

Number	Subject	Source	From	Email Address	Comment Date	Comment Summary
1	Proposed Biofuel plant	email	Cyrie Belleci	<a href="mailto:CyrieB@aol.com">CyrieB@aol.com</a>	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	<a href="mailto:72rover@gmail.com">72rover@gmail.com</a>	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	<a href="mailto:kandlleo@kalama.com">kandlleo@kalama.com</a>	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	<a href="mailto:g2gkevin@gmail.com">g2gkevin@gmail.com</a>	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	<a href="mailto:biskystar@aol.com">biskystar@aol.com</a>	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	<a href="mailto:deedee.lively@gmail.com">deedee.lively@gmail.com</a>	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	<a href="mailto:jasmine.lillich@gmail.com">jasmine.lillich@gmail.com</a>	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	<a href="mailto:brand.schilling@gmail.com">brand.schilling@gmail.com</a>	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	<a href="mailto:miles@columbiariverkeeper.org">miles@columbiariverkeeper.org</a>	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	<a href="mailto:lindahorst45@gmail.com">lindahorst45@gmail.com</a>	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	<a href="mailto:saveportwestward@gmail.com">saveportwestward@gmail.com</a>	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.
12	Response to Columbia Riverkeeper EFSC Exemption Request Comments	email	NEXT	<a href="mailto:bflanagan@schwabe.com">bflanagan@schwabe.com</a>	5/19/2022	Rebuttal of comments regarding the facility 1) exclusively using biomass and 2) carbon intensity of natural gas used.

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

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**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

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**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

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**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](#)

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**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  
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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.

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**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

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**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

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**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

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**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](#)

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**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](http://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](mailto: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 CO<sub>2</sub>/MMBtu)—just 1 pound shy of ORS 469.320(2)(f)(E)’s limit. While 117 lbs CO<sub>2</sub>/MMBtu may be a reasonable estimate of the CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub>/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.<sup>1</sup> 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.<sup>1</sup> 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 methane<sup>2</sup> 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 CO<sub>2</sub>/MMBtu.

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<sup>1</sup> 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).

<sup>2</sup> 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,



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Miles Johnson, Senior Attorney for Columbia Riverkeeper  
541.490.0487  
[miles@columbiariverkeeper.org](mailto: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

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**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](mailto: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

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**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

May 19, 2022

**Brien J. Flanagan**  
T: 503-796-2915  
C: 503-860-9297  
bflanagan@schwabe.com

VIA E-MAIL (WALTER.ADAMS@ENERGY.OREGON.GOV)

Wally Adams  
Operations and Policy Analyst  
Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301

RE: Response to Columbia Riverkeeper EFSC Exemption Request Comments

Dear Wally:

We represent NEXT Renewable Fuels, LLC (“NEXT” or “NEXT Renewable Fuels”) in its request for an exemption to the Site Certification requirements of the Energy Facility Siting Council (“EFSC”) (ORS 469.320, et. seq.). NEXT Renewable Fuels has reviewed comments recently submitted by Columbia Riverkeeper related to the applicability of the exemption. NEXT submits this response to correct any misleading statements made by Riverkeeper and confirm the applicability of the exemption. Specifically, NEXT Renewable Fuels will use exclusively biomass as the source materials being converted to liquid fuel, and the fossil fuel used for conversion energy will emit less than 118 pounds of carbon dioxide per million Btu.

**1. Biomass is the exclusive material that NEXT converts to a liquid fuel (ORS 469.320(2)(f)(A)).**

The Oregon Legislature carved out an exemption from the energy facility siting process (as defined in ORS 469.300(11)(a)(G)) if the energy facility:

“(A) 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; . . .”

ORS 469.320(2)(f). The process used by NEXT will exclusively use biomass as the “material for conversion to a liquid fuel.” The Ecofining process used by NEXT will take organic feedstocks (such as used vegetable oils, beef tallows, fish oils, and greases) and convert them to diesel fuel using hydrogen molecules as a reactant in an isomerization process. Biomass is the exclusive source of material being converted to a liquid fuel.

