



## REGION 7

LENEXA, KS 66219

July 1, 2025

SENT ELECTRONIC MAIL  
RECEIPT CONFIRMATION REQUESTED

Brad Appleton  
bappleton@bbbend.com  
Fuel Plaza – Blackbird Bend Casino  
17223 W 210 Street  
Onawa, Iowa 51040

RE:      Underground Storage Tank Notice of Deficiency and Potential Violations  
         Fuel Plaza – Blackbird Bend Casino  
         EPA Identification Number: EPA-TrUSTD-2304

Dear Mr. Appleton:

In Indian country, the U.S. Environmental Protection Agency (EPA) strives to assure that owners/operators of underground storage tank (UST) facilities comply with federal UST requirements under the Resource Conservation and Recovery Act (RCRA) and the UST regulations at 40 CFR Part 280.

On May 8, 2025, the EPA conducted an onsite inspection and observed the deficiencies described below. If the EPA identifies violations, the EPA will inform the UST owner and the UST operator of any identified violations and provide notice to the Tribal government. Violations may subject the UST owner and/or operator to federal enforcement, including the assessment of civil penalties.

In the interim, we ask you to provide the EPA with documentation reflecting that the facility has addressed each deficiency identified below within the timeframe indicated.

Please provide documentation to Marc Matthews of my staff by email at [matthews.marc@epa.gov](mailto:matthews.marc@epa.gov). If you have any questions, you can also reach him by telephone at (913) 551-7517. Thank you for your cooperation in this matter.

Sincerely,

**CANDACE  
BEDNAR**

Digitally signed by  
CANDACE BEDNAR  
Date: 2025.07.01  
14:20:28 -05'00'

Candace Bednar  
Branch Supervisor  
Enforcement Compliance Assurance Division/Chemical Branch

Enclosure

cc:      Jason Sheridan, Chairman of Omaha Tribe of Nebraska  
         ([jason.sheridan@theomahatribe.com](mailto:jason.sheridan@theomahatribe.com))  
         Tim Grant, Environmental Director, Omaha Tribe of Nebraska  
         ([tgrant2@theomahatribe.com](mailto:tgrant2@theomahatribe.com))

| UST Facility Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                   |                                                   |             |
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| Date:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | May 8, 2025                                       | Facility Name: Fuel Plaza – Blackbird Bend Casino |             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                   | EPA Facility ID No: EPA-TrUSTd-2304               |             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                   | Tribe: Omaha Tribe of Nebraska                    |             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                   | City: Onawa                                       | State: Iowa |
| Inspection Participants                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                   |                                                   |             |
| EPA Inspector (Lead):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Joseph Heafner, EPA                               |                                                   |             |
| Facility Representative(s):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Brad Appleton, bappleton@bbbend.com 712-423-9646  |                                                   |             |
| Tribal Government Representative:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Tim Grant, tgrant2@theomahatribe.com 402-837-4235 |                                                   |             |
| Other Participants:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Brian D'Alfonso, EPA                              |                                                   |             |
| Deficiencies Identified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                   |                                                   |             |
| <p>The EPA requests documentation that each identified deficiency has been corrected within <u>30-days</u> of receipt of this letter.</p> <p>On May 8, 2025, the inspector left an Underground Storage Tank (UST) Compliance Inspection Deficiency Summary during the conclusion of the inspection. This form asked that you reply within 5 business days. To date EPA has yet to receive a response to that request. Please provide a response to the following:</p> <p><b>Spill and Overfill Protections</b></p> <p>Document the installation or repair of an approved spill prevention device(s), e.g., spill bucket, catchment basin, etc.in accordance with § 280.33(g).</p> <p><b>Temporary /Permanent closure</b></p> <p>Document that you have placed the USTs in temporary out-of-service status, including documentation of the removal of all product to below one-inch, in accordance with 40 C.F.R. §280.70(a).</p> <p>Document that your UST system's vent lines are open and functioning, in accordance with 40 C.F.R. §280.70(b)(1) and that all other lines, pumps, manways, and ancillary equipment are capped and secured, in accordance with 40 C.F.R. §280.70(b)(2).</p> <p>Document the proper permanent closure of the USTs in accordance with 40 C.F.R. §280.71, and any applicable state regulations. Provide documentation of planned events and the schedule for removal of the USTs.</p> <p><b>Financial Responsibility</b></p> <p>Provide documentation of financial responsibility for underground storage tank system in accordance with 40 C.F.R. §280, Subpart H.</p> |                                                   |                                                   |             |

### Potential Violations

The Observation Report left at the time of the inspection identified the following potential violations. The EPA requests documentation that each identified potential violation has been corrected within 30-days of receipt of this letter.

