

TCEQ DOCKET NO. 2023-0386-MWD

APPLICATION OF THE VANTAGE AUSTIN, LLC FOR NEW TEXAS POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NO. WQ0016132001	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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THE VANTAGE AUSTIN, LLC’S RESPONSE TO HEARING REQUESTS

TO THE HONORABLE COMMISSIONERS:

COMES NOW, Applicant The Vantage Austin, LLC (“Applicant”) and files this Response to Hearing Requests filed by two individuals and a water district, Jonah Water Special Utility District (“Jonah”), relating to the issuance of proposed Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0016132001, and would respectfully show the following:

I. SUMMARY OF RESPONSE

The Texas Commission on Environmental Quality (“TCEQ” or “Commission”) received hearing requests from only two individuals, adjacent landowner Marvin Mueller and Mark Shipman. Mr. and Mrs. Mueller **withdrew** their hearing request on March 23, 2023.¹ Lt. Col. Shipman’s property is **upstream** from the discharge point, not adjacent to the facility, and not within the prevailing wind direction across CR 149 from the proposed site. As a result, Lt. Col. Shipman is not an affected person with standing to contest the draft permit through an evidentiary hearing.²

The proposed wastewater treatment plant (“WWTP”) is not within Jonah’s sewer certificate of convenience and necessity (“CCN”) or district boundaries and the discharge route flows more than 3 miles before it crosses any land within the district’s jurisdictional boundaries. Not only are there no Jonah facilities within 3 miles of the proposed facility, Jonah does not have any WWTP. Since Jonah has no legal authority over the subject of the Application, the discharge of treated domestic effluent, it lacks standing as a governmental entity.

¹ See **Exhibit A**, Marvin and Marjorie Mueller’s March 23, 2023 letter to TCEQ withdrawing their hearing request and public comment and stating that they have no objection to the issuance of the permit.

² Title 30 Texas Administrative Code (“TAC”) § 55.201 *et seq.*

As specified in more detail below, no individual or governmental entity (“Requestors”) has demonstrated a justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Application. Accordingly, all hearing requests should be denied and the Commission should remand this matter to the Executive Director (“ED”) for issuance of the proposed permit.

II. BACKGROUND

Applicant seeks authorization to discharge treated, domestic effluent from a WWTP that will serve approximately 1,830 sewer connections in a residential subdivision with some commercial and multi-family uses located in Williamson County, Texas.³

The proposed TPDES permit would allow a daily average flow of 0.15 million gallons per day (“MGD”) in the Interim I phase, 0.30 MGD in Interim II phase and 0.45 MDG in the Final phase from a membrane bioreactor (“MBR”) plant. Proposed effluent limitations are 5 mg/L five-day carbonaceous biochemical oxygen demand (“CBOD₅”), 5 mg/L total suspended solids (“TSS”), 2 mg/L ammonia-nitrogen (NH₂-N), 0.5 mg/L total phosphorus (“TP”), 126 colony forming units (“CFU”) of *E. coli* per 100 ml, and 5.0 mg/L minimum dissolved oxygen (“DO”), which is considered advanced treatment.⁴

According to the ED, these limits comply with the Texas Surface Water Quality Standards (“TSWQS”) and the State of Texas Water Quality Management Plan (“WQMP”), and existing water quality will not be impaired by the proposed permit, which was confirmed through a Tier 1 antidegradation review.⁵ Treated effluent is proposed to be discharged to East Fork Ranger Branch, then to the Ranger Branch, then to Berry Creek, then to the San Gabriel River/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life (“ALU”) and the ED’s analysis identified no endangered species

³ Note, the proposed WWTP is in the extraterritorial jurisdiction of the City of Weir and approximately 1.45 miles from the City of Georgetown, neither which city has protested the Application.

⁴ The proposed discharge would exceed the Edward Aquifer Rules (30 TAC Chapter 213) which require a 1.0 mg/L TP.

⁵ Statement of Basis/Technical Summary and Executive Director’s Preliminary Decision at 2 (July 28, 2022) (“Technical Summary”).

concerns. Segment No. 1248 is not currently listed on the 2020 Section 303(d) list for any constituent. Thus, in all technical respects, the proposed discharge complies with all Commission rules and policy.

In short, **none** of the Requestors is an affected person with a justiciable interest in this case. As such, the Commission need not get into the relevance or materiality of the issues Requestors raise. All requests should be **denied** for lack of standing, and the Commission should issue the permit as recommended by the ED.

III. AUTHORITY

Before the Commission may get to the “what” of a request for hearing, it must consider “who” is making it. To be granted, an “affected person” with a personal justiciable interest demonstrating a non-speculative injury resulting from the granting of the permit must make the request for hearing.

Section 55.203 provides the standing criteria for individuals and governmental entities as follows:

- (a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- (b) Except as provided by §55.103 of this title (relating to Definitions), governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - (1) whether the interest claimed is one protected by the law under which the application will be considered;
 - (2) distance restrictions or other limitations imposed by law on the affected interest;
 - (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - (5) likely impact of the regulated activity on use of the impacted natural resource by the person;

- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
 - (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.
- (d) In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the commission may also consider the following:
- (1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
 - (2) the analysis and opinions of the executive director; and
 - (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.
- (e) In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed before September 1, 2015, the commission may also consider the factors in subsection (d) of this section to the extent consistent with case law.⁶

Significantly, none of the Requestors specified any of the ED's responses that the Requestor disputes, the factual basis of the dispute, nor listed any disputed issues of law as required by 30 TAC § 55.201(d)(B).

IV. RESPONSE TO HEARING REQUESTS

A. Individuals Lack Standing

Marvin and Marjorie Mueller categorically withdrew their hearing requests and public comment and stated they no longer oppose the proposed TPDES permit.⁷ Accordingly, the Commission need not evaluate the Mueller's requests, their standing or issues previously raised, now withdrawn.

Mark Shipman filed a hearing request on May 18, 2022 stating his address as 757 County Road 149, Georgetown, Texas 78626. Lt. Col. Shipman did not file any subsequent comments or hearing request after the ED's Response to Public Comment ("RTC") was issued. Lt. Col. Shipman claims his property is directly "downwind of the prevailing winds, approximately a half

⁶ 30 TAC § 55.203.

⁷ See Exhibit A, Marvin and Marjorie Mueller's March 23, 2023 letter to TCEQ withdrawing their hearing request and public comment and stating that they have no objection to the issuance of the permit.

mile from the plant” and raises issues of health effects from “airborne hazards,” odors and property values.

As Exhibit B, the vicinity map shows, Lt. Col. Shipman’s property is approximately ¼ mile from the proposed WWTP and upstream from the discharge point. Additionally, as the Wind Rose, Attachment J to the Application (attached hereto as Exhibit C), shows, Lt. Col. Shipman is not downwind of any prevailing winds. In the winter, the prevailing wind direction will be out of the northwest to the southeast, while in the summer, it will be out of the south to the north. In either season, Lt. Col. Shipman is to the east and northeast, but he is not downwind. Additionally, a MBR plant like that proposed by Applicant will not generate “airborne hazards” or chemicals that become airborne. Lt. Col. Shipman is simply too far from the site to be impacted by any airborne contaminants in a manner different from members of the general public in accordance with the factors in 30 TAC § 55.203. Lt. Col. Shipman’s property value concern is also outside the jurisdiction of the Commission and is not an interest protected under the law under which the application will be considered.

As to Lt. Col. Shipman’s odor concern, at a quarter of a mile away and across CR 149 from the proposed WWTP, it is even more specious than his “airborne hazards” concern. The Draft Permit complies with applicable requirements to abate and control nuisance odors in accordance with 30 TAC § 309.13(e) by virtue of Applicant’s proposed 150-foot buffer zone. At best, Lt. Col. Shipman’s concern is an interest common to members of the general public and thus irrelevant and immaterial. Future nuisance conditions, should they arise, can be addressed through TCEQ enforcement and civil suits.

