

Number	Subject	Source	From	Email Address	Comment Date	Comment Summary
1	Proposed Biofuel plant	email	Cyrie Belleci	CyrieB@aol.com	4/20/2022	Various suggestions related to the project.
2	Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption	email	Mary Duvall	72rover@gmail.com	5/10/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Air quality issues. 3) Other concerns. Believes that project should go through the EFSC process.
3	Urging Denial of Port Westward Renewable Fuels Project Request for Exemption	email	Kirk Leonard	kandlleo@kalama.com	5/10/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.
4	Denial of Port Westward Renewable Fuels Project Request for Exemption	email	Kevin Andrews	g2gkevin@gmail.com	5/11/2022	Opposed to Council granting exemption. 1) Project will exceed 118 pounds CO2 per MMBTU. 2) Project does not exclusively use biomass.
5	Port Westwards NEXT Renewables project should NOT be exempted and is not aligned with sound vision for the future.	email	Becky White	bjskystar@aol.com	5/11/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.
6	Urging Denial of Port Westward Renewable Fuels Project Request for Exemption	email	Dee Dee Lively-Andrews	deedee.lively@gmail.com	5/11/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.
7	Urging Denial of Port Westward Renewable Fuels Project Request for Exemption	email	Jasmine Lillich	jasmine.lillich@gmail.com	5/11/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.
8	Urging Denial of Port Westward Renewable Fuels Project Request for Exemption	email	Brandon Schilling	brand.schilling@gmail.com	5/11/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.
9	Comments on NEXT Energy's exemption request	email	CRK/ECC/SM	miles@columbiariverkeeper.org	5/11/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.
10	Urging Denial of NEXT's Exemption Request	email	Linda Horst	lindahorst45@gmail.com	5/11/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.
11	Urging Denial of Port Westward Renewable Fuels Project Request for Exemption	email	Save Port Westward	saveportwestward@gmail.com	5/11/2022	Opposed to Council granting exemption. 1) Project does not exclusively use biomass. 2) Project will exceed 118 pounds CO2 per MMBTU. Believes that project should go through the EFSC process.

From: [CyrrieB](#)
Sent: Wednesday, April 20, 2022 7:47 PM
To: [ADAMS Walter * ODOE](#)
Subject: Proposed Biofuel plant

Categories: Tracked To Dynamics 365

Dear Sir,

Perhaps you can get a good deal by buying the so called biofuel plant that was started in Lakeview, Oregon (Red Rock). It was started back in the Obama reign. It's just sitting there and going no where. They do have security guards and have been paying some folks wages (probably management). It's not going anywhere! Sure Lakeview would appreciate any return on their investment. The parts are all brand new never used.

Why waste tax payers money when there's all the parts you'll probably need?

How will this work with all the uproar by the environmentalist that don't want fuel plants along the Columbia river especially in earthquake zones? Isn't that why they got rid of the nuclear plant in the first place???

I hope this isn't another boondoggle like a lot of the other jokes in Oregon. No sense lining crooks pockets with their " pie in the sky" scams.

Thank you for possibly reading my comments. I was born and raised an Oregonian and hate to see all the mess that Oregon has turned into. Have a great week. Sincerely,

Cyrrie M. Belleci
2602 NE 102 nd St.
Vancouver, Wa.
98686
Ph #360-798-0055

Yes, I now live in Washington due to the loss of my mill job when everyone was worried about their spotted owl. Ironic their habitat burned up because of poor forest management thanks to environmentalist and Forrest service

From: forest dweller <72rover@gmail.com>
Sent: Tuesday, May 10, 2022 11:41 AM
To: ADAMS Walter * ODOE
Subject: Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption

Categories: Tracked To Dynamics 365

Dear Wally Adams, Energy Facility Siting Council Members and Staff:

I ask that you deny the Request for Exemption for the Port Westward Renewable Diesel project proposed by NEXT Renewable Fuels, OR, LLC.

The Draft of the Proposed Order is incorrect in concluding that the project meets certain exemption criteria

1: As I understand fracked gas will be part of the source material so that they are not exclusively using biomass.

