

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

September 21, 2007

Mr. Loren Polak, Director of Environmental Management
Bunge Oils, Inc.
11720 Borman Drive
St. Louis, MO 63146

Re: Certification of Municipal Setting Designation (MSD) Application for Bunge Oils, Inc.,
400 East Exchange Drive Avenue, Fort Worth, TX; MSD No. 038.

Dear Mr. Loren:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "mfrew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/jhm

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 038

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for Bunge Oils, Inc., 400 East Exchange Avenue, Fort Worth, the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B" provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the institutional control required by Texas Health and Safety Code §361.8065 is maintained in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this 11 day of Sept., 2007

A handwritten signature in black ink, appearing to read "Glenn Shankle", written over a horizontal line.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

Exhibit 'A'

17.558 Acre Tract

Lot 1, Block 1 of Bunge Edible Oil Edition in the City of Fort Worth in Tarrant County, Texas according to the Plat thereof recorded in volume 388-218 pages 8 and 9 of the Plat Records of Tarrant County, Texas

Parts of the I. Thomas Survey, Abstract No. 1526 and the E. Little Survey, Abstract No. 954 in the City of Fort Worth in Tarrant County, Texas; embracing Parcels No. 1, 2, and 3 described in the deed to Bunge Edible Oil Corporation recorded in volume 6971, page 148 of the Tarrant County deed Records, all of Parcel No. One, Tract No. 1, Tract No.3, Tract No.4, Tract No. 5, Parcel No. Two, Parcel No. Three and a portion of Parcel No. Four described in the deed to Bunge Edible Oil Corporation recorded in volume 6881, page 718 of the said Deed Records; portions of Tracts No.2, 3 and 9, all of Tracts No. 1, 4, 5, 6, 7 and 8 described in the deed to Bunge Edible Oil Corporation recorded in volume 9336, page 1971 of the said Deed Records.

Beginning at a 7/8" iron for the southwest corner of Lot 1 in Block 1 of MIDCO Properties, Inc. Addition as said Lot appears upon the map recorded in volume 388-96, page 8 of the said Deed Records, for the southeast corner of Tract No. 4 recorded in volume 9336, page 1971 in the north line of Twenty-Third Street.

Thence west, along the south line of said Tract No. 4 and the said north line of Twenty-Third Street, 17 feet to the southwest corner of said Tract No.4.

Thence northerly along the west line of said Tract No.4:

north no degrees-08 minutes east 203-2/10 feet;
north 1 degree-37 minutes east 100 feet;
north no degrees-12 minutes-45 seconds east 99-82/100 feet;
north no degrees-21 minutes east 425 feet to a mark "Y" on brick;
north 1 degree-no minutes west 17-86/100 feet to a mark "Y" on brick for the southeast corner of said Parcel no. Three recorded in volume 6881, page 718

Thence westerly and northerly along the south and west lines of said Parcel No. Three:

west 121-56/100 feet to a mark "Y";
north 89-9/10 feet to a 3/4" iron;
west 86-5/10 feet to a mark "Y"
north 2 degrees-28 minutes east 64-27/100 feet to a 6" pipe post from which a galvanized spike bears north 1 foot for the northwest corner of said Parcel No. Three in the south line of said Tract No. 8.

Thence west, along the said south line of Tract No.8, to and along the south line of said Parcel No. Four recorded in volume 6881, page 718, a distance of 274-17/100 feet.

Thence northwesterly along the said west line of Parcel No. Four along a curve to the left having a radius of 736 feet an arc length of 9-7/10 feet, the long chord of said 9-7/10 feet arc is north 23 degrees-52 minutes-29 seconds west 9-70/100 feet

Thence north 24 degrees-15 minutes-52 seconds west, a distance of 45-11/100 feet to the south line of said Parcel no. One, Tract No.1 recorded in volume 6881, page 718 and the north line of said Parcel No. Four.

Thence west, along the said south line of Parcel No. One, Tract No.1, a distance of 57-24/100 feet to a mark "Y" on concrete curb for the southwest corner of said Parcel No. 1, Tract No. 1.

Thence north, along the west line of said Parcel No. 1, Tract No. 1. a distance of 444-9/10 feet to a 1" iron.