Finally, Lt. Col. Shipman’s hearing request fails because it was not submitted after the RTC was issued. His request for a contested case hearing was submitted on May 18, 2022. The RTC was issued on December 21, 2022. Section 55.201(a) requires that a request for a contested case hearing “be filed no later than 30 days after the chief clerk mails (or otherwise transmits) the executive director’s decision and [RTC] and provides instructions for requesting that the commission reconsider the executive director’s decision or hold a contested case hearing.”⁸ The purpose for this rule is clear. A hearing request must substantially comply with requirement that

⁸ 30 TAC § 55.201(a) (emphasis added).

include specifying “any of the executive director's responses to the requestor’s comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law.”⁹ In other words, the hearing request must identify the comments in the RTC with which the requestor still disagrees. Accepting a hearing request that was filed before the RTC’s not only ignores the rules at 30 TAC §§ 55.201(a) and 55.201(d)(4)(B), but would render the entire RTC process pointless. The requestors pose concerns, the RTC addresses the concerns, and the requestors must then identify those points with which they still disagree. Lt. Col. Shipman did not do so, and therefore did not file a valid hearing request.

Lt. Col. Shipman has not demonstrated that he is an affected person with a justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application and has not demonstrated that his interest is different than members of the general public. The Commission should deny his request.

B. Jonah Lacks Standing

Jonah filed its hearing request on September 22, 2022 before the RTC was issued (and filed nothing thereafter). Jonah’s hearing request states inconsistently that the proposed facility is “located *entirely within* Jonah’s territory” at the same time as stating that the development is “*likely to be wholly within* Jonah’s territory.”¹⁰ Jonah blames its inability to view the Application and discern the WWTP’s true location on its claim that the Application and Draft Permit were not available for viewing or copying at the Weir City Hall. However, because Weir is a small city with a population of only 750 people, its City Hall is not open during all business hours, but posts a public notice on City Hall doors stating that if a member of the public wants to view something in the Clerk’s office, they may do so by calling a telephone number and scheduling an appointment. The City of Weir’s notice also contained information that the public may call the TCEQ and obtain a copy of the application electronically. It is not clear whether Jonah took the imitative to follow-

⁹ 30 TAC § 55.201(d)(4)(B).

¹⁰ Jonah Water Special Utility District’s Request for Hearing at 1-2 (Sept. 22, 2022) (emphasis added).

up with the Weir City Clerk or accessed the same information which was publicly available at all relevant times through the TCEQ's Office of Chief Clerk, program staff or online.

Whether Jonah was able to reasonably access the Weir City Hall, however, is beside the point. The location of the proposed WWTP is uncontroverted. Both Exhibit B and Jonah's own map attached to its water feasibility report attached hereto as Exhibit D, show that the proposed site is **outside** of Jonah's district boundaries.

To be an affected person with standing as a governmental entity, Jonah must demonstrate that it has *authority under state law over issues raised by the Application* under 30 TAC § 55.203(b) and (c)(7).¹¹ The issues raised in the Application relate only to the discharge of treated domestic effluent pursuant to a permit issued by TCEQ. Jonah has no such authority, it is merely a water provider which has been public about its desire to break into the sewer business. However, as the Commission previously concluded during its November 16, 2022 deliberations in TCEQ Docket No. 2021-1214-MWD, Jonah's future plans to provide sewer service in and around its water CCN and jurisdictional boundaries are irrelevant.¹²

Jonah also lacks standing with respect to the proposed discharge, because Jonah's district boundary is 3 miles from the Applicant's property boundary and 3.2 miles from the proposed discharge point.¹³ Thus, Jonah has identified no unique impact and no justiciable interest in regionalization, groundwater quality, algal blooms, unsanitary/unsafe water quality conditions or any other issue.

As to Jonah's regionalization concern, it fails to acknowledge that it does not currently own or operate a WWTP that could provide sewer service to the proposed site. Jonah asserts that it has an interest in "protecting the investments that Jonah has made in its infrastructure," but does not specify that this is only infrastructure for *water* service. In actual fact, Jonah owns **no** WWTP, nor

¹¹ 30 TAC § 55.203 (emphasis added).

¹² See *Application of AIRW 2017-7, LP for New Texas Pollutant Discharge Elimination System Permit No. WQ0015878001*, Explanation of Changes No. 4 (Nov. 16, 2022) (deleting Finding of Fact Nos. 53 and 54).

¹³ Based on TCEQ's CCN maps, Jonah's sewer CCN area is also at least 9 miles from the proposed discharge point.

currently provides sewer service to any customers.¹⁴ Thus, its claims that it is willing *and able* to provide wastewater service to Applicant for future residential customers is incorrect.

Finally, just like Lt. Col. Shipman, Jonah's request fails because it was not submitted after the RTC was issued. Jonah's request for a contested case hearing was submitted in September 2002. The RTC was issued on December 21, 2022. Section 55.201(a) requires that a request for a contested case hearing "be filed no later than 30 days *after* the chief clerk mails (or otherwise transmits) the executive director's decision and [RTC] and provides instructions for requesting that the commission reconsider the executive director's decision or hold a contested case hearing."¹⁵ Again, the purpose for this rule is clear. A hearing request must substantially comply with the requirement that includes specifying "any of the executive director's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law."¹⁶ In other words, the hearing request must identify the comments in the RTC with which the requestor still disagrees. Accepting a hearing request that was filed before the RTC not only ignores the rules at 30 TAC §§ 55.201(a) and 55.201(d)(4)(B), but would render the entire RTC process pointless. The requestors pose concerns, the RTC addresses the concerns, and the requestors must then identify those points with which they still disagree. Jonah did not do so, and therefore did not file a valid hearing request.

Jonah's argument that Applicant has failed to demonstrate that obtaining wastewater service from Jonah would be cost prohibitive is likewise incomprehensible – comparative costs cannot be calculated for a facility that does not exist. Nor is a cost analysis even required for this Application since Jonah has no WWTP or collection system within three (3) miles of the proposed facility. Jonah is playing fast and loose with the Application's Domestic Technical Report 1.1 requirements and the State's permissive Regionalization Policy generally.

¹⁴ The only way Jonah can provide sewer service to the proposed site is to compel the Applicant to convey its permit, once granted, build the permitted infrastructure and hand it over to the SUD to operate it.

¹⁵ 30 TAC § 55.201(d)(4)(B) (emphasis added).

¹⁶ *Id.*

V. CONCLUSION

For the aforementioned reasons, no individual has standing as an affected person and Jonah's request cannot be granted because it does not meet the standing criteria for governmental entities. Additionally, none of the issues raised by the Requestors is relevant and material to a wastewater permit proceeding. Nonetheless, if the Commission refers the Application to hearing, it should be referred immediately without mediation for a hearing duration not to exceed 180 days.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Applicant The Vantage Austin, LLC respectfully prays that the Commission deny all hearing requests and issue the TPDES permit as recommended by the ED.

Respectfully submitted,



By: _____
Helen S. Gilbert

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**ATTORNEYS FOR THE VANTAGE AUSTIN,
LLC**

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on this 3rd day of April 2023:

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By: Helen S. Gilbert

EXHIBIT A

March 23, 2023

Via Electronic Filing And First Class Mail

Ms. Laurie Gharis
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED

MAR 23 2023

TCEQ MAIL CENTER
CJ

Re: The Vantage Austin, LLC; Application for TPDES Permit No. WQ0016132001

Dear Ms. Gharis:

On June 7, 2022, I submitted public comments objecting to The Vantage Austin, LLC's proposed TPDES Permit No. WQ0016132001. On January 26, 2023, I specifically requested a contested case hearing on the permit application.

This letter is to notify the TCEQ that we are **withdrawing both our comments and our request for a contested case hearing.**

After meeting with the Applicant, we no longer have any objection to the permit application. We have no objection to the issuance of the TPDES permit and we no longer wish this case to be referred to the State Office of Administrative Hearings for a contested case hearing.

If you have any questions about this hearing request withdrawal, please do not hesitate to contact me at marjoriemueller1@gmail.com and (512) 632-8907.

Thank you for your consideration.