2. As I understand there will be impacts to air quality involving methane releases and leaks, not accounted for.

3. As a rural agriculture based area the NEXT project is one of many that have targeted this area for it's rich resources, not to enhance what our landscape offers but to exploit it, and to exploit the naivete of our community and community leaders with promises and rhetoric designed to entrance those anxious for proffered changes. For those of us aware of the potential negative impact on our infrastructure, our land, air and water, our drainage district, our farmers, our citizens by NEXT's proposals: and aware of the vulnerability of our inadequate dikes, the potential for flooding and release of harmful toxins in the surrounding farms and homes and water districts, the vulnerability of our roads and highways, never designed for heavy industrial use, and the rise of the weather extremes brought on by climate change, not to mention the checkered history of these would be industrialist who shift their stories about their intentions from time to time, feel strongly that you must assess the project under Oregon's siting standards, remembering that Oregon rightly prioritized agriculture land as one of it's highest values.

The Port Westward Renewable Diesel project should go through EFSC's review process.

Thank you.

Mary Duvall, MA, MSW
73151 Lost Creek Road
Clatskanie, Oregon 97016

From: [Kirk Leonard](#)
Sent: Tuesday, May 10, 2022 2:35 PM
To: [ADAMS Walter * ODOE](#)
Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption

Categories: Tracked To Dynamics 365

Dear Wally Adams, Energy Facility Siting Council Members and Staff:

I ask that you deny the Request for Exemption for the Port Westward Renewable Diesel project proposed by NEXT Renewable Fuels, OR. LLC.

The exemption request by NEXT'S Port Westward Renewable Fuels Project does not meet the guidelines required.

The project may only be exempted if the facility exclusively uses bio mass, including but not limited to grains, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass, as a source of material for conversion to a liquid fuel. The Port Westward renewable diesel project has a large fracked gas input including hydrogen created from fracked gas. This hydrogen is a source of material for conversion, so it does not exclusively use biomass as a source of material.

In the Energy Facility Siting Council Draft on May 13, 2022 reads: components of the proposed plant would operate using fracked gas resulting in overall fuel needs of 14.2 million standard cubic feet per day (15,400 million BTU/day). On site gas needs would be delivered via a new 8 inch gas pipeline, extending approximately 3,800 feet (0.72 miles) that would interconnect to the existing Northwest Natural Pipeline. The project must emit less than 118 pounds of carbon dioxide per million BTU from fossil fuel used for the conversion energy.

The fracked gas input for this project will exceed 118 pounds of carbon dioxide per million BTU making this project one of Oregon's largest emitters of greenhouse gas pollution. Fracked gas is mainly methane and when leaked into the atmosphere will increase the carbon emissions and impacts.

The fracked gas input, which is needed to make hydrogen, is not bio mass only. The requirement for the exception.

NEXT's Port Westward Renewable Diesel project must go through EFSC review process.

Sincerely,

Linda Leonard
217 Pebble Lane
Kalama, Washington 98625
360 673 5122

From: [Kevin Andrews](#)
Sent: Wednesday, May 11, 2022 6:59 AM
To: [ADAMS Walter * ODOE](#)
Subject: Denial of Port Westward Renewable Fuels Project Request for Exemption
Attachments: [Oregon Dept of Energy - Request for Denial of Exemption.pdf](#)

Categories: Tracked To Dynamics 365

Dear Walter and Committee Members,
Please see attached for my request to deny NEXT Renewable Fuels exemption request.
Thank you
--
Kevin Andrews
Cell 812-573-9688

Wally Adams, Operations and Policy Analyst

Oregon Department of Energy

550 Capital St. NE

Salem, OR 97301

Subject: Denial of Port Westward Renewable Fuels Project Request for Exemption

Attn: Wally Adams and Energy Facility Sitting Council Members.

I live within two miles of the proposed NEXT Renewable Fuels project in Port Westward. I have been following this process very closely. I respectfully request that you deny the request for exemption of a review of EFSC on two main points.

1. To qualify for exemption the project must emit less than 118 lbs. of Carbon Dioxide per million btu from "fossil fuel" used for energy conversion. The fracked gas input for the proposed project will exceed this number. In addition, the EFSC should account for methane emissions and leaks and the impact of the methane releases and leaks.
2. The proposed Renewable Diesel project at Port Westward has a substantial fracked gas input which includes hydrogen created from fracked gas. This fracked gas-based hydrogen as a source material for conversion is not a biomass source as is required to meet the exemption process. "Exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass as the source of material for conversion to a liquid fuel."

