

Wargo, Emily

From: Callahan, Kelby A
Sent: Wednesday, April 14, 2021 7:40 AM
To: Tafuni, Steven; Madden, Melissa
Cc: Wargo, Emily; Bejnar, Tor
Subject: FW: Trustee

FYI

From: marlinperla86 <marlinperla86@yahoo.com>
Sent: Wednesday, April 14, 2021 7:38 AM
To: Callahan, Kelby A <Kelby.A.Callahan@FloridaDEP.gov>; ojeda29j@yahoo.com;
robertandsonsdistributor@gmail.com; Amanda A. Wesley <amanda.wesley@regions.com>
Subject: RE: Trustee

Good Morning Kelby

Yes we are working with Amanda from regions we are in the works of filing out some documentation she has sent out to us.

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

----- Original message -----

From: "Callahan, Kelby A" <Kelby.A.Callahan@FloridaDEP.gov>
Date: 4/14/21 7:22 AM (GMT-05:00)
To: marlinperla86 <marlinperla86@yahoo.com>
Subject: Trustee

Good morning Marlin,

I am just reaching out to see if you and Robert were able to select anyone as a trustee for financial assurance.

Let me know if myself or others at the Department can assist in any way in this process.

Thank you,



Kelby Callahan

Florida Department of Environmental Protection

Southwest District

Compliance Assurance Program

Environmental Specialist I

Kelby.A.Callahan@FloridaDEP.gov

Office: 813-470-5945



Wargo, Emily

From: Bejnar, Tor
Sent: Friday, April 9, 2021 3:16 PM
To: marlinperla86; 'Joelia Ojeda'; RJ Tires
Cc: Wargo, Emily
Subject: RE: RJ Tires - WACS 106464
Attachments: Trust Fund form (solid waste).pdf

This e-mail includes:

- 1) Provider Companies (trustee)
 - 2) the Trust Fund Agreement form PDF and link (this form must be used)
 - 3) Guidance on completing the form (you start the process)
- 1) **Provider Companies:** These are the four Trustee contacts who requested to be on the list. Different banks charge differently (I presume) so you might want to shop around. If someone doesn't answer their phone, they might miss out ...

Trust Funds and Standby Trust Funds

Regions Bank
Corporate Trust Department
1900 5th Avenue North, 26th Floor
Birmingham, AL 35203
Amanda Wesley
(205) 264-5394
Amanda.Wesley@regions.com

Regions Bank
Corporate Trust Department
1180 West Peachtree Street NW
Suite 1200
Atlanta, GA 30309
(404) 253-5264
Van.Brown@regions.com

Truist Bank
(formerly SunTrust Bank)
Escrow Services
1155 Peachtree Street, 12th Floor
Atlanta, GA 30309
Deb Spitale
(404) 588-7191
Deb.Spitale@SunTrust.com

U.S. Bank National Association
225 Water Street, Suite 700
Jacksonville, FL 32202
Sarah Lemmerman
(904) 358-5377
Sarah.Lemmerman@usbank.com

2. [Trust Fund Agreement - Form 62-701.900\(5\)\(g\)](#): this form (a copy you can use is attached to this e-mail) can be partially completed before printing 3 copies for original signatures.
3. [Trust Fund Guidance](#) for completing the Trust Fund Agreement (from our website) is simplified for your specific requirements below.

Guidance & Notes for Trust Fund Agreement

1. Page 1:

- Required Action (top section with check boxes): Check “**Closing**”
- The Grantor (owner or operator): **Robert and Sons Tires Corp.**
name must match (including punctuation and abbreviations) the legal entity name as listed on the Florida Division of Corporations web page ([Sunbiz.org](#)).
- The Grantor is a **Florida corporation**.
- The Trustee name must match (including punctuation and abbreviations) the legal entity name. [must match how name is listed on the Provider Company list]
- Leave the “entered into as of” date blank. The Trustee will complete this (unless they tell you what date to put there).
- Ask the Trustee what trustee address to enter.
- Regions Bank is “incorporated in the state of Alabama”; Truist Bank is “incorporated in the state of North Carolina” and U.S. Bank National Association is “a national bank”.
- Leave the account number blank unless the Trustee tells you what to put there.