Sincerely,


Marvin Mueller

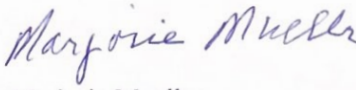

Marjorie Mueller

EXHIBIT C

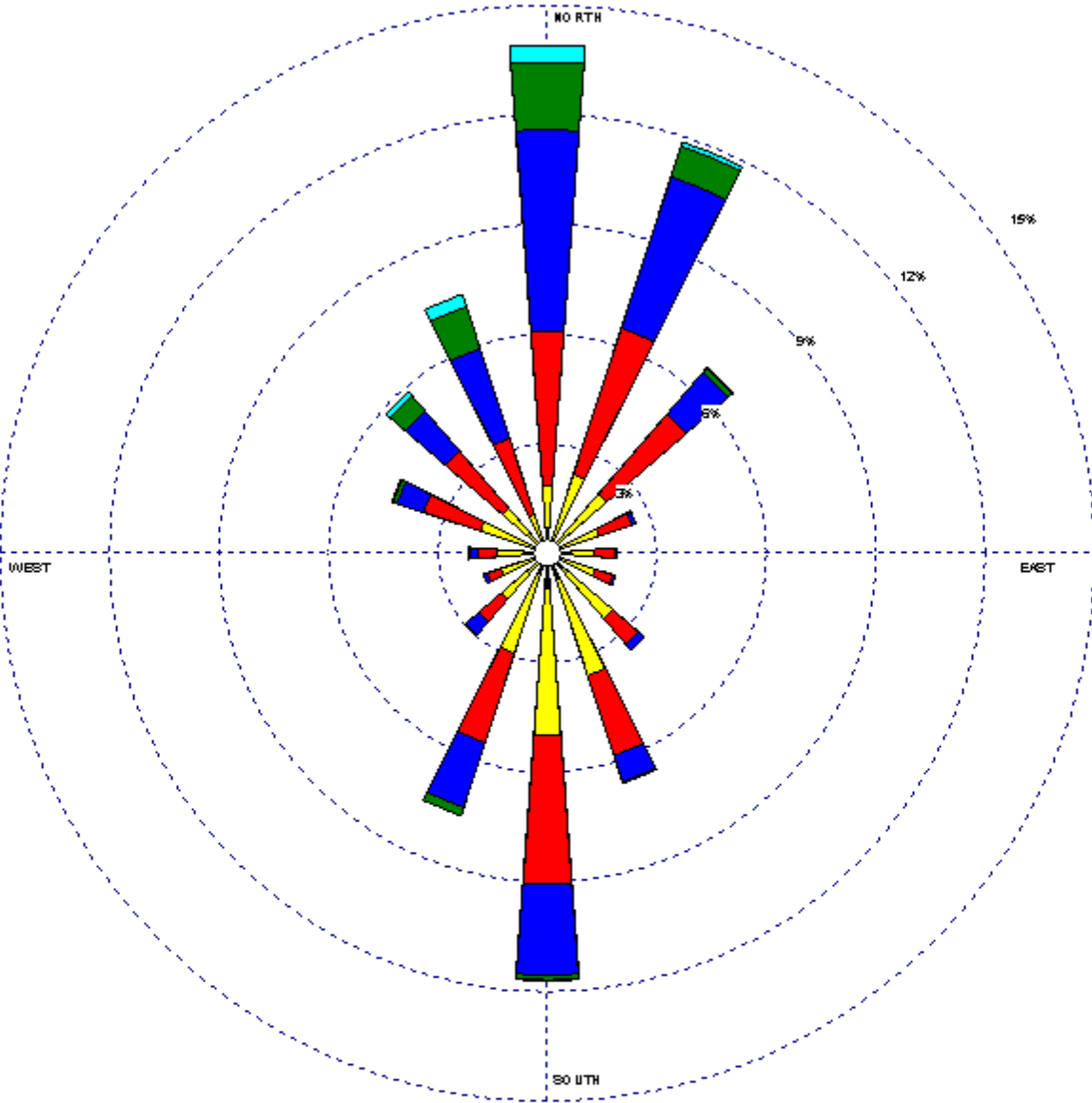
APPENDIX K

WIND ROSE

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

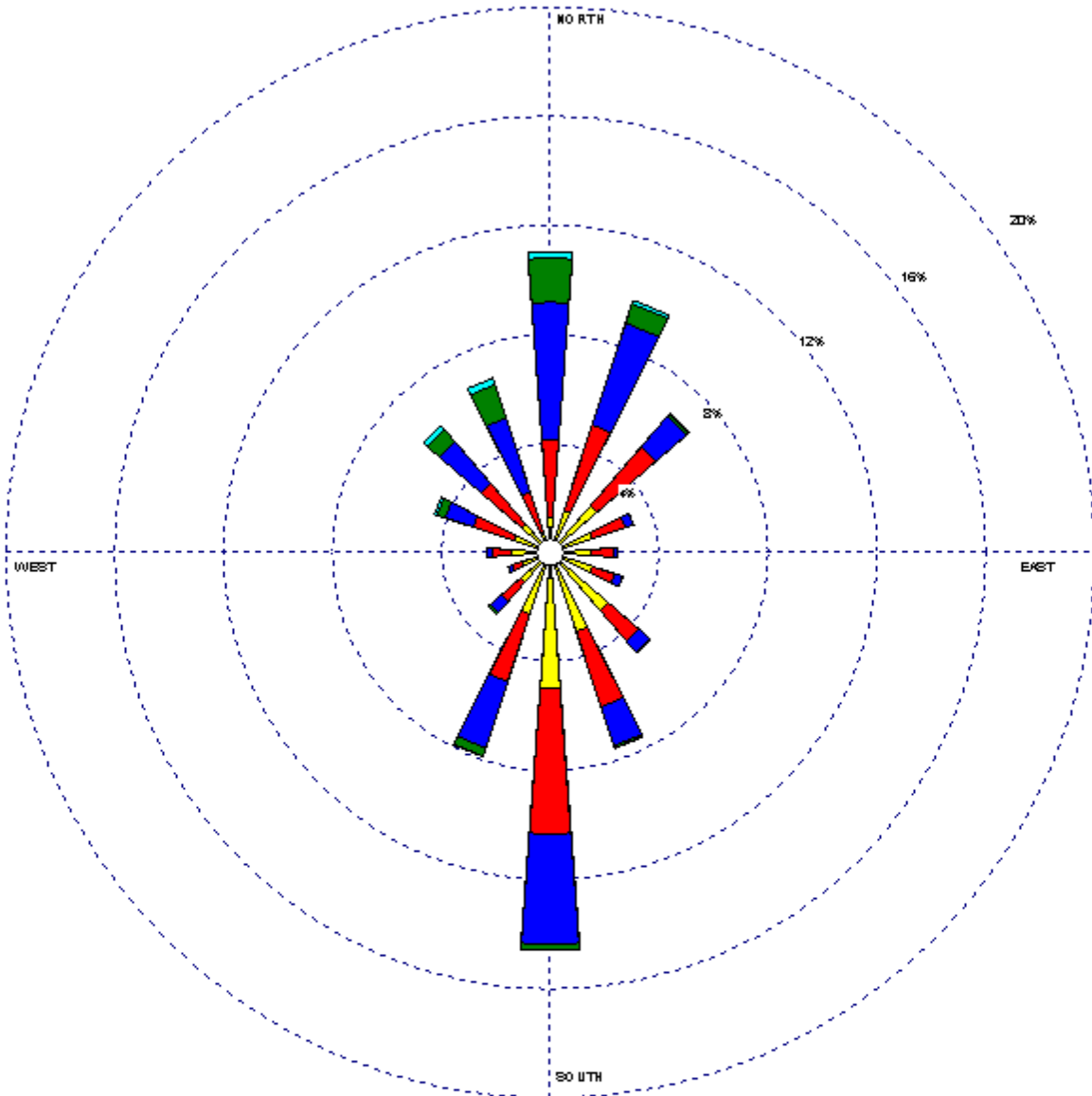


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 4.60 m/s	CALM WINDS 6.83%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 Jan 1 - Jan 31 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