Sadly, Columbia Riverkeeper is trying to delay this greenhouse gas reducing fuel, which will have a real impact on improving air quality, particularly for low-income and vulnerable urban

populations. Columbia Riverkeeper challenges the application of this rule based on an erroneous reading of the exemption – a reading that would eliminate the purpose and intent of the exemption. This interpretation asks the Council to focus only on the first three words of the exclusion (“Exclusively uses biomass...”), and requires the Council read the remaining words out of the statute (“...as the source material for conversion to a liquid fuel...”). To do so, however, fails to capture the intent and plain meaning of the exemption.

A statute must be read to give effect to all words and to not omit what has been included in the statute. (See ORS 174.010). ORS 469.320(2)(f)(A) states that biomass must exclusively be “the source of material for conversion to a liquid fuel.” The statute requires that the only material for conversion into a liquid fuel is biomass. The exemption is not eviscerated when other chemicals, molecules, reactants, or catalysts interact with the biomass to convert that source material into a liquid fuel.

The Department’s Proposed Order on Request for Exemption is correct in describing that the hydrogen used in the renewable diesel production process is a reactant. The hydrogen is not the source material that is converted into renewable diesel. The input that is converted into renewable diesel in the Ecofining process is the biomass feedstocks. The hydrogen molecules react with the feedstock to create a molecular change in the feedstock and cause the feedstock to be converted into renewable diesel. The hydrogen is not converted, it remains hydrogen. The Proposed Order on Request for Exemption is appropriate because it gives meaning to all the words in ORS 469.320(2)(f)(A).

Furthermore, application of the exemption here meets the intent of the Legislature and past practice of EFSC. As the Proposed Order on Request for Exemption identifies, the legislative history for the exemption under ORS 469.320(2)(f)(A) indicates that the Legislature’s focus was on ensuring that biomass be the feedstock for energy conversion facilities receiving an exemption. When expanding the exemption during 2005 (SB 736), the Legislature’s Committee Administrator noted that the language is explicitly meant to include biodiesel: “[t]his bill would expand the current exemption to include biodiesel production facilities . . . .” Biodiesel, like renewable diesel, involves the conversion of biomass feedstocks using a reactant, usually methanol, to the feedstock (usually vegetable oils) in the presence of a catalyst, like lye, to convert the biomass feedstocks into liquid fuel.

The Council on at least two occasions has approved exemptions for this process. First, the Council appropriately approved the exemption to Altra Biodiesel because “the planned facility will convert domestically produced soy or canola oil, imported palm oil or other seed oil to produce biodiesel fuel.” Altra Biodiesel did not convert methanol to biodiesel, and it did not convert lye into biodiesel—but rather the Council’s order acknowledges the reality that the source material being converted are the vegetable oils. In the second biodiesel exemption, the Council again noted that Morrow Bioenergy’s facility would convert seed oil to biodiesel fuel. The Council’s orders are helpful because in both instances the Council determined that the exclusive source material “for conversion” to biodiesel was plant oils (biomass). It would be inconsistent with past agency practice and unlawful for the Council to treat NEXT’s Request for

Exemption differently than nearly identical exemption requests the Council has previously granted. (See ORS 183.484(5)(b)(B) (upon judicial review of an agency action a court may remand an agency order if the agency's action was inconsistent with prior agency practice and the inconsistency is not explained by the agency)).

The Council has also approved site certificate exemptions under ORS 469.320(2)(f)(A) for five ethanol facilities: ZeaChem, Inc., Altra Ethanol, Cascade Grain Products, Oregon Ethanol, and Treasure Valley Renewable. The ethanol production process varies, but there is always the introduction of some chemicals or solutions to the biomass feedstock to make the final ethanol product. The Council's Order Granting ZeaChem's request for exemption makes an affirmative finding that the facility will convert only cellulose from cellulosic woody biomass and cellulosic agricultural residue into ethanol. ZeaChem described its ethanol production process as involving technology that uses chemical fractionation to separate the feedstock into two streams that produce ethanol and intermediate chemicals. The Council found that ZeaChem satisfied the exemption, despite the use of chemicals in its production process, because the sole source of material that would be converted into a liquid fuel (ethanol) was cellulosic biomass. The Council's proposed order granting NEXT's exemption is consistent with its application of ORS 469.320(2)(f)(A) to the two biodiesel facilities and the five ethanol facilities for which the Council has granted site certificate exemptions.