Thence west, to and along the south line of said Parcel No. 1 recorded in volume 6971, page 148, a distance of 24-1/10 feet to a ¾" iron for its southwest corner.

Thence north, along the west line of said Parcel No.1, a distance of 372-9/10 feet to a ¾" iron for its northwest corner.

Thence easterly along the north line of said Parcel No. 1:

east 66-8/10 feet to a ¾" iron;
north 44 degrees-59 minutes east 113-11/100 feet to a ¾" iron for its northeast corner in the west line of said Tract No.9 recorded in volume 9336, page 1971.

Thence north 34 degrees-49 minutes east 89-71/100 feet to a ¾" iron for the northwest corner of said Parcel No.2 recorded in volume 6971, page 148.

Thence east, along the north line of said Parcel No. 2, to and along the north line of Parcel No. 3 recorded in volume 6971, page 148, a distance of 247-04/100 feet to a ¾" iron for the northeast corner of said Parcel 3.

Thence south 16 degrees-33 minutes east, along the east line of said Parcel 3, a distance of 36-14/100 feet to a galvanized iron in concrete for its southeast corner and northeast corner of said Parcel No. One. Tract No. 3.

Thence south 76 degrees-51 minutes-14 seconds east, 55-51/100 feet to the north corner of Tract No.1 recorded in volume 9336, page 1971.

Thence south 30 degrees-22 minutes east, along the northeast line of said Tract No. 1, a distance of 691-1/10 feet to a 5/8" iron.

Thence south, along the east line of said Tract No.1, to and along the east line of said Tract No. 8 recorded in volume 9336, page 1971, a distance of 377-9/10 feet to a 5/8" iron for the southeast corner of said Tract No.8.

Thence westerly along the south line of said Tract No. 8 and along the lines of said Tract No. 7:

west 148-54/100 feet to a plug in brick for the northeast corner of said Tract No.7;

south no degrees-10 minutes west 188-3/10 feet to a 3/4" iron for the southeast corner of said Tract No.7 for the southwest corner of Tract No. 7;

west 14-2/10 feet to a 3/4" iron;

north no degrees-10 minutes east 188-3/10 feet to a galvanized iron in concrete for the northwest corner of said Tract No.7;

west 125-4/10 feet to a copper plug in concrete for the northeast corner of said Tract No. 4 recorded in volume 9336, page 1971 and northwest corner of said Lot 1 in Block 1.

Thence southerly along the east line of said Tract No.4 and the west line of said Lot 1:

south 21 degrees-49 minutes east 37-5/10 feet to a copper plug in concrete;

south 19 degrees-35 minutes east 25 feet to a copper plug in concrete;

south 15 degrees-41 minutes east 25 feet to a copper plug in concrete;

south 10 degrees-36 minutes east 25 feet to a copper plug in concrete;

south 6 degrees-46 minutes east 25 feet to a copper plug in concrete;

south 2 degrees-no minutes east 50 feet to a copper plug in concrete;

south no degrees-21 minutes west 140 feet to a copper plug in concrete;

south 1 degree-42 minutes west 50 feet to a copper plug in concrete;

south no degrees-21 minutes west 325 feet to a plug P.K. nail set in concrete;

west 7 feet to a 5/8" iron;

south 1 degree-37 minutes west 100 feet;

south no degrees-08 minutes west 203-2/10 feet to the place of beginning.

0.386 Acre Tract

Part of the E. LITTLE SURVEY, Abstract No. 954 situated about 2 miles north 10 degrees west from the courthouse in Fort Worth the county seat for Tarrant County, Texas embracing a portion of Tract No. 9 described in the deed to Bunge Edible Oil Corporation recorded in volume 9336, page 1971 of the Deed Records of Tarrant County, Texas and described by metes and bounds as follows:

Beginning at a 3/4" iron recovered for the most northerly northwest corner of Lot 1 Block 1 BUNGE EDIBLE OIL ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in volume 388-218, pages 8 and 9 of the Plat Records of Tarrant County, Texas in the east line of said Tract No. 9 and the southwest corner of the 0-684/1000 of an acre tract described in the deed to Exhibits Building Partnership, L.P. recorded in volume 12542, page 1527 of the said Deed Records.