For these reasons I do not believe the NEXT Renewable Fuels qualify for an exemption to EFSC's review process. I urge you and your committee to consider the impacts of this proposed project will have on us locals that live, ranch and farm in this neighborhood. Our natural resources, our lives and our health depend upon proper oversight from committees such as yours and I urge you to properly assess the project under existing, established Oregon's standards.

Sincerely,



KEVIN ANDREWS
80366 QUINCY MAYGER RD
CLATSKANIE, OR 97016
812-573-9688

From: [Becky White](#)
Sent: Wednesday, May 11, 2022 8:39 AM
To: [ADAMS Walter * ODOE](#)
Subject: Port Westwards NEXT Renewables project should NOT be exempted and is not aligned with sound vision for the future.

Categories: Tracked To Dynamics 365

Dear Wally Adams, Energy Facility Siting Council Members and Staff:

I ask that you deny the Request for Exemption for the Port Westward Renewable Diesel project proposed by NEXT Renewable Fuels, OR, LLC. The Draft of the Proposed Order is incorrect in concluding that the project meets certain exemption criteria.

1. The project may only be exempted if the facility “Exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass, as the source of material for conversion to a liquid fuel.” The Port Westward Renewable Diesel project has a large fracked gas input, including hydrogen created from fracked gas. This fracked gas-based hydrogen is a source of material for conversion, and so it does not “exclusively” use biomass as source material.

2. The project must emit “less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for conversion energy.” The fracked gas input for the project will exceed 118 pounds of carbon dioxide per million Btu. EFSC should account for methane emissions and leaks. EFSC should consider the impact of methane releases and leaks arising from this proposal.

The NEXT project at Port Westward could have tremendous potential impacts on people’s health, their livelihoods, and the air, water, and soil resources that they depend on. There is a strong public interest in EFSC and the public having the opportunity to assess the project under Oregon’s siting standards. NEXT’s proposal raises major red flags in terms of environmental, health, and other impacts to the Port Westward community and beyond. The Port Westward Renewable Diesel project should go through EFSC’s review process.

In closing, I have been watching the Port try to push these types of projects through for the past 15 years since I moved to Clatskanie...all at tremendous expense to the County and it's taxpayers. It is time once and for all for them to re-envision a future that is compatible with the needs of our community, the surrounding environment, and the future of our planet. These fossil fuel projects which would have been considered innovative 25 years ago, are now outdated and and unsustainable in a world that has many profitable and job-creating clean energy options that would not require destroying the communities and ecosystems in which they are situated.

Thank you for your consideration.

Sincerely,

Becky White (she/her)

"Those who say it cannot be done should not interrupt the ones who are doing it."
~Chinese proverb

From: [Dee Dee Lively-Andrews](#)
Sent: Wednesday, May 11, 2022 11:07 AM
To: [ADAMS Walter * ODOE](#)
Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption

Categories: Tracked To Dynamics 365

Dear Mr Adams, Energy Facility Siting Council Members, & Staff:

This communication is a formal request that you deny the “Request for Exemption” for the Port Westward Renewable Diesel project proposed by NEXT Renewable Fuels, OR, LLC.

It appears that the draft of the proposed order is not correct in concluding that the project meets certain exemption criteria, as stated below:

1. This project may only be exempted if the facility “exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass, as the source of material for conversion to a liquid fuel.”

The proposed Port Westward Renewable Diesel project has a large fracked gas input, which includes hydrogen created from fracked gas. This fracked gas-based hydrogen is a source of material for conversion, and so it does not “exclusively” use biomass as source material.

2. This project must emit “less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for conversion energy.”

The fracked gas input for the project will exceed 118 pounds of carbon dioxide per million Btu. EFSC should account for methane emissions and leaks. EFSC should consider the impact of methane releases and leaks arising from this proposal.

If approved, the NEXT project at Port Westward will have tremendous potential impacts on people’s health, on their livelihoods, and on the air, water, and soil resources that they depend on.

It will also have tremendous potential impacts on the health of the protected wildlife in the IMMEDIATE area - from the beginning of the building process to the potential pollutants of operations - specifically on the Juvenile Salmon Rearing Habitat, the protected White Tail Deer, and the protected Bald Eagles and Osprey.