2. Page 4: complete the Grantor section and any parts of the Trustee section the trustee tells you to.

- Signatory for the Grantor (owner or operator) should be **Robert Vargas**, as **President** of the corporation. If anyone else signs, additional documentation will be required.
- After completing the form and printing it (3 copies) sign (in blue ink, preferably) ... but finish completing the form and reading this guidance first...

Certification of Acknowledgment: Complete this section. Parts of this can be completed by printing. Note: signing page 4 should be done in front of a notary.

3.

Schedule A:

- The FDEP I.D. number: “**WACS 106464**”
- Facility name: “**RJ Tires**”
- The site address is **507 Nilsen St., Haines City**
- The "Facility Cost Estimate" is **\$49,147.74**

Schedule B:

- typically, if wired, something like “**Wired funds in the amount of \$_____ received _____**”. This will be completed by the trustee.

5.

Exhibit A:

☑ One or more authorized representatives of the Grantor (owner or operator) must be listed, and must include the name of the person who signed the agreement on behalf of the Grantor. Signatures are not required by FDEP in this section, but the Trustee may want "specimen signatures."

After completing the form, e-mail me a copy of the draft document so that I can do a courtesy review.

After I 'ok' it, print it (3 copies) sign the grantor section (in blue ink, preferably) in front of a notary who notarizes all three.

Send all three copies to the Trustee who will complete any blanks on page 1, will complete the Trustee section on page 4 and complete Schedule B.

My cell phone number is 850-879-0401

DEP forms and rules are available via our website referenced below. Please contact me if you have any questions.



Tor Bejnar

Environmental Specialist III

Financial Assurance Working Group, Permitting & Compliance Assistance Program

Division of Waste Management, Department of Environmental Protection

2600 Blair Stone Road MS 4548, Tallahassee, Florida 32399-2400

Working from home

usual hours: 7:30am-3:30pm

Send financial assurance instruments to:

Solid Waste Financial Coordinator, Florida DEP

2600 Blair Stone Road MS 4548, Tallahassee, FL 32399-2400

website URL: [Solid Waste Financial Assurance](#)

Please note: Florida has a very broad public records law. Most written communications to or from state officials are public records and may be made available to the public or media upon request. This e-mail communication, your reply, and future e-mails to my attention may therefore be subject to public disclosure.

From: marlinperla86 <marlinperla86@yahoo.com>

Sent: Friday, March 26, 2021 10:48 AM

To: Bejnar, Tor <Tor.Bejnar@dep.state.fl.us>; 'Joelia Ojeda' <ojeda29j@yahoo.com>; RJ Tires <robertandsonsdistributor@gmail.com>

Cc: Wargo, Emily <Emily.Wargo@FloridaDEP.gov>

Subject: RE: RJ Tires - WACS 106464

Thanks for the info is there a direct num to call you.

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

----- Original message -----

From: "Bejnar, Tor" <Tor.Bejnar@dep.state.fl.us>

Date: 3/26/21 9:58 AM (GMT-05:00)

To: marlinperla86@yahoo.com

Cc: "Wargo, Emily" <Emily.Wargo@FloridaDEP.gov>

Subject: RJ Tires - WACS 106464

Dear Ms. Perla:

I have been asked to provide guidance on using a CD for Solid Waste financial assurance.

DEP rule 62-701.630(6)(a), F.A.C. includes, "If proof of financial assurance is ... certificates of deposit, these ... must be used in conjunction with a trust fund and shall be submitted directly to the trustee." The trust fund form [[Form 62-701.900\(5\)\(g\)](#)] includes, in Section 3, "The Fund is established initially as consisting of the property ... acceptable to the Trustee"

Therefore, once you select a trustee, you should determine if a CD is acceptable to them. Most, I believe, would prefer, or only accept, cash.