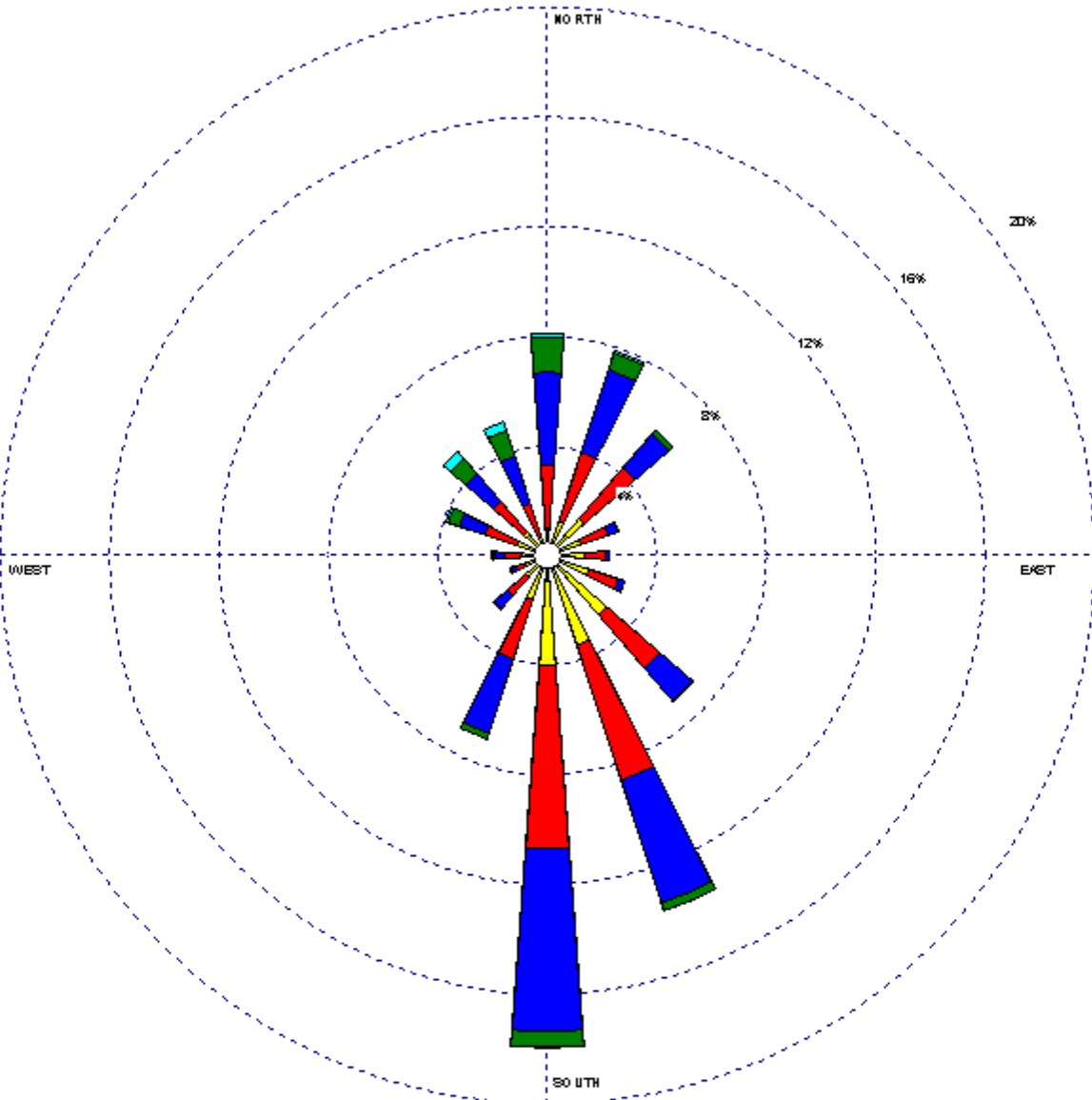


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 4.77 m/s	CALM WINDS 4.67%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 Feb 1 - Feb 29 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

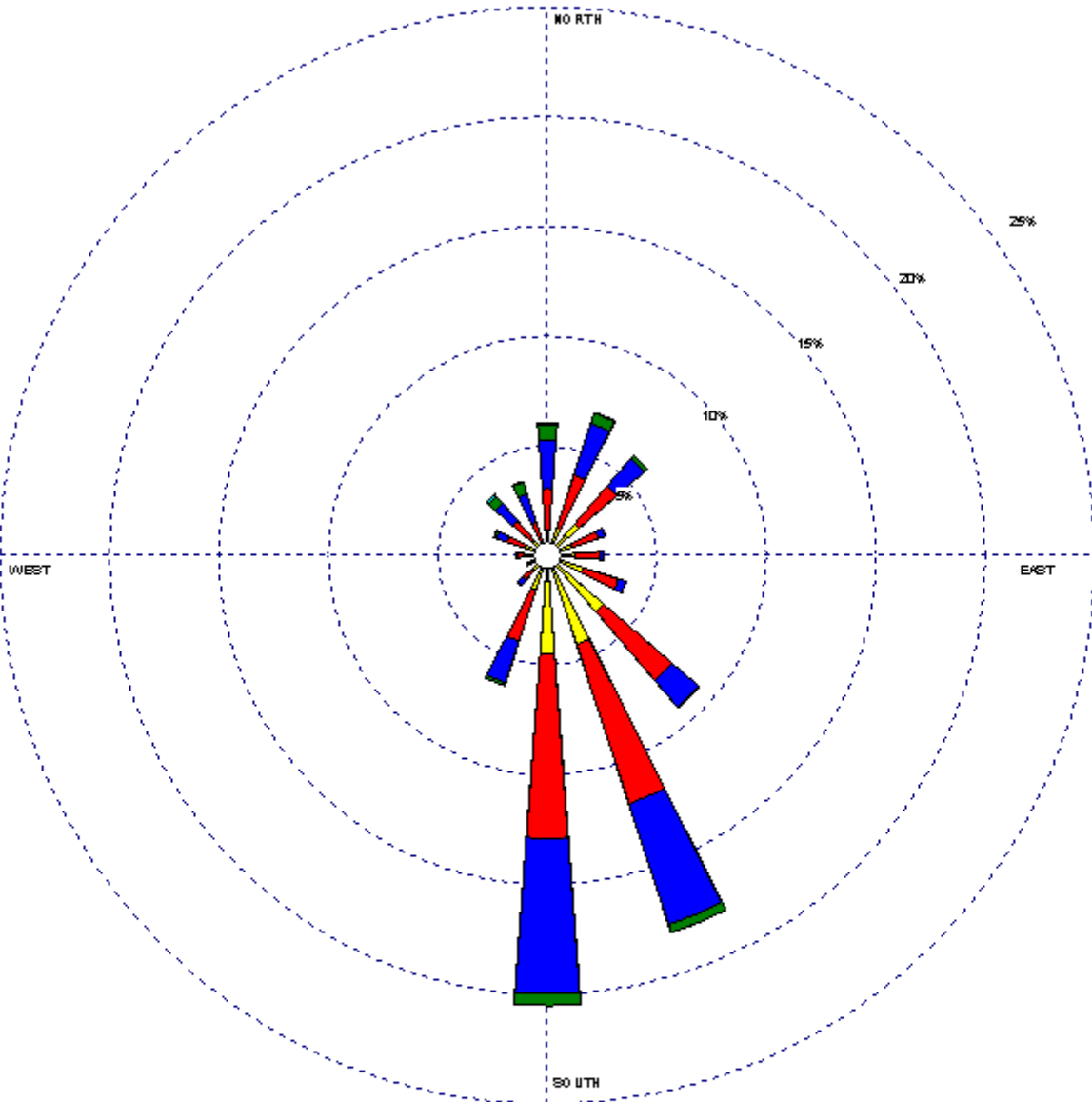


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 4.97 m/s	CALM WINDS 3.99%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 Mar 1 - Mar 31 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

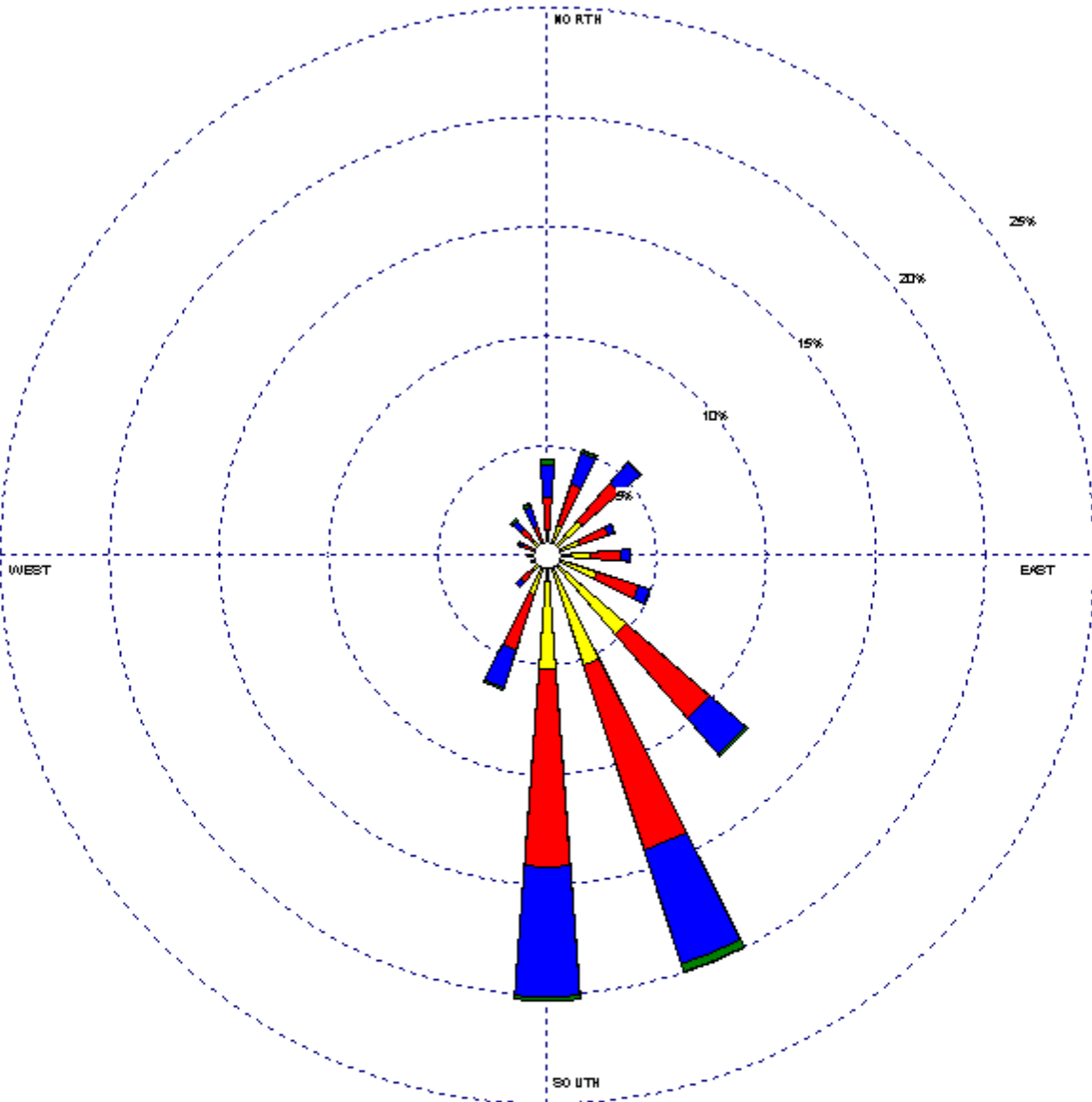


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 4.68 m/s	CALM WINDS 3.55%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 Apr 1 - Apr 30 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

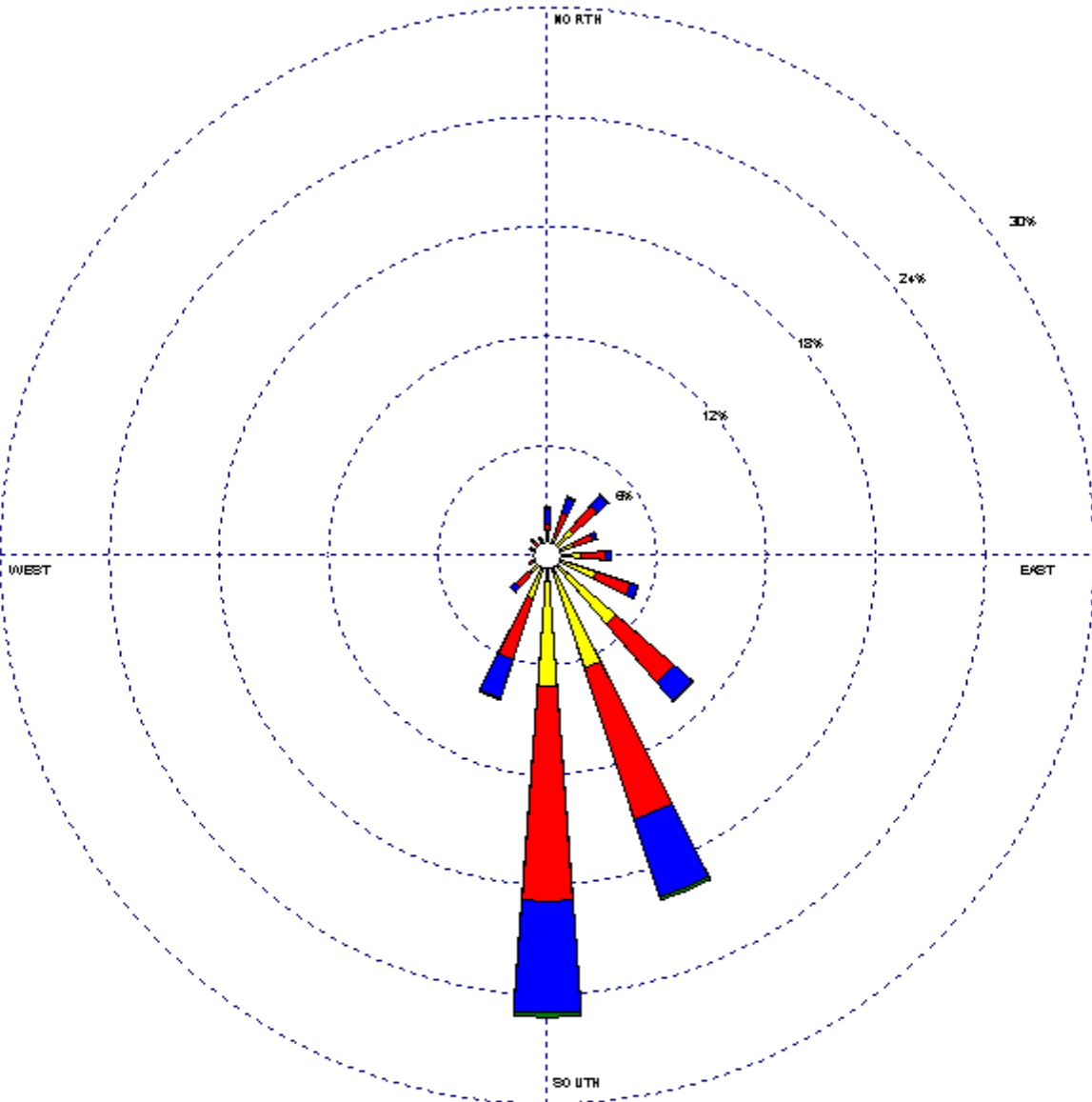


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 4.33 m/s	CALM WINDS 4.23%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 May 1 - May 31 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