There is a strong public interest in EFSC and the public having the opportunity to assess the project under Oregon’s siting standards. NEXT’s proposal raises major red flags in terms of environmental, health, and other impacts to the Port Westward community and beyond.

The Port Westward Renewable Diesel project should go through EFSC's review before it moves any further in the approval process.

Thank you for your time,
Dee Dee Lively-Andrews
Resident of the NEXT "red zone."

From: Jasmine Lillich <jasmine.lillich@gmail.com>
Sent: Wednesday, May 11, 2022 11:23 AM
To: ADAMS Walter * ODOE
Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption

Categories: Tracked To Dynamics 365

Wally Adams, Operations and Policy Analyst Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301

Dear Wally Adams, Energy Facility Siting Council Members and Staff:

I ask that you deny the Request for Exemption for the Port Westward Renewable Diesel project proposed by NEXT Renewable Fuels, OR, LLC. The Draft of the Proposed Order is incorrect in concluding that the project meets certain exemption criteria.

1. The project may only be exempted if the facility “Exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass, as the source of material for conversion to a liquid fuel.” The Port Westward Renewable Diesel project has a large fracked gas input, including hydrogen created from fracked gas. This fracked gas-based hydrogen is a source of material for conversion, and so it does not “exclusively” use biomass as source material.

2. The project must emit “less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for conversion energy.” The fracked gas input for the project will exceed 118 pounds of carbon dioxide per million Btu. EFSC should account for methane emissions and leaks. EFSC should consider the impact of methane releases and leaks arising from this proposal.

The NEXT project at Port Westward could have tremendous potential impacts on people’s health, their livelihoods, and the air, water, and soil resources that they depend on. There is a strong public interest in EFSC and the public having the opportunity to assess the project under Oregon’s siting standards. NEXT’s proposal raises major red flags in terms of environmental, health, and other impacts to the Port Westward community and beyond.

The Port Westward Renewable Diesel project should go through EFSC’s review process.

Sincerely,

Jasmine Lillich

From: [Brandon Schilling](#)
Sent: Wednesday, May 11, 2022 11:26 AM
To: [ADAMS Walter * ODOE](#)
Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption

Categories: Tracked To Dynamics 365

Wally Adams, Operations and Policy Analyst
Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301

Dear Wally Adams, Energy Facility Siting Council Members and Staff:

I ask that you deny the Request for Exemption for the Port Westward Renewable Diesel project proposed by NEXT Renewable Fuels, OR, LLC. The Draft of the Proposed Order is incorrect in concluding that the project meets certain exemption criteria.

1. The project may only be exempted if the facility “Exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass, as the source of material for conversion to a liquid fuel.” The Port Westward Renewable Diesel project has a large fracked gas input, including hydrogen created from fracked gas. This fracked gas-based hydrogen is a source of material for conversion, and so it does not “exclusively” use biomass as source material.

2. The project must emit “less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for conversion energy.” The fracked gas input for the project will exceed 118 pounds of carbon dioxide per million Btu. EFSC should account for methane emissions and leaks. EFSC should consider the impact of methane releases and leaks arising from this proposal.

The NEXT project at Port Westward could have tremendous potential impacts on people’s health, their livelihoods, and the air, water, and soil resources that they depend on. There is a strong public interest in EFSC and the public having the opportunity to assess the project under Oregon’s siting standards. NEXT’s proposal raises major red flags in terms of environmental, health, and other impacts to the Port Westward community and beyond. The Port Westward Renewable Diesel project should go through EFSC’s review process.

Sincerely,

Brandon Schilling

From: [Miles Johnson](#)
Sent: Wednesday, May 11, 2022 2:48 PM
To: [ADAMS Walter * ODOE](#)
Subject: Comments on NEXT Energy's exemption request
Attachments: [2022.5.11 comments on NEXT's EFSC exemption request.docx.pdf](#)

Categories: Tracked To Dynamics 365

Wally,
Attached please find comments from Columbia Riverkeeper, Envision Columbia County, and Seely Mint regarding NEXT Energy's exemption request.
Thank you,
Miles

Miles Johnson (he/him/his) | Senior Attorney | [Columbia Riverkeeper](#) | PO Box 950, Hood River, OR 97031 | phone: 541.490.0487

[Spring into Action Newsletter—Read it Now](#)

Join Columbia Riverkeeper's team as we spring into action to keep up the tremendous, humbling work of collectively fighting for what we love: clean water, our climate, and our communities.



