



RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION NOT RELYING ON CONTROLS

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

I, WILLIAM B. MIERTSCHIN, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY UNDER CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM SITE VCP NO. 04-60005 AS OF 19 SEPTEMBER 2006 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. THE APPLICANT WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113. ON THE DATE OF ISSUANCE OF THIS CERTIFICATE THE APPLICANT IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

EXECUTED this 19th September 2006.

Handwritten signature of William B. Miertschin in black ink.

*William B. Miertschin, Assistant Director
Site Remediation Section*

STATE OF Texas

COUNTY OF Travis

BEFORE ME, personally appeared William B. Miertschin, Assistant Director, Site Remediation Section, of the Railroad Commission of Texas, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th of September 2006.

Handwritten signature of David A. Cornett in black ink.

Notary Public in and for the State of Texas

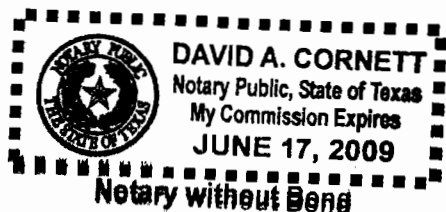


EXHIBIT "A"

*RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM*

*LEGAL DESCRIPTION OF THE Flint Hills Resources, Carbon Plant Road Property,
Nueces County, Texas
VCP No. 04-60005*

EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION

I, Mr. Eric Kaysen, representing Flint Hills Resources LP have completed response actions pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the tract of land described in Exhibit "A" to this certificate that pertains to the Carbon Plant Road Property, VCP No. 04-60005 located in Nueces County, Texas. The Site was owned by the Flint Hills Resources at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all contaminants, waste and contaminated media of regulatory concern. The response actions for the site have achieved response action levels acceptable for unrestricted residential use with no reliance on institutional or physical controls as determined by the standards of the RRC. The response actions eliminate substantial present or future risk to public health and safety and to the environment from releases and threatened releases of contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response actions at this Site may be found in the final report at the central office of the RRC under VCP No. 04-60005.

The preceding is true and correct to the best of my knowledge and belief

Applicant

By: _____

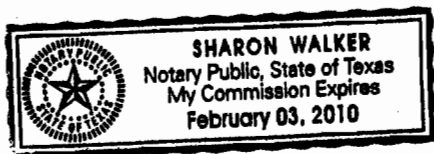
Print Name: Eric Kaysen

STATE OF TEXAS
COUNTY OF Nueces

BEFORE ME, personally appeared

Eric Kaysen, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE 8-31-2006



Sharon Walker
Notary Public in and for the State of Texas

Flint Hills Resources, Carbon Plant Road Property
Nueces County, Texas
VCP 04-60005

METES AND BOUNDS DESCRIPTION

OF A

54.837 ACRE TRACT

Being 54.837 acres of land, more or less out of a 2.158 acre tract recorded in Document No. 2004035681, Official Public Records of Nueces County, Texas, and out of a 34.19 acre tract recorded in Volume 2130, Page 84, Deed Records of Nueces County, Texas, and out of a 54.91 acre tract recorded in Volume 1713, Page 102, Deed Records of Nueces County, Texas, and also out of a 40 acre tract recorded in Volume 1810, Page 224, Deed Records of Nueces County, Texas, and this tract being out of Desiderio Martinez Survey 420, A-857, and Pedro Hinojosa Survey, A-850, and this 54.837 acre tract being more particularly described by metes and bounds as follows:

Beginning at a found 5/8-inch iron rod for the southeast corner of this tract and said 34.19 acre tract, said corner also being the southwest corner of a 1.17 acre tract recorded in Volume 1810, Page 224, Deed Records of Nueces County, Texas, and said corner being on the north right-of-way line of Interstate Highway 37;

Thence N 59-22-23 W with the south boundary of this tract and said 34.19 acre tract, the same being the north right-of-way line of I.H. 37, 67.14 feet, to a found broken concrete monument for a corner of this tract;

Thence N 57-04-52 W and continuing with the south boundary of this tract and said 34.19 acre tract, the same being the north right-of-way line of I.H. 37, 1499.83 feet, to a found TxDot concrete monument with a brass disk for a corner of this tract;

Thence N 53-29-10 W and continuing with the south boundary of this tract and said 34.19 acre tract, the same being the north right-of-way line of I.H. 37, 400.92 feet, to a found TxDot concrete monument with a brass disk for a corner of this tract;

Thence N 47-18-22 W and continuing with the south boundary of this tract and said 34.19 acre tract, the same being the north right-of-way line of I.H. 37, 256.03 feet, to the southwest corner of this tract, the same being the southeast corner of said 2.158 acre tract and said corner being the intersection of the north right-of-way line of I.H. 37 with the proposed east right-of-way line of the Joe Fulton Trade Corridor;

Thence N 15-54-24 W with the west boundary of this tract and said 2.158 acre tract, the same being the proposed east right-of-way line of the Joe Fulton Trade Corridor, at 1.21 feet pass a found TxDot concrete monument with a brass disk, in all 138.00 feet to a found TxDot concrete monument with a brass disk for a corner of this tract;

Thence N 08-52-34 E with the west boundary of this tract and said 2.158 acre tract, the same being the proposed east right-of-way line of the Joe Fulton Trade Corridor, 120.00 feet, to a found TxDot concrete monument with a brass disk for a corner of this tract;

Thence N 65-11-10 E with the west boundary of this tract and the proposed east right-of-way line of the Joe Fulton Trade Corridor and entering said 2.158 acre tract, 72.11 feet, to a found TxDot concrete monument with a brass disk for an inside corner of this tract, said corner being on the east boundary of said 2.158 acre tract;

Thence S 34-47-58 E with the north boundary of this tract, 1186.18 feet, to a set 5/8-inch iron rod with cap for the northeast corner of this tract;

Thence S 20-59-39 W with the east boundary of this tract, at 67.63 feet pass a found 5/8-inch iron rod being the northwest corner of said 1.17 acre tract the same being the northeast corner of said 34.19 acre tract, in all 914.43 feet to the point of beginning and containing 54.837 acres of land, more or less.



Note: Bearings are State Plane Grid bearings.