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                    |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Spill bucket for Tank 4 is damaged.                   | <p><b>§ 280.20(c)(1)(i) -</b><br/> <b>§ 280.20 Performance standards for new UST systems.</b><br/> Owners and operators of UST systems must meet the following requirements.<br/> (c) Spill and overfill prevention equipment.<br/> (1) To prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use:<br/> (i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe.</p> | Provide documentation of the repair of your UST system to bring it into compliance for temporary closure.                                                                          |
| Tanks have a combination of water and product in them | <p><b>Temporary Closure</b><br/> <b>§ 280.70(a)</b> – When an UST system is temporarily closed, owners and operators must continue operation and maintenance of corrosion protection in accordance with <u>§ 280.31</u>, and any release detection in accordance with <u>subparts D and K of this part</u>. <u>Subparts E and F of this part</u> must be complied with if a release is suspected or confirmed.</p>                                                                                                    | Provide documentation of the removal of water and product in the UST tanks in your system if this work has not been completed, provide a schedule for completion of this activity. |
| No vents and fill caps unsecured                      | <p><b>Temporary Closure</b><br/> <b>§ 280. 70(b)</b> – When an UST system is temporarily closed for 3 months or more, owners and operators must also comply with the following requirements:<br/> (1) Leave vent lines open and functioning; and<br/> (2) Cap and secure all other lines, pumps, manways, and ancillary equipment.</p>                                                                                                                                                                                | Provide documentation of the repair of your UST system to bring it into compliance for temporary closure.                                                                          |
| No financial responsibility information available     | <p><b>§ 280.93(a) – Amount and scope of required financial responsibility.</b><br/> (a) Owners or operators of petroleum underground storage tanks must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks.</p>                                                                                                               | Provide documentation of the adequate financial responsibility.                                                                                                                    |

| EPA Assistance Material Provided (Listed Below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <p>To assist the UST owner and operator, the EPA provided the following compliance assistance materials during the inspection and/or directed the UST owner and operator to the EPA's compliance assistance resource documents. Please contact the EPA Representative identified in this document if you need additional compliance assistance in addressing the noted potential violations.</p>                                                                                                                                                                                                                                                    |       |
| <p>UST owners and operators can find comprehensive information on how to comply with the UST requirements at <a href="https://www.epa.gov/ust/meeting-underground-storage-tank-ust-requirements">https://www.epa.gov/ust/meeting-underground-storage-tank-ust-requirements</a>. This includes the EPA's "Musts for USTs," which summarizes federal UST requirements for installation, reporting, spill and overfill prevention, corrosion protection, release detection, walkthrough inspections, compatibility, operator training, repairs, financial responsibility, release response, and closure.</p>                                           |       |
| <p>The deficiencies noted above have been described to me in satisfactory detail by the EPA representative. I understand that the EPA has requested documentation <b>within 30 days of this notice</b>, reflecting that all deficiencies identified have been corrected or are in the process of being corrected. The requested documentation should be sent to the EPA representative listed below. The EPA will review the information provided and any inspection findings. Based on that information and review, the EPA will determine whether federal enforcement, including an action that would assess a civil penalty, is appropriate.</p> |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |
| Print Name of Onsite Facility Representative                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |
| Signature of Onsite Facility Representative                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Date: |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |
| Contact Information for Onsite Facility Representative (if left with facility at time of inspection)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |
| Contact Name:<br>Title: N/A<br>Phone:<br>Email:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |
| Signature of Lead EPA Inspector Date:<br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |
| EPA Regional Representative (to Be Sent Requested Documents and Correction Documentation)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
| Name: Marc A. Matthews<br>EPA Region: USEPA Region 7, ECAD, CB, RS<br>Address: 11201 Renner Boulevard<br>City: Lenexa State: Kansas Zip Code: 66219<br>Phone: 913-551-7517<br>Email: matthews.marc@epa.gov                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |