

FILED

Nov 19, 2024

3:20 pm

**U.S. EPA REGION 4
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 4

In the Matter of:

The Kroger Co. d/b/a Heritage Farms Dairy,

Docket No. CAA-04-2023-0204(b)

Respondent.

AMENDMENT TO CONSENT AGREEMENT AND FINAL ORDER

On April 11, 2024, the United States Environmental Protection Agency (EPA) Region 4 Regional Judicial Officer ratified the Consent Agreement and Final Order (CAFO) between the EPA and The Kroger Co. d/b/a Heritage Farms Dairy (Respondent). The CAFO was finalized and became effective on April 11, 2024, when it was filed by the Regional Hearing Clerk. On September 30, 2024, the Respondent informed the EPA that due to the unavailability of some of the equipment listed on Appendix A of the CAFO and shifting needs of the Murfreesboro Fire Department, the Supplemental Environmental Project (SEP) Recipient, it cannot comply with Appendix A.

In accordance with Paragraph 49 of the CAFO, the parties agree to amend the CAFO by replacing the original Appendix A with the attached Amended Appendix A, which contains a revised list of the equipment being purchased and donated to the SEP Recipient. The Amended Appendix A also contains a new date for completion of the SEP.

All remaining provisions of the CAFO remain in full force and effect.

This Amendment shall become effective on the date it is filed by the Regional Hearing Clerk (the Effective Date).

AGREED AND CONSENTED TO:

Docket No. CAA-04-2023-0204(b)
Amendment to Consent Agreement and Final Order

For Respondent: The Kroger Co. d/b/a Heritage Farm Dairy

By: Martha Cutright Sarra (Signature) Date: 11/5/24
Name: Martha Cutright Sarra (Typed or Printed)
Title: VP and Corporate Compliance Officer (Typed or Printed)

For Complainant: U.S. Environmental Protection Agency

By: _____
for Keriema S. Newman
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

APPROVED AND SO ORDERED.

By: _____
Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I certify that the foregoing Amendment to the Consent Agreement and Final Order, in the Matter of **The Kroger Co. d/b/a Heritage Farms Dairy, Docket No. CAA-04-2023-0204(b)**, was filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Kevin N. McMurray, Attorney
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To EPA: Jordan Noles, Case Development Officer
noles.jordan@epa.gov

Ellen Rouch, Attorney-Advisor
rouch.ellen@epa.gov

Shannon L. Richardson, Regional Hearing Clerk
r4_regional_hearing_clerk@epa.gov

Amended Appendix A

Supplemental Environmental Project for The Kroger Co. d/b/a Heritage Farms Dairy

The Respondent will purchase and donate the following equipment to the SEP Recipient no later than thirty days from the Effective Date of this Amendment to the Consent Agreement and Final Order:

1. Micro Scoops. Long Handled, Antistatic Polypropylene Micro Scoops, Capacity: 0.006 mL (25 Count) (2)
2. Clear Small Liquid Sample Glass Vials with Screw Caps, 15 mm Diameter x 45 mm Length Leak-Proof Vial, 13-425 Black Screw Cap with PE Liners (20 Pieces) (2)
3. 3ml Dropper Pipettes. Disposable Pipettes Dropper for Accurate Liquid Transfer (20 Pieces) (2)
4. 2-Sided Engraved Metal ER Information Card (15)
5. 5 Gas Metal Reference Cards (7)
6. Lion Chembio MT94 Chem Suit, Size LG (2)
7. Lion Chembio MT94 Chem Suit, Size XL (2)
8. ANDAX Tri-Pac Decon Unit (1)
9. Scott AirPack AV-632 Bayonet Adapter 5 Pack (4)
10. Universal Hazardous Materials Response Kit with Non-Sparking Tools (1)
11. Series C-2 External Pipe Leak Control Kit (1)
12. Series C-3 External Pipe Leak Control Kit (1)
13. OUR Claw Mini Hazmat Test Paper Card (5)
14. Aluminum Dome Clamps, set of 4 (1)
15. Scott Multi-Gas Vapor Cartridge P100 – 60 Each per Case (1)
16. ToxiRae Pro Single Gas Meter for Ammonia with Wireless Capability (4)
17. Ammonia (NH₃) Sensor (3)
18. Chem Bio Emergency Triage Tags (4)
19. HM-100 Pack containing test paper for Fluoride, pH paper, Potassium Iodide Starch Paper (2)
20. M8 Chemical Agent Liquid Detector Paper (2)
21. Zytron 200 Splash Total Encapsulating Suit, 6 per case, L/XL (4)
22. Zytron 200 Splash Total Encapsulating Suit, 6 per case, 2X/3X (3)