Columbia Riverkeeper asks the Council to ignore the legislative history and these prior precedent. It argues that in these prior decisions the Council possibly did not consider the chemical process (the reactants, catalysts, solutions) in the production. But this is wrong, the Council did make the statutorily required finding that exclusively biomass would be the source material for conversion to the liquid fuel. The Council has no statutory requirement to make additional findings about reactants, catalysts or other additives used in the production process.

As stated in the Proposed Order on Request for Exemption, NEXT will use exclusively biomass as the source of material for conversion to renewable diesel. NEXT satisfies the exemption requirement in ORS 469.320(2)(f)(A), and the Council's approval of NEXT's Request for Exemption is consistent with the law and the Council's previous exemption requests.

**2. The natural gas powering NEXT's renewable diesel facility would not emit more the equivalent of 118 pounds of carbon dioxide per million Btu. (ORS 469.320(2)(f)(E)).**

ORS 469.320(2)(f) states that a site certificate is not required for "[a]n energy facility as defined in ORS 469.300(11)(a)(G), if the facility: . . . (E) Emits less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for conversion energy" (emphasis added). The 118 MMBtu is actually set at just above the natural gas emission level. The EPA and the U.S. Energy Information Administration state that the presumed emission factor for natural gas burned for energy is 117 pounds of carbon dioxide per MMBtu. Accordingly, the established emission factor for natural gas burned for energy is 117 MMBtu. The Legislature's establishment of 118 MMBtu as the cutoff for facilities that fall within the exemption was an intentional authorization for facilities to use cleaner fuels, such as natural gas; while requiring facilities utilizing dirtier



Wally Adams  
May 19, 2022  
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fossil fuels, such as coal (emission factor above 200 MMBtu) to be subject to the facility siting process.

This is how the Council has interpreted the statute previously. For example, when the Council approved the exemption for the ZeaChem ethanol facility in 2013, the ZeaChem facility proposed to use natural gas for conversion energy and used the rate of emissions for the natural gas at 117 pounds of carbon dioxide per MMBtu. There is nothing in the record for the ZeaChem facility that the Council considered leaks or offsite emissions in assessing the applicability of ORS 469.320(2)(f)(E). The statutory language does not require it do so, and the Council has consistently interpreted it to authorize facilities that use natural gas in satisfying ORS 469.320(2)(f)(E).

The suggestion by Columbia Riverkeeper that the Council should take into account carbon dioxide emissions at the extraction of natural gas at the wellhead, during transportation, and during delivery pushes the language and intent of the statute beyond credulity. The statute does not imply, and obviously does not state, that the exemption requires some sort of lifecycle analysis. The interpretation suggested by Columbia Riverkeeper would require a highly speculative inquiry and is not required; the statutory language is unambiguous.

NEXT's facility will utilize 115.9 pounds of carbon dioxide per MMBtu of natural gas to convert its feedstock into renewable diesel. As the Department accurately concluded in the Proposed Order on Request for Exemption, the natural gas provided to the NEXT facility via the existing Northwest Natural pipeline consistently is reported by Northwest Natural as having an emission factor of 117.0 -117.2 MMBtu. Accordingly, NEXT's Exemption Request satisfies the facility siting exemption requirement in ORS 469.320(2)(f), specifically subparts (A) and (E).

NEXT appreciates your consideration of these responsive comments. If the Council has questions, please reach out to NEXT. Thank you.

Best regards,



Brien J. Flanagan

BF:cst

cc: Laurie Parry  
Gene Cotten

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