	8/12/2025	Email	Moring to Gonzalez + team	Supplemental evidence submission re: complaint 336835	ED_020053_00000022-00001	
20	8/12/2025	Email + Form	Gonzalez to Moring	EPA acknowledgment of complaint 336835; original form embedded	ED_020053_00000022-00002/3	
21-26	8/11-12/2025	Photos (6)	Evidence	Supplemental photos: dismantled coolers, outdoor staging, debris	ED_020053_00000023 series	
27-30	8/20/2025	Email (4pp)	Moring to Gonzalez + team	Comprehensive CAP-X evidence; CAA Sec 608, RCRA, stormwater; 4 action requests	ED_020053_00000024/25	
31-52	8/20/2025	Photos (22)	Evidence	Hussmann coolers: indoor/outdoor staging, coils, piping, nameplates, weathering	ED_020053_00000025 series	
53-56	N/A	Tech Plans (4)	CAP-X project docs	Refrigeration schematics: BAS plan, front/rear plans, electrical/roof power	ED_020053_00000025-00025 to 28	
57-59	8/7/2025	Web Form + Footer	EPA ECHO submission	Online complaint submission confirmation; EPA website footer	ED_020053_00000025-00029 to 31	
60-61	8/12/2025	Email + Complaint	Gonzalez to Moring	EPA acknowledgment of complaint 336835 with violation summary	ED_020053_00000025-00032/33	
62-70	8/7-12/2025	Photos (9)	Evidence	Additional refrigeration equipment photos: labels, piping, exterior views	ED_020053_00000025-00034 to 42	
71-72	7/31/2025	OSHA Letter (2pp)	OSHA to Furner (Walmart)	OSHA Complaint 2328412: falling roof debris; response due 8/7/2025	ED_020053_00000025-00043/44	
73	7/7/2025	Email	Acosta to Moring	EPA confirms referral of complaint 333810 to DSHS	ED_020053_00000030-00001	
74	7/1/2025	Email	Moring to Gonzalez	Follow-up: interior water intrusion, exposed roofing components	ED_020053_00000030-00002	Dup of Doc 2
75	7/1/2025	Email	Gonzalez to Moring	Initial EPA acknowledgment of complaint 333810 (FY25-333810-3712-CV)	ED_020053_00000030-00003	
[redacted]						
77	7/1/2025	Email	Hays to Gonzalez, CC: Acosta	EPA INTERNAL: referring complaint 333810 to DSHS	ED_020053_00C0032-00001	Dup: 89
78	6/30/2025	Complaint Detail	Moring to EPA	Full violation description: NESHAP, 160+ ft2 debris, DSHS #1499252131	ED_020053_00C0032-00002	Dup of Doc 3
79	8/12/2025	Email	Gonzalez to Moring + team	EPA acknowledgment of complaint 336835 with image attachments	ED_020053_00C0037-00001	
80	8/7/2025	Complaint Detail	Moring to EPA	Full violation description for refrigeration complaint	ED_020053_00C0037-00002	Dup of Doc 6
81	6/30/2025	Email/TPIA Request	Moring to City of Mt Pleasant	Public records request for roofing permits RCOF 35226, ROOF 33173	ED_020053_00C0136-00001	Poor scan
82	7/1/2025	Email	DSHS (Mustoe) to Hays	DSHS acknowledges asbestos complaint #1499252131	ED_020053_00C0145-00001	
83-84	7/1/2025	Email Chain	Hays to DSHS	EPA forwarding complaint to DSHS with full details	ED_020053_00C0145-00002/3	Dup: 87

Doc #	Date	Type	From / To	Content Summary	Bates Number	Notes
85-86	10/3/2025	Email (2pp)	Hays to DSHS	Forwarding asbestos materials; REFERENCES DIXON LETTER (not produced)	ED_020053_00C0157-00001/2	KEY
87-88	7/1/2025	Email + Attachments	Hays to DSHS	Forwarding complaint with photo attachment references	ED_020053_00C0161-00001/2	Dup: 83
89-90	7/1/2025	Email	Hays to Gonzalez + Acosta	Internal EPA referral to DSHS with complaint details	ED_020053_00C0171-00001/2	Dup: 77
91-93	9/29/2025	Email Thread (3pp)	Moring, Thapa, TCEQ, ErrorTracker	RCRA database error #129347 correction process	ED_020053_00C0197-00001 to 3	
94	9/2/2025	Email	Vu (TCEQ) to Moring	TCEQ directs county corrections through STEERS	ED_020053_00C0198-00001	
95-96	8/31/2025	Email (2pp)	Moring to TCEQ Registry	County correction request: 33 facilities including Walmart #131	ED_020053_00C0198-00002/3	
97	8/31/2025	Email	Moring to TCEQ	Confirmation request for county correction receipt	ED_020053_00C0198-00004	

EXHIBIT 5 — Summary of Identified Gaps

1. Absence of Records After October 3, 2025

Metric	Detail
FOIA request scope	"June 25, 2025 to present"
Request filed	October 23, 2025
Final response issued	March 11, 2026
Latest record in production	October 3, 2025 (Documents 85-86: Hays to DSHS)
Gap: filing to response	~5 months with no produced records
Known responsive record not produced	January 12, 2026 email to Director Seager (seager.cheryl@epa.gov) with citizen complaint and 41-page submission package concerning same facility and NESHAP issues (see Exhibit 4)

2. Absence of Records Involving Stan Lancaster

Named Custodian	Records in Production?	Document Numbers
Angela Hays	Yes	77, 82-90 (emails, referrals to DSHS)
Gerardo Acosta	Yes	1, 5, 19-20, 27, 73, 79 (CC on correspondence)
Christina Gonzalez	Yes	1-2, 5, 19-20, 60, 75, 79 (primary intake contact)
Justin Mullenix	Yes	5, 19, 27, 79 (CC on complaint 336835 correspondence)
Sandesh Thapa	Yes	5, 19, 27, 79, 91-93 (CC + RCRA error correction)
Stan Lancaster	**NONE**	No records produced; no explanation in final response