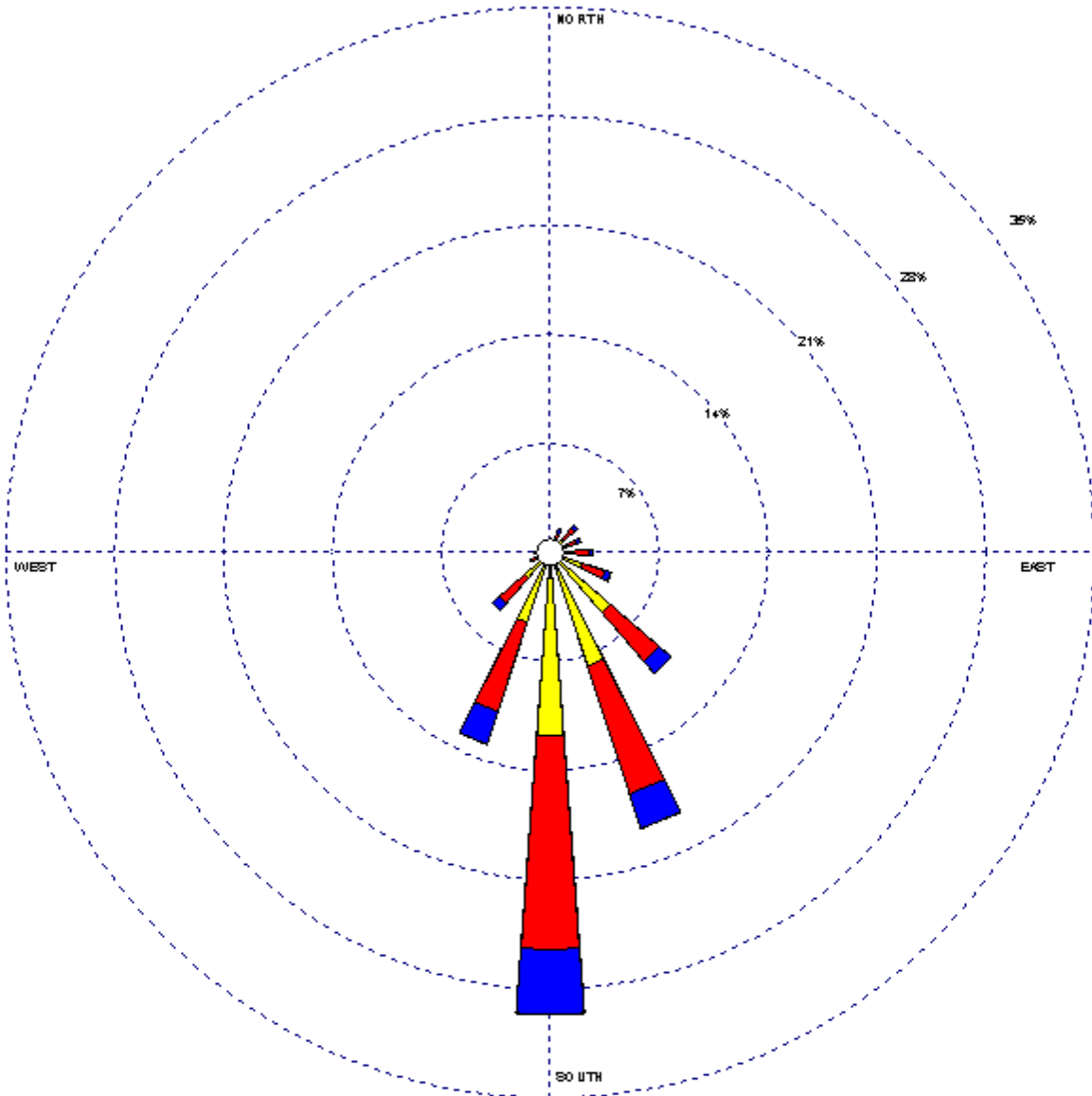


<p>Wind Speed (m/s)</p>	<p>MODELER Sara West</p>	<p>DATE 8/29/2002</p>	<p>COMPANY NAME USDA-ARS</p>
	<p>DISPLAY Wind Speed</p>	<p>UNIT m/s</p>	<p>COMMENTS</p>
	<p>AVG. WIND SPEED 4.08 m/s</p>	<p>CALM WINDS 6.01%</p>	
	<p>ORIENTATION Direction (blowing from)</p>	<p>PLOT YEAR-DATETIME 1961 Jun 1 - Jun 30 Midnight - 11 PM</p>	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

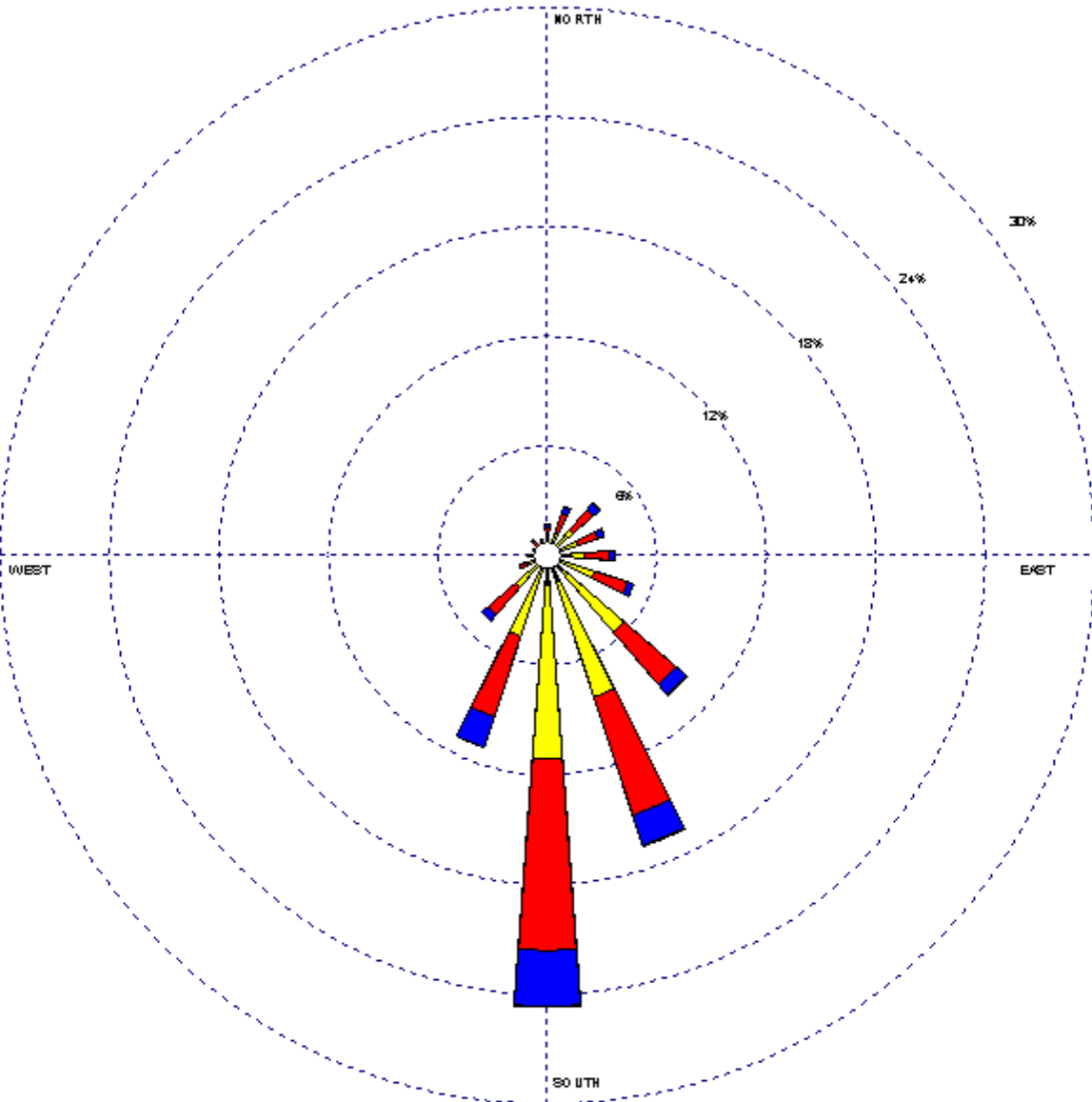


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 3.74 m/s	CALM WINDS 5.14%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 Jul 1 - Jul 31 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