Columbia Riverkeeper
P.O. Box 950
Hood River, OR 97031
phone 541.387.3030
www.columbiariverkeeper.org

May 11, 2022

Oregon Department of Energy
ATTN: Wally Adams, Operations and Policy Analyst
550 Capital Street NE
Salem, OR 97301

Sent via email to: Walter.Adams@energy.oregon.gov

RE: NEXT Energy does not qualify for an exemption from EFSC's siting process.

Dear Wally Adams and members of the Oregon Energy Facility Siting Council,

Columbia Riverkeeper (Riverkeeper), Envision Columbia County, and Seely Mint ask the Oregon Energy Facility Siting Council (EFSC) to deny NEXT Renewable Fuels Oregon, LLC's (NEXT) request to exempt the proposed Port Westward Diesel Refinery from Oregon's energy facility siting review process (hereinafter, "exemption request").

Riverkeeper's mission is to protect and restore the Columbia River and all life associated with it, from its headwaters to the Pacific Ocean. Riverkeeper represents over 16,000 members and supporters in Oregon and Washington and regularly comments on decisions impacting water quality, climate, and salmon habitat in the Columbia River, especially at Port Westward. Riverkeeper's members boat, fish, and swim in the Columbia River nearby and downstream of NEXT's proposed diesel refinery. Several Riverkeeper members and supporters, including the proprietors of several family farms, live and work in the Port Westward region close to NEXT's proposed diesel refinery and terminal and could be severely impacted by spills or other pollution.

The Proposed Order incorrectly concludes that the NEXT's proposal deserves an exemption. NEXT's fuel source (fracked gas) would be more carbon intensive than NEXT's application acknowledges, and the liquid fuel that NEXT proposes to manufacture will not be made "exclusively" from biomass. *See* ORS 469.320(2)(f)(A) and (E). Accordingly, NEXT's proposed diesel refinery must undergo EFSC's review process and meet Oregon's standards for the siting of energy projects.

A. NEXT would not make diesel exclusively from biomass.

EFSEC may not grant the exemption request because NEXT's diesel would be made, in part, from fossil methane. In order to qualify for an exemption, a facility must (among other things) "[e]xclusively use[] biomass . . . as the source of material for conversion to a liquid fuel." ORS 469.320(2)(f)(A). NEXT does not meet this standard because NEXT's process would

combine hydrogen molecules derived directly from fracked gas with biomass to produce diesel. See Oregon Dept. of Environmental Quality, *Air Contamination Discharge Review Report for NEXT Renewable Fuels Oregon, LLC*, p. 11 (explaining that “Natural gas is combined with steam to produce hydrogen” to feed NEXT’s refinery); see also Oregon Department of Energy, *Proposed Order on NEXT Exemption Request* (hereinafter, Proposed Order), p. 7 (explaining that “natural gas input” is necessary to manufacture the hydrogen that NEXT’s “Ecofining™ process requires”). Accordingly, NEXT does not qualify for an exemption because the material being converted into diesel is not exclusively from biomass. Any other interpretation of ORS 469.320(2)(f)(A) reads the word “[e]xclusively” out of the statute—and sets a dangerous precedent for future facilities seeking to exempt themselves from EFSC review by combining fossil fuels and biomass to create liquid fuels—and is therefore clearly illegal.

Contrary to what the Proposed Order implies, hydrogen derived from fossil fuel is a key ingredient in the diesel that NEXT hopes to produce. The Proposed Order repeatedly calls the fossil-fuel-derived hydrogen a “reactant,” compares it to a catalyst, or implies that it is merely used to “remove oxygen from the [biomass] feedstock.” See Proposed Order, pp. 7–8. What the Proposed Order fails to explain is that fossil-fuel-derived hydrogen molecules actually replace—not just remove—oxygen and other molecules on the carbon chains that become NEXT’s end product. See Emmanuel Ortega, [An Overview of Hydrotreating](#), Fig. 3 (2021). The result is two different source materials—fossil-fuel-derived hydrogen and biomass-derived carbon chains—combining to make diesel. The Proposed Order obscures this dispositive fact.

