TCEQ release and withdrawal correspondence

May 13–15, 2026

RECORD TYPE

Agency and requester correspondence

SELECTION AND CONTEXT

Response, index, referral correspondence, withdrawal request and acknowledgment as reproduced in the TLE binder. The selection preserves the dated sequence and does not establish the present status of an investigation. The May 15 email references a withdrawal-letter attachment that is not included here. Personal contact details and handwritten signature images are redacted; typed official names remain.

SOURCE

Walmart_131_TLE_Supplemental_Evidence_Binder_2026-08-14.pdf

ORIGINAL PDF PAGES

34, 35, 36, 37, 38, 39, 40, 41

SCOPE

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

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

May 13, 2026

Via E-Mail

Kyle Moring
Self

Re: TCEQ Public Information Request number 115048

Dear Kyle Moring:

Thank you for your Public Information Request dated 04/30/2026, received by the Texas Commission on Environmental Quality (TCEQ) on 04/30/2026. Upon review of TCEQ files, information was located responsive to your request.

The TCEQ has determined that a portion of the information you requested may be excluded from public disclosure. Therefore, pursuant to Texas Government Code § 552.301, the agency's Office of Legal Services is requesting an opinion from the Attorney General to determine if that information must be released, and will promptly provide you with additional information regarding that referral.

Upon review of TCEQ files, information was located in connection with your request and will be sent via seperate email at no charge.

Information submitted to the Attorney General will be provided separately, after the Attorney General determines which part of the information, if any, may be released. Please provide the PIR number located in the reference line when contacting us. This will enable staff to track your request in a more efficient manner.If you have any questions concerning this matter, you may contact me at 903-535-5114 or by e-mail at Beatrice.Raney@tceq.texas.gov.

Sincerely,

Beatrice Raney Administrative Assistant
Coastal & East Texas Area Division
Texas Commission on Environmental Quality

PIR# 115048

Files Found in Program Areas					
Group	**FILE_NAME**	**Date Range**	**Original Format**	**Requested Format**	**Material Ouantitv**
OCE/Coastal & East TX/Tyler	WALMART	All	electronic	electronic	1 MB
OLS/General Law	Walmart on 2311 S Jeff, Ave.	2025-2026	electronic	electronic	1 MB

TCEQ Program Area Abbreviations

Offices:

COMM: Office of the Commissioners
EXEC: Office of the Executive Director
OA: Office of Air
OAS: Office of Administrative Services
OCE: Office of Compliance and Enforcement
OLS: Office of Legal Services
OOW: Office of Waste
OW: Office of Water

Groups:

AQ: Air Quality
B&P: Budget & Purchasing
CAFO: Confined Animal Feeding Operation
CFO: Chief Financial Officer
CID: Critical Infrastructure Division
DC: Dry Cleaner
DCRP: Dry Cleaner Remediation Program
EAD: Environmental Assistance Division
ESS: Enterprise Support Section
FA: Financial Assurance
HR: Human Resources
IGR: Intergovernmental Relations
IHW: Industrial and Hazardous Waste
IHWCA: Industrial and Hazardous Waste Corrective Action
IRD: Information Resources Division
LPST: Leaking Petroleum Storage Tank
MSW: Municipal Solid Waste
OGC: Office of General Counsel
P&C: Purchasing & Contracts
PRS: Permitting and Registration Support
PST: Petroleum Storage Tank
R&R: Registration & Reporting
SF & SA: Superfund & Site Assessment
TPS: Technical Program Support
VCP: Voluntary Cleanup Program
WQ: Water Quality

From: **Peter Nganga** Peter.Nganga@tceq.texas.gov
Subject: TCEQ PIR No. 115048
Date: May 14, 2026 at 11:34 AM
To: Kyle Moring [redacted]

PN

Dear Kyle Moring:

Please see the attached correspondence regarding your public information request to the Texas Commission on Environmental Quality, PIR #26-115048. Please note that some of the information is being withheld pursuant to a previous determination issued in letter ruling OR2026-008158, as it is the same information that TCEQ previously submitted to the OAG and the law, facts, and circumstances on which the prior ruling was based have not changed since the issuance of the ruling.
Sincerely,

Peter K. Ng'ang'a, Legal Assistant, General Law Division
TCEQ Office of Legal Services

26-115048-10Day-requestor copy .pdf

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 14, 2026

The Honorable Ken Paxton
Office of the Attorney General
Open Records Division
Price Daniel Sr. Building, 6th Floor
209 W. 14th Street
Austin, Texas 78701

Attention: Tamara Smith, Division Chief, Open Records Division

Re: Request for Attorney General Decision
Public Information Act Request Regarding TCEQ PIR 26-110027
TCEQ PIR No. 26-26-115048

Dear Attorney General Paxton:

The Texas Commission on Environmental Quality (TCEQ) received a Public Information Act (PIA) request for information regarding a public information request previously submitted to TCEQ and referred to your office, identified as TCEQ PIR 26-110027, that sought records related to an investigation into a Walmart located in Mount Pleasant, Texas (Attachment A). This PIA request (PIR) was made by Kyle Moring on April 30, 2026, and was received by TCEQ the same day. Therefore, the tenth business day after receipt of the request is May 14, 2026.

TCEQ has withheld responsive information it believes to be excepted from disclosure under the PIA. Some of this information is being withheld pursuant to a previous determination issued in letter ruling OR2026-008158, as it is the same information that TCEQ previously submitted to the OAG and the law, facts, and circumstances on which the prior ruling was based have not changed since the issuance of the ruling. Some of the withheld information was not encompassed by this previous determination, which TCEQ is now submitting for your review. Pursuant to Tex. Gov't Code § 552.301(d)(1), TCEQ notified the requestor on this day by copy of this letter that TCEQ has withheld the information and requested an attorney general decision regarding its confidentiality (*see* courtesy copies listed in closing).

In accordance with Tex. Gov't Code § 552.301, TCEQ requests a formal opinion on the confidentiality of the records that your office has not yet reviewed and claims the following specific exceptions to disclosure:[1]

Tex. Gov't Code § 552.101 (Informer's Privilege)
Tex. Gov't Code § 552.101 (Tex. Gov't Code Chap. 418, Homeland Security Act)
Tex. Gov't Code § 552.103 (Litigation)
Tex. Gov't Code § 552.104 (Information Related to Competition or Bidding)
Tex. Gov't Code § 552.107 (Attorney-Client Privilege)
Tex. Gov't Code § 552.108 (Law Enforcement)

[1] Pursuant to House Bill 4219, enacted by the 89th Texas Legislature, TCEQ asserts that the listed exceptions to disclosure apply, as these are exceptions that generally relate to TCEQ's stated mission of clean air, clean water, and the safe management of waste. TCEQ additionally asserts that any of the exceptions to disclosure specifically listed in Tex. Gov't Code §§ 552.101-552.164 may apply to the requested information and reserves the right to raise any of these specific exceptions when the agency submits written comments and a representative sample of the information in question.

Tex. Gov't Code §§ 552.110, 1101 (Commercial, Financial, or Proprietary Information)
Tex. Gov't Code § 552.111 (Agency Memoranda)
Tex. Gov't Code § 552.11765 (Occupational Licensing Information)
Tex. Gov't Code § 552.122 (Test Items)
Tex. Gov't Code § 552.129 (Emission Inspection Information)
Tex. Gov't Code § 552.139 (Computer Network Security)
Tex. Gov't Code § 552.1391 (Critical Infrastructure Cybersecurity)
Tex. Gov't Code § 552.164 (Fraud Detection and Deterrence Measures)

The fifteenth business day from the date of receipt of the request is May 21, 2026. In accordance with Tex. Gov't Code § 552.301(e), TCEQ will submit to the Office of the Attorney General by May 21, 2026, a packet of information containing the following: (1) written comments stating the reasons why the exceptions stated in this letter apply; (2) a copy of the written request for information; and (3) copies or representative samples of the information at issue, labeled to indicate which exceptions apply.