Thence south 34 degrees-49 minutes-41 seconds west, along the northwest line of said Lot 1, 89-72 /100 feet to a 3/4" iron recovered in the west line of said Tract No. 9 and a southeast corner of the 3-389/1000 acres tract described in said deed to Exhibits Partnership, L.P.

Thence north 00 degrees-00 minutes-29 seconds west, along the west line of said Tract No. 9 and the east line of said 3-389/1000 acres tract, 363-36 /100 feet to a galvanized iron in concrete recovered for the northwest corner of said Tract No. 9.

Thence south 89 degrees-57 minutes-07 seconds east, along the north line of said Tract No. 9, 52-03 /100 feet to a galvanized iron in concrete recovered for the northeast corner of said Tract No. 9 and the northwest corner of said 0-684/1000 of an acre tract.

Thence south 00 degrees-08 minutes-45 seconds west, along the east line of said Tract No. 9 and the west line of said 0-684/1000 of an acre tract, 289-67 /100 feet to the place of beginning and containing 0-386/1000 of an acre.

The basis for bearings is the north line of said Lot 1 Block 1 BUNGE EDIBLE OIL ADDITION, per plat call.

0.120 Acre Tract

Part of the E. LITTLE SURVEY, Abstract No. 954 situated about 2 miles north 10 degrees west from the courthouse in Fort Worth the county seat for Tarrant County, Texas embracing a portion of Tract No. 3 described in the deed to Bunge Edible Oil Corporation recorded in volume 9336, page 1971 of the Deed Records of Tarrant County, Texas and described by metes and bounds as follows:

Beginning at a 3/4" iron recovered for the southeast corner of the 0-684/1000 of an acre tract described in the deed to Exhibits Building Partnership, L.P. recorded in volume 12542, page 1527 of the said Deed Records in the north line of Lot 1 Block 1 BUNGE EDIBLE OIL ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in volume 388-218, pages 8 and 9 of the Plat Records of Tarrant County, Texas in the west line of said Tract No. 3.

Thence north 11 degrees-10 minutes-43 seconds west, along the west line of said Tract No. 3 and the east line of said 0-684/1000 of an acre tract, 256-65 /100 feet to a 1/2" capped iron found.

Thence north 22 degrees-06 minutes-43 seconds west, continuing along the west line of said Tract No. 3 and the east line of said 0-684/1000 of an acre tract, 40-38 /100 feet to a galvanized iron in concrete recovered for the northwest corner of said Tract No. 3 and the northeast corner of said 0-684/1000 of an acre tract.

Thence south 89 degrees-20 minutes-21 seconds east, along the north line of said Tract No. 3 17-95 /100 feet to a galvanized iron in concrete recovered for the northeast corner of said Tract No. 3 and the northwest corner of the 0-417/1000 of an acre tract described in said deed to Exhibits Building Partnership, L.P.

Thence south 22 degrees-30 minutes-25 seconds east, along the east line of said Tract No. 3 and the west line of said 0-417/1000 of an acre tract, 40-45 /100 feet to a 5/8" capped iron set.

Thence south 11 degrees-09 minutes-25 seconds east, continuing along the east line of said Tract No. 3 and the west line of said 0-417/1000 of an acre tract, 256-46 /100 feet to a 3/4" iron recovered for the southwest corner of said 0-417/1000 of an acre tract in the north line of said Lot 1.

Thence west, along the north line of said Lot 1, 18-10 /100 feet to the place of beginning and containing 0-120/1000 of an acre. The basis for bearings is the north line of said Lot 1 Block 1 BUNGE EDIBLE OIL ADDITION, per plat call.

Exhibit 'B'

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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³ Do not submit application.

⁴ NA only when no such municipality, private well owner, or retail public utility exists

MSD Information:

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.
 LPST # 101862

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 01 / 27 / 92	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

⁶ Do not submit an application.

I affirmatively state that (place an X in all applicable blanks):

- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice was provided in accordance with THSC §361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

Loren Polak
 Applicant Signature

May 11, 2007
 Date

Before me Phyllis Stracke the undersigned authority, on this day personally appeared

Loren Polak and signed this Municipal Setting Designation Application.
Name of Notary
 Name of Applicant

Sworn, subscribed and signed before me in the County of St. Louis, State of mo, on the 11th day of May, this month of May, 2007.

Phyllis Stracke