Bending the plain text of ORS 469.320(2)(f)(A) to exempt NEXT does not make sense because NEXT’s proposal would not (as the Proposed Order implies) serve the purposes of the exemption. The Proposed Order asserts (without citing any particular authority) that the Legislature’s purposes for the exemption were:

“(1) supporting Oregon’s agricultural industry by incentivizing construction of facilities that would use Oregon agricultural products, (2) the economic benefits of developing a biodiesel industry in Oregon, and (3) encouraging the use of renewable fuels.”

Proposed Order, p. 8. NEXT wouldn't really do any of these things. First, NEXT’s proposal to import certain raw materials by deep-draft vessel strongly suggests that NEXT will not be “supporting Oregon’s agricultural industry” or “us[ing] Oregon agricultural products” in any meaningful way. Second, the economic benefits—to Oregon—of a Texas company making diesel for export to California while externalizing its environmental costs on neighboring landowners and regulators are, at best, unclear. Third, NEXT is not making renewable fuel because any diesel refining process that relies on large volumes of fracked gas for energy and raw material cannot be called renewable. The Proposed Order’s implication that NEXT deserves an exception because the exemption was created to incentivise this type of facility is simply contrary to the facts of NEXT’s proposal.

The legislative history does not support the Proposed Order's interpretation of ORS 469.320(2)(f)(A) and cannot overcome the plain language of the statute. *See State v. Gaines*, 346 Or. 160, 172, 206 P.3d 1042, 1051 (2009) (“a party seeking to overcome seemingly plain and unambiguous text with legislative history has a difficult task before it.”). With respect to legislative history, the salient passage in the Proposed Order is: **“There is no mention of the ethanol/methanol/hydrogen reactant in the legislative history.”** Proposed Order, p. 8 (emphasis added). Nevertheless, the Proposed Order pretends that silence in the legislative record is the same thing as the legislature, and “certain environmental organizations,” (*id.*) explicitly supporting exemptions for facilities like NEXT. ORS 469.320(2)(f)(A). Because the legislative record is silent, the inference is just as easily drawn in the other direction—*i.e.* the lack of discussion indicates general understanding that facilities that combine fossil fuel and biomass to create liquid fuels do not “[e]xclusively” use biomass and are therefore subject to EFSC’s normal siting process. Selective inferences, drawn from a lack of discussion in the legislative record, do not support the Proposed Order’s departure from the plain language of the statute.

The Proposed Order’s discussion of past exemptions for biofuels facilities is similarly unhelpful because none of those past decisions considered this particular issue. Once again, the Proposed Order admits that **“there is no mention of methanol, ethanol, or any other reactants used in the conversion process” for any of the other facilities that were granted exemptions.** Proposed Order, p. 8 (emphasis added). And once again, the Proposed Order mistakenly equates silence with well-reasoned approval. The Proposed Order does not even disclose the source of the chemical ingredients used by those other facilities, making the comparison between those facilities and NEXT even less informative. Assuming the Proposed Order made a coherent argument about the significance of prior exemptions (which it does not), EFSC’s potential past misapplication of the exemption standard is not a good reason (much less a legal justification) for repeating those mistakes here.

Adhering to the plain meaning of ORS 469.320(2)(f)(A) would not create unreasonable results or even necessarily preclude NEXT from someday meeting this exemption criterion. Throughout its application and elsewhere, NEXT emphasizes (without providing details) that it would only meet a small portion of its hydrogen needs with fracked gas. If that is true, NEXT could simply make, or purchase, hydrogen derived from a biogenic source. At worst, denying NEXT’s exemption request would mean that a large energy facility that would be a major consumer of fossil fuels—proposed in the midst of sensitive farms, wetlands, and important salmon habitat—would undergo Oregon’s important energy siting process. EFSC need not torture the plain language of the statute; if the legislature intends NEXT’s brand of fossil-fuel-reliant energy production to be exempt from Oregon’s energy siting rules, it can (as it has done before) amend ORS 469.320(2)(f)(A).

B. The fracked gas supply powering NEXT’s refinery would emit more than the equivalent of “118 pounds of carbon dioxide per million Btu.”