I appreciate your response to this request. If you have any questions about this matter, please contact Elizabeth Cater, Staff Attorney, General Law Division, Office of Legal Services at Elizabeth.cater@tceq.texas.gov .

Sincerely,

[redacted]

Elizabeth Cater, Public Information Counsel
General Law Division, Office of Legal Services
Texas Commission on Environmental Quality
Elizabeth.Cater@tceq.texas.gov

Enclosures

cc: Kyle Moring, [redacted], *via e-mail* (without attachments)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this referral was sent, via the Office of the Attorney General's Public Information Act Electronic Filing System, on May 14, 2026, to:

The Honorable Ken Paxton
Office of the Attorney General
Open Records Division
Price Daniel, Sr. Building, 6th Floor
209 West 14th Street
Austin, Texas 78701

Attention: Tamara Smith, Division Chief, Open Records Division

[redacted]
Peter K. Ng'ang'a, Legal Assistant
General Law Division

From: **Kyle Moring** [redacted]
Subject: Re: TCEQ PIR No. 115048
Date: May 14, 2026 at 11:44 AM
To: Peter Nganga Peter.Nganga@tceq.texas.gov
Cc: Elizabeth.Cater@tceq.texas.gov

KM

Mr. Ng'ang'a,

Thank you for forwarding the May 14, 2026 correspondence regarding TCEQ PIR No. 26-115048.

I understand that TCEQ has treated my April 30, 2026 correspondence as a new Public Information Act request and has referred certain withheld information to the Office of the Attorney General for review.

To avoid unnecessary processing while the underlying ECU matter remains active, I respectfully clarify that I am not seeking production of records at this time. Please treat this email as my withdrawal of PIR No. 26-115048, to the extent TCEQ is able to close or withdraw the request at this stage.

My intent is simply to avoid submitting repetitive public information requests while the investigation remains pending. I continue to respectfully request notice, if feasible, when the underlying ECU investigation is closed or otherwise concluded, so that I may submit a new public information request at that time.

If TCEQ has already submitted or is required to continue submitting materials to the Office of the Attorney General despite this withdrawal, I understand. However, if the request can be closed or withdrawn without further OAG review, I would appreciate confirmation.

Thank you for your assistance.

With gratitude,

Kyle Moring
[redacted]

> On May 14, 2026, at 11:34 AM, Peter Nganga <Peter.Nganga@tceq.texas.gov> wrote:
>
> Dear Kyle Moring:
>
> Please see the attached correspondence regarding your public information request to the Texas Commission on Environmental Quality, PIR #26-115048. Please note that some of the information is being withheld pursuant to a previous determination issued in letter ruling OR2026-008158, as it is the same information that TCEQ previously submitted to the OAG and the law, facts, and circumstances on which the prior ruling was based have not changed since the issuance of the ruling.
> Sincerely,
>
> Peter K. Ng'ang'a, Legal Assistant, General Law Division
> TCEQ Office of Legal Services

26-115048-10Day-requestor copy .pdf

From: **Peter Nganga** Peter.Nganga@tceq.texas.gov
Subject: TCEQ PIR No. 115048
Date: May 15, 2026 at 4:52 PM
To: Kyle Moring [redacted]

PN

Dear Kyle Moring:

TCEQ is in receipt of your withdrawal of PIR 26-115048. Please see the attached letter in which we have requested that the OAG withdraw from consideration the ruling request that TCEQ submitted on May 14, 2026. At this time TCEQ is unable to provide you with an estimate of this investigation's expected conclusion. If you submit any future PIRs and wish to avoid an OAG referral, please specify in your PIR that you are not pursuing confidential information.

Sincerely,

Peter K. Ng'ang'a, Legal Assistant, General Law Division
TCEQ Office of Legal Services

26-115048 Withdrawal Letter-requestor copy.pdf