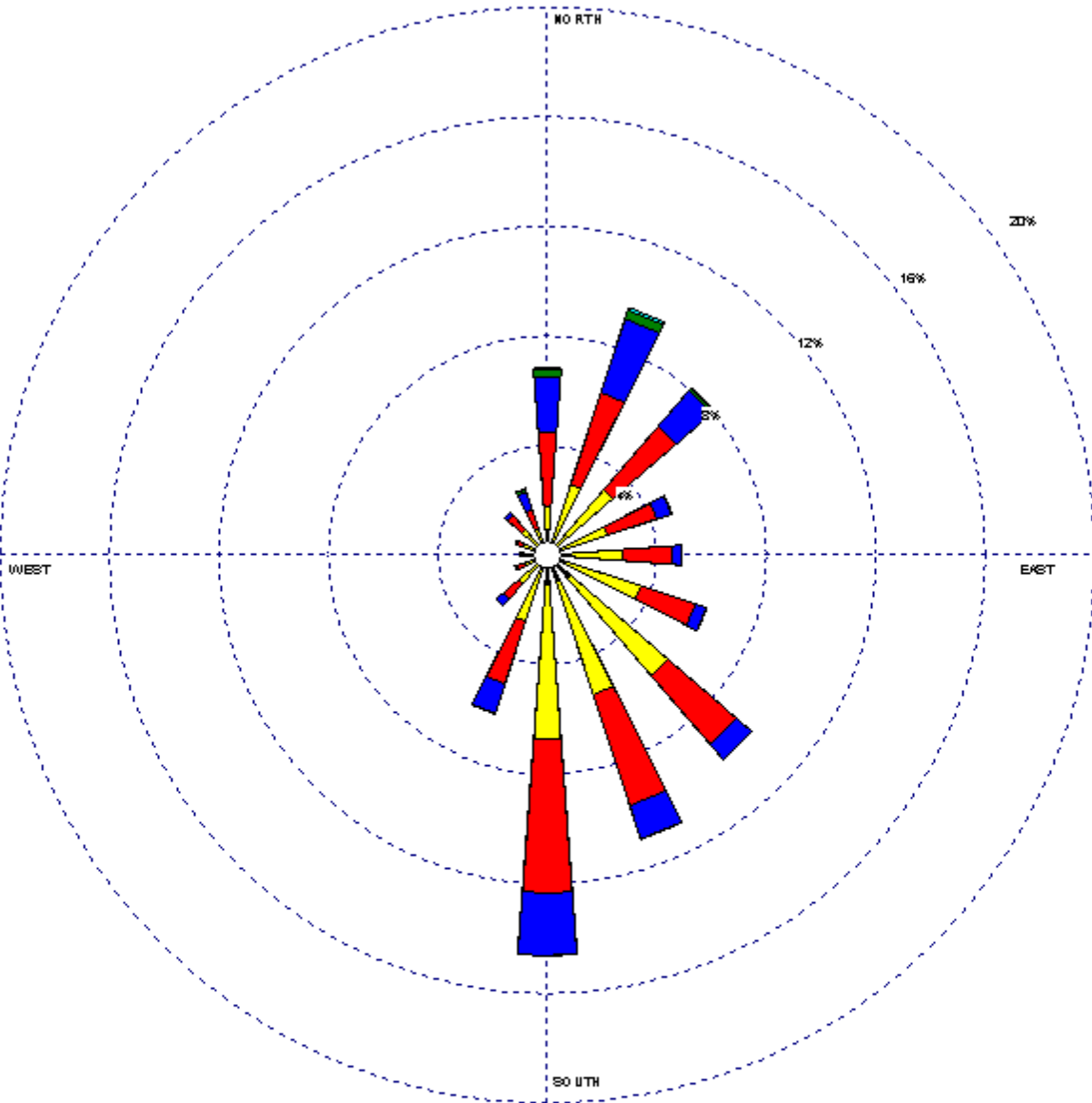


<p>Wind Speed (m/s)</p>	<p>MODELER Sara West</p>	<p>DATE 8/29/2002</p>	<p>COMPANY NAME USDA-ARS</p>
	<p>DISPLAY Wind Speed</p>	<p>UNIT m/s</p>	<p>COMMENTS</p>
	<p>AVG. WIND SPEED 3.58 m/s</p>	<p>CALM WINDS 6.33%</p>	
	<p>ORIENTATION Direction (blowing from)</p>	<p>PLOT YEAR-DATETIME 1961 Aug 1 - Aug 31 Midnight - 11 PM</p>	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

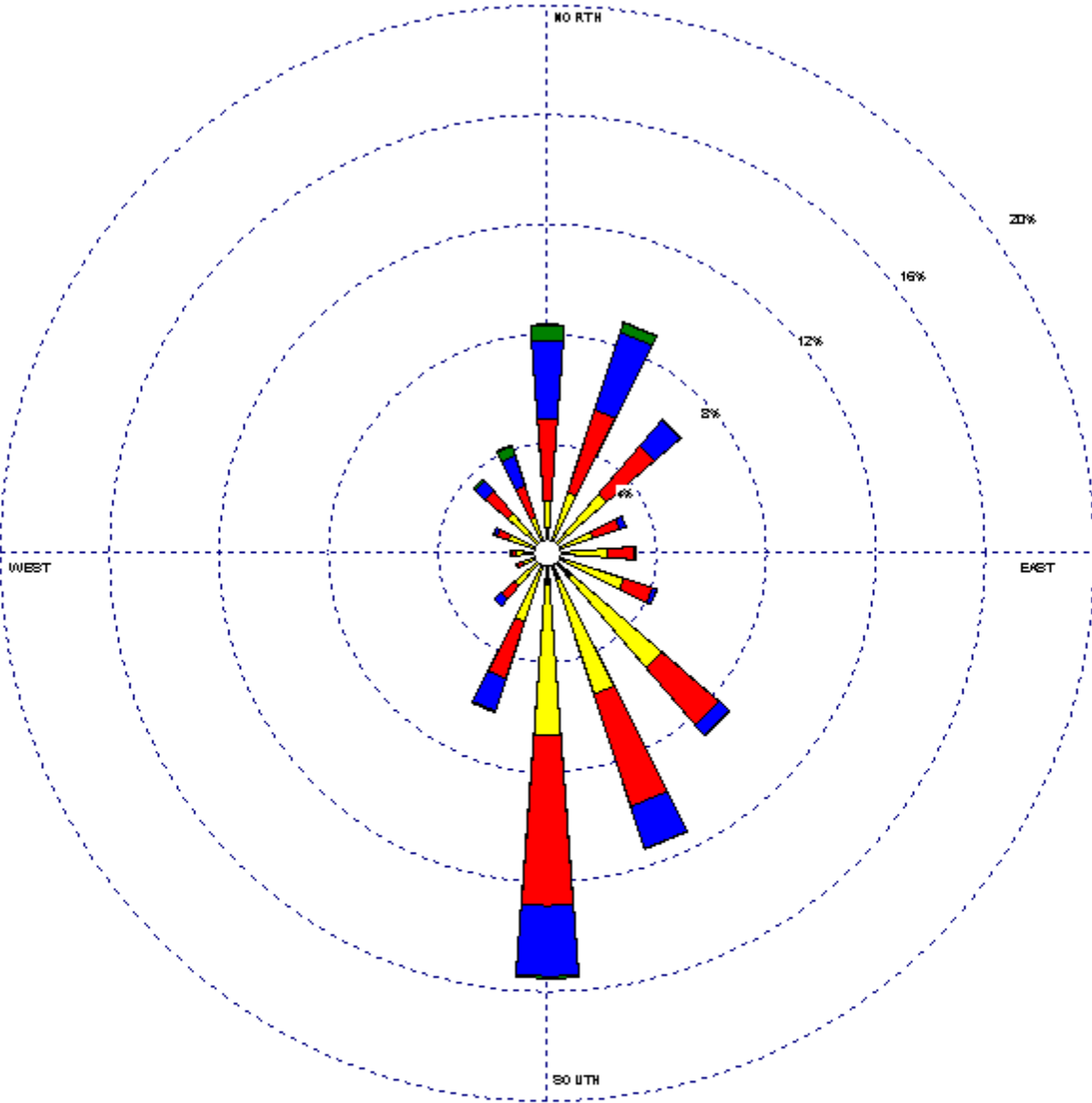


<p>Wind Speed (m/s)</p>	<p>MODELER</p> <p>Sara West</p>	<p>DATE</p> <p>8/29/2002</p>	<p>COMPANY NAME</p> <p>USDA-ARS</p>
	<p>DISPLAY</p> <p>Wind Speed</p>	<p>UNIT</p> <p>m/s</p>	<p>COMMENTS</p>
	<p>AVG. WIND SPEED</p> <p>3.83 m/s</p>	<p>CALM WINDS</p> <p>7.55%</p>	
	<p>ORIENTATION</p> <p>Direction (blowing from)</p>	<p>PLOT YEAR-DATETIME</p> <p>1961 Sep 1 - Sep 30 Midnight - 11 PM</p>	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