NEXT’s energy consumption would be significantly more carbon-intensive than envisioned by ORS 469.320(2)(f)(E). The Proposed Order concludes that NEXT’s fracked gas power supply would cause roughly 117 pounds of carbon dioxide pollution per million British thermal units of energy generated (lbs CO₂/MMBtu)—just 1 pound shy of ORS 469.320(2)(f)(E)’s limit. While 117 lbs CO₂/MMBtu may be a reasonable estimate of the CO₂ released during combustion of the fracked gas that NEXT would buy from Northwest Natural, this number does not encompass the full range of greenhouse gas pollution that would result from NEXT’s fracked gas use. Importantly, ORS 469.320(2)(f)(E) does not constrain EFSC’s inquiry to the CO₂ released during combustion; rather, the statute is concerned with all of the greenhouse gas pollution a facility’s fossil fuel consumption “emits.” As explained below, greenhouse gas emissions related to NEXT’s fracked gas energy use would far exceed the emissions from combustion alone. Because NEXT is already essentially at the 118 lbs CO₂/MMBtu limit for carbon emissions, the additional greenhouse gas emissions attributable to NEXT’s energy use would cause NEXT to exceed the limit in ORS 469.320(2)(f)(E).

Methane leaks associated fracked gas consumption are a significant source of climate pollution. Methane, when it escapes into the atmosphere, has a global warming impact 87 times more potent than carbon dioxide on a 20-year timeframe, and 36 times more potent on the 100-year timeframe.¹ For the foreseeable future, significant methane leakage will accompany all fracked gas extraction, transportation, and delivery; recent studies estimate that roughly 3% of all fracked gas is released to the atmosphere before reaching an end user.¹ Accordingly, a realistic estimate of the the global warming potential of NEXT’s fossil fuel consumption would include the emission of .426 million standard cubic feet per day of methane² emitted during the extraction and shipment of NEXT’s fracked gas. Additional emissions could result from methane leaks at NEXT’s facility; while the exact nature or amount of leaks are difficult to predict, Oregon Department of Environmental Quality was sufficiently concerned to require leak detection and repair protocols in NEXT’s draft Air Contamination Discharge Permit. Accordingly, methane emissions related to NEXT’s fossil fuel consumption are likely to occur and cause the greenhouse gas impacts of the proposal to exceed the equivalent of 118 lbs CO₂/MMBtu.

¹ Alvarez, *et al.*, *Assessment of methane emissions from the U.S. oil and gas supply chain*, Science (2018); *see also* Tong *et al.*, *Comparison of Life Cycle Greenhouse Gases from Natural Gas Pathways for Medium and Heavy-Duty Vehicles*, 49 Environ. Sci. Technol. 12, p. 7126 (2015) (estimating methane leakage rates of 1.5–3.3 percent); *see also* Exhibit 2, Sierra Club, *Fracked Gas: Nothing “Natural” About It* (2018) (reviewing literature and estimating leakage rate of 3 percent).

² 3% of NEXT’s asserted fuel use. *See* NEXT, *Updated Exemption Request*, p. 6.

The Proposed Order (p. 12) incorrectly infers that the Oregon legislature approved exemptions for all fracked gas-fired biofuels facilities by enacting ORS 469.320(2)(f)(E). First off, perceived legislative intent cannot justify an exemption for a facility whose fuel use would have a greater global warming potential than the plain language of the statute allows. Moreover, when the Oregon legislature wants to identify natural gas in a statute, it can do so explicitly. The use of a specific carbon-intensity standard in ORS 469.320(2)(f)(E) actually suggests that the legislature was concerned with the carbon-intensity, and not merely the type, of fossil fuel being burned to make exempt biofuels. Over the last decade, our understanding of the severe climate impacts of fracked gas and methane has grown significantly; what has not changed is the carbon-intensity standard in ORS 469.320(2)(f)(E). EFSC should judge NEXT's ability to meet this standard in light of a realistic estimate of the greenhouse gas emissions caused by NEXT's fossil fuel use.