Guidance on completing the Trust Fund form is available from the form page link above.

While you may use any Trustee that meets the requirements of adopted federal code [40 CFR 264.143(a)(1) ends, "The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency."], many banks and trust companies will not use the required DEP form and therefore cannot provide this service. (We are not aware of any attorney's office's trust operations being examined by a government agency.) About half of the trust agreements we hold are with the provider companies who asked to be listed on our [Provider Company](#) list. Obviously, you are not limited by that list.

Rule and adopted federal code are available via our [Rules webpage](#).

Please contact me, or have an agent or provider company contact me, if you have any questions.



Tor Bejnar

Environmental Specialist III
Financial Assurance Working Group, Permitting & Compliance Assistance Program
Division of Waste Management, Department of Environmental Protection

2600 Blair Stone Road MS 4548, Tallahassee, Florida 32399-2400

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Send original-signature financial assurance instruments to:
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website URL: [Solid Waste Financial Assurance](#)

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From: Wargo, Emily <Emily.Wargo@FloridaDEP.gov>
Sent: Friday, March 26, 2021 9:29 AM
To: Bejnar, Tor <Tor.Bejnar@dep.state.fl.us>
Cc: Morgan, Steve <Steve.Morgan@FloridaDEP.gov>; Tafuni, Steven <Steven.Tafuni@FloridaDEP.gov>; Madden, Melissa <Melissa.Madden@FloridaDEP.gov>; Callahan, Kelby A <Kelby.A.Callahan@FloridaDEP.gov>
Subject: RE: RJ Tires - WACS 106464

Good morning Tor,

I spoke with Ms. Marlin Perla this morning regarding the financial assurance for this site; she is assisting Mr. Robert Vargas in trying to set up the FA funding for pending Permit No. 385348-001-WT/02.

Marlin indicated that they have been unsuccessful in securing FA from any of the provider companies that you had previously sent them, and she is now looking for guidance on setting up a Certificate of Deposit to demonstrate FA. Can you reach out to Marlin and explain what will be required for a CD and the information that they will need to provide? Her contact information is below.

Email: marlinperla86@yahoo.com

Phone: 863-207-7376

Thank you,



Emily Wargo

Engineering Specialist II

Florida Department of Environmental Protection
Southwest District

Emily.Wargo@FloridaDEP.gov

Office: 813-470-5942

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.



Please consider the environment before printing this email.

From: Morgan, Steve <Steve.Morgan@FloridaDEP.gov>
Sent: Friday, March 26, 2021 8:33 AM
To: Wargo, Emily <Emily.Wargo@FloridaDEP.gov>
Subject: FW: RJ Tires - WACS 106464



Steven G. Morgan

Air & Solid Waste Permitting Manager

Florida Department of Environmental Protection

Southwest District

13051 N. Telecom Parkway, Suite 101

Temple Terrace, FL 33637-0926

Steve.Morgan@floridadep.gov

Direct line: 813.470.5754

Fax: 813.470.5996

From: Bejnar, Tor <Tor.Bejnar@dep.state.fl.us>
Sent: Wednesday, March 17, 2021 1:50 PM
To: Tafuni, Steven <Steven.Tafuni@FloridaDEP.gov>
Cc: Morgan, Steve <Steve.Morgan@FloridaDEP.gov>
Subject: RJ Tires - WACS 106464

Steve,

By chance, I came across a warning letter dated March 9, 2021 for this site. FYI, I have not received any financial assurance documentation associated with the 2020 permit application.

Please contact me if you have any questions.



Tor Bejnar

Environmental Specialist III

Financial Assurance Working Group, Permitting & Compliance Assistance Program
Division of Waste Management, Department of Environmental Protection

2600 Blair Stone Road MS 4548, Tallahassee, Florida 32399-2400

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