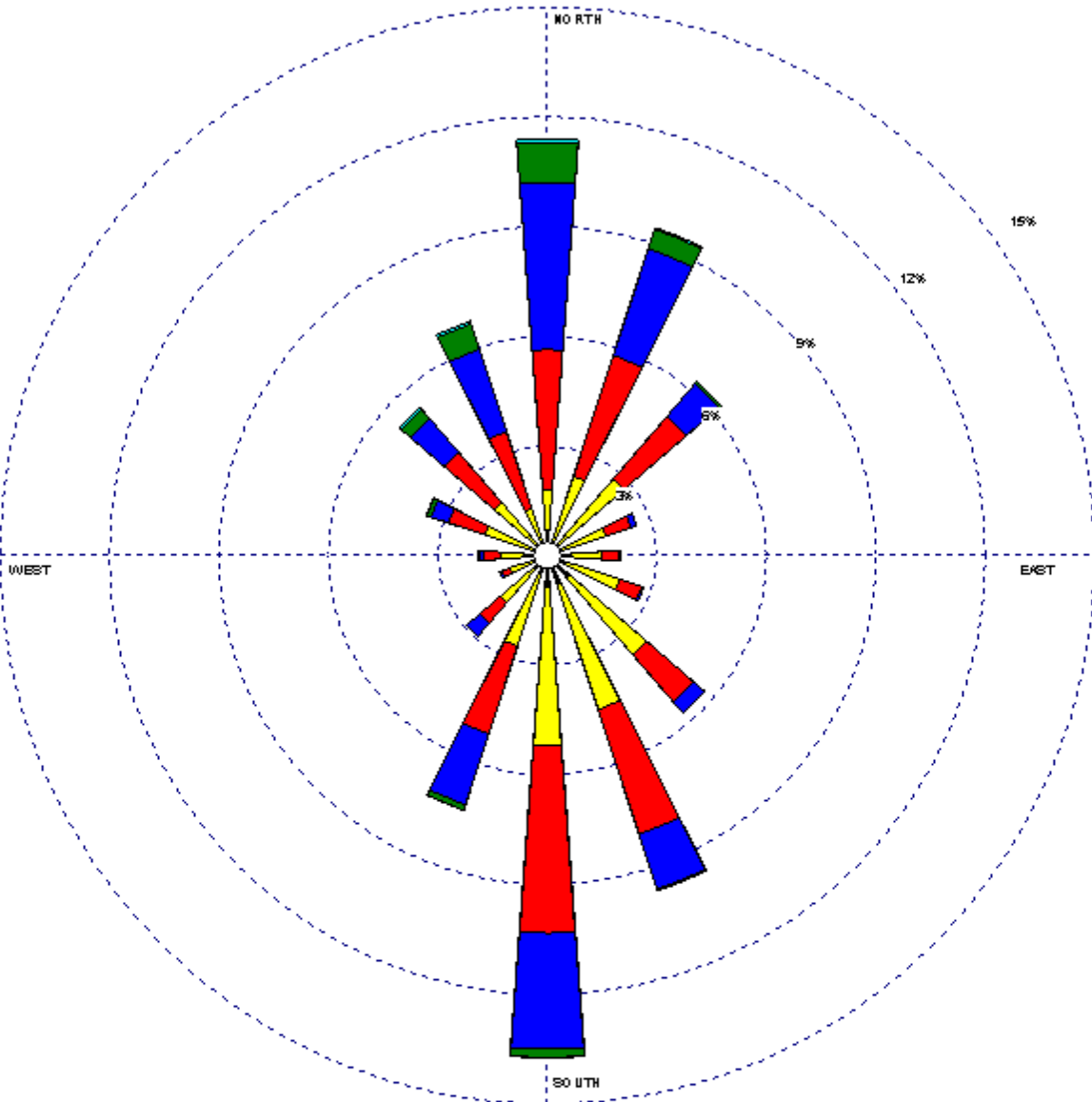


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 3.87 m/s	CALM WINDS 8.97%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 Oct 1 - Oct 31 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX

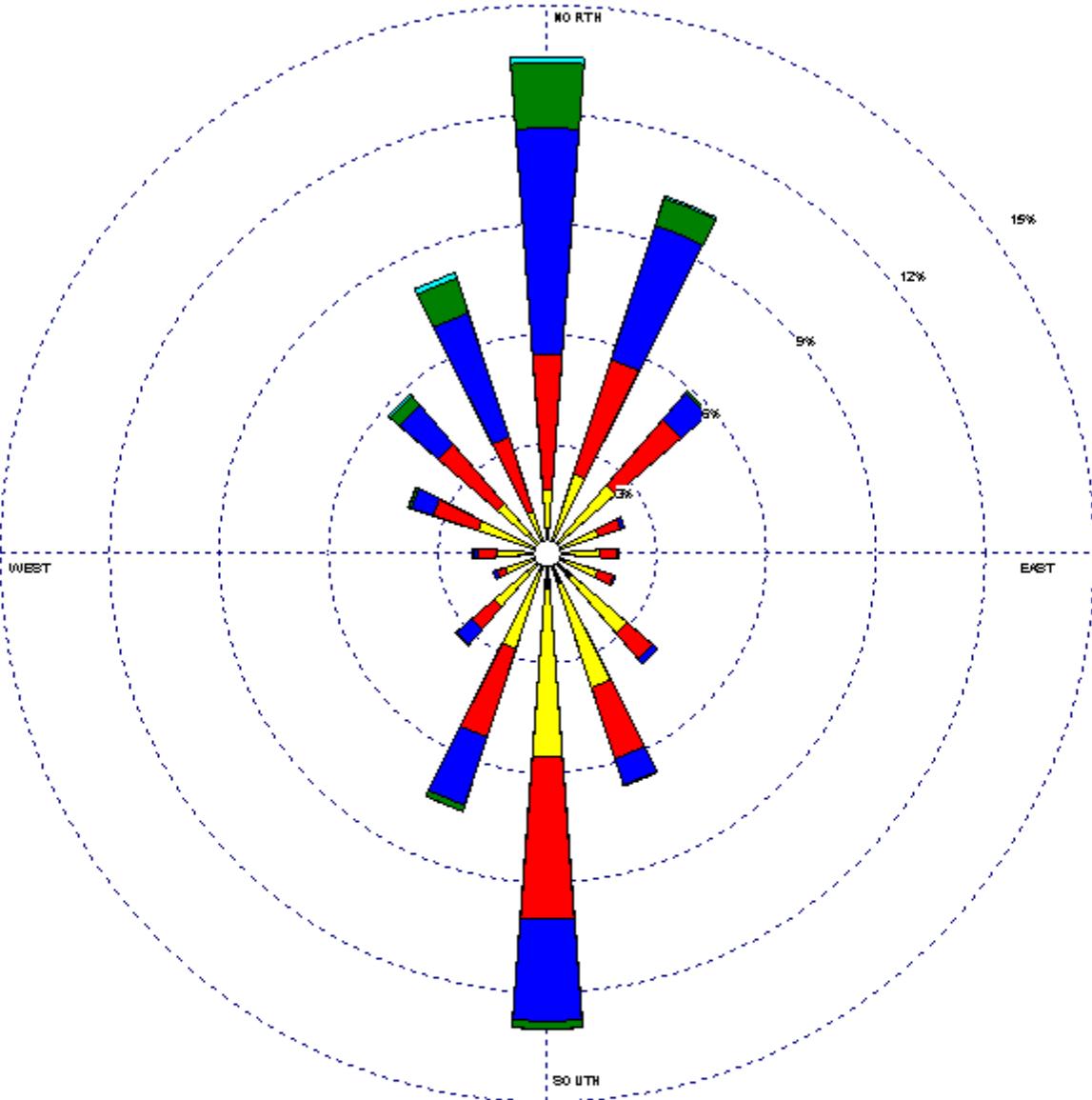


Wind Speed (m/s) 	MODELER Sara West	DATE 8/29/2002	COMPANY NAME USDA-ARS
	DISPLAY Wind Speed	UNIT m/s	COMMENTS
	AVG. WIND SPEED 4.28 m/s	CALM WINDS 7.24%	
	ORIENTATION Direction (blowing from)	PLOT YEAR-DATETIME 1961 Nov 1 - Nov30 Midnight - 11 PM	

EXHIBIT C

WIND ROSE PLOT

Station #13958 - AUSTIN/MUNICIPAL ARPT, TX



<p>Wind Speed (m/s)</p> <ul style="list-style-type: none"> > 11.06 8.49 - 11.06 5.40 - 8.49 3.34 - 5.40 1.20 - 3.34 0.51 - 1.20 	<p>MODELER Sara West</p>	<p>DATE 8/29/2002</p>	<p>COMPANY NAME USDA-ARS</p>	
	<p>DISPLAY Wind Speed</p>	<p>UNIT m/s</p>	<p>COMMENTS</p>	
	<p>AVG. WIND SPEED 4.47 m/s</p>	<p>CALM WINDS 8.07%</p>		
	<p>ORIENTATION Direction (blowing from)</p>	<p>PLOT YEAR-DATETIME 1961 Dec 1 - Dec 31 Midnight - 11 PM</p>		