Conclusion

In addition to the defects in NEXT's exemption request explained above, NEXT's proposal could have tremendous impacts on people's health, their livelihoods, and the air, water, and soil resources at Port Westward. Similar concerns about large energy facilities led Oregon to create EFSC's siting process. Because NEXT does not meet the purpose or the letter of ORS 469.320(2)(f), EFSC should not abdicate its important review authority and deprive Oregonians of a meaningful opportunity to share their concerns and consider NEXT's proposal.

Sincerely,



Miles Johnson, Senior Attorney for Columbia Riverkeeper
541.490.0487
miles@columbiariverkeeper.org

Sent on behalf of:

- Columbia Riverkeeper
- Envision Columbia County
- Seely Mint

From: Linda Horst <lindahorst45@gmail.com>
Sent: Wednesday, May 11, 2022 3:05 PM
To: ADAMS Walter * ODOE
Subject: Urging Denial of NEXT's Exemption Request

Categories: Tracked To Dynamics 365

May 11, 2022

Wally Adams, Operational and Policy Analyst Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301

Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption

Dear Sir, Energy Facility Siting Council Members and Staff

The Request for Exemption for the Renewable Diesel project proposed by NEXT Renewable Fuels, OR, LLC must be denied because NEXT fails to meet criteria for the exemption.

First, the project may only be exempted if the facility "Exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass, the source of material for conversion to a liquid fuel". The Port Westward Renewable Diesel project has a large fracked-gas input, including hydrogen created from fracked gas. This fracked gas-based hydrogen is a source of material for conversion. Therefore, NEXT's feedstocks are not "exclusively" biomass only which the exemption standards require as source material.

Additionally, NEXT's fracked-fuel input will cause more pollution than EFSC acknowledges, particularly if all methane leaks and emissions are accounted for. To qualify for exemption, the project must emit "less than 118 pounds of carbon dioxide per million BTU from fossil fuels used for conversion energy". Factually, the fracked-gas input for the project will exceed 118 pounds of carbon dioxide per million BTU! EFSC should account for all methane emissions and leaks and should also consider the impacts of those emissions and leaks arising from this proposal.

Methane is a highly potent greenhouse gas....more than 80 times the warming power of carbon dioxide over the first 20 years after it reaches the atmosphere. At least 25% of today's warming climate is driven by methane from human actions and one of the largest methane sources is the oil and gas industry!

I urge you to aggressively account for the methane impacts of this proposal upon the environment and health and well-being of the Port Westward community and beyond.

The Port Westward Renewable Diesel project must go through EFSC's review process.

Sincerely,

Linda Horst
1020 Kool Road
Kelso, WA 98626
lindahorst45@gmail.com
360-442-3059

Via Email: Walter.Adams@energy.oregon.gov

Sent from my iPhone

From: [Save Port Westward](#)
Sent: Wednesday, May 11, 2022 4:43 PM
To: [ADAMS Walter * ODOE](#)
Subject: Urging Denial of Port Westward Renewable Fuels Project Request for Exemption

Categories: Tracked To Dynamics 365

Wally Adams, Operations and Policy Analyst
Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301

Dear Wally Adams, Energy Facility Siting Council Members and Staff:

I ask that you deny the Request for Exemption for the Port Westward Renewable Diesel project proposed by NEXT Renewable Fuels, OR, LLC. The Draft of the Proposed Order is incorrect in concluding that the project meets certain exemption criteria.

1. The project may only be exempted if the facility “Exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste vegetable oil or cellulosic biomass, as the source of material for conversion to a liquid fuel.” The Port Westward Renewable Diesel project has a large fracked gas input, including hydrogen created from fracked gas. This fracked gas-based hydrogen is a source of material for conversion, and so it does not “exclusively” use biomass as source material.

2. The project must emit “less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for conversion energy.” The fracked gas input for the project will exceed 118 pounds of carbon dioxide per million Btu. EFSC should account for methane emissions and leaks. EFSC should consider the impact of methane releases and leaks arising from this proposal.

The NEXT project at Port Westward could have tremendous potential impacts on people’s health, their livelihoods, and the air, water, and soil resources that they depend on. There is a strong public interest in EFSC and the public having the opportunity to assess the project under Oregon’s siting standards. NEXT’s proposal raises major red flags in terms of environmental, health, and other impacts to the Port Westward community and beyond. The Port Westward Renewable Diesel project should go through EFSC’s review process.

Sincerely,

Save Port Westward