



Haley Teach  
Oregon DEQ  
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Portland, OR 97232

21 October 2024

**To: Haley Teach, 401 Program Coordinator**

**Re: SUPPORT for NEXT Renewable Fuels 401 Water Quality Certification**

**From: Dr. John Perona, on behalf of *Mobilizing Climate Action Together***

Mobilizing Climate Action Together (MCAT) is a group of experienced volunteer healthy climate advocates affiliated with the Oregon League of Conservation Voters. We write to urge that the Oregon Department of Environmental Quality **approve the 401 Water Quality Certification permit for NEXT Renewable Fuels** (USACE Permit application #2020-383; DSL # 63077-RF).

MCAT does not possess in-depth expertise in the area of water quality regulation. However, we are encouraged that the DEQ has indicated, in its Public Notice, that subject to conditions it is reasonably assured that the implementation of the project will be consistent with applicable provisions of the federal Clean Water Act, state water quality standards, and other appropriate requirements of state law. Given the ecological fragility of the area, we call on DEQ to work with heightened sensitivity to enforce the off-site mitigation plan for enhancing nearby wetlands, the conditions for maintaining the integrity of state waters during construction, and the post-construction stormwater management plan for minimizing impacts on the natural environment in Clatskanie and surrounding areas.

MCAT recognizes that chemical fuels are necessary and will still play an important role in the post-fossil fuel economy that we are ultimately working for. Having said that, we also wish to emphasize that chemical fuels such as renewable diesel impose considerable risks, especially when a refinery is placed in a sensitive ecological area not far upstream from the Columbia River estuary. We ask that DEQ work with the vigilance appropriate to such a sensitive area, especially to ensure strict compliance with spill prevention and reporting requirements set out in the certification letter. Although not directly DEQ's responsibility, we also ask that DEQ help promote collaboration between state and county governing authorities to ensure that project construction strictly complies with seismic safety standards.

**We support NEXT permitting because of the very substantial healthy climate benefits of renewable diesel (RD).** Carbon intensities for many of the approved RD pathways in Oregon's Clean Fuels Program (CFP) are in the range of 20-40 g CO<sub>2</sub>e/MJ, far lower than the equivalent value of about 100 g CO<sub>2</sub>e/MJ for petroleum diesel. According to ODOE's most recent Clean Fuels Forecast, RD is projected to account for 10% of the total diesel volume used in Oregon for 2024, compared to just over 1% in 2021. Our in-state demand for the fuel is evidently very high, demonstrating the importance and need for the NEXT facility to begin production soon. **In-state refinement capacity will surely lower fuel costs for Oregon residents and businesses** who make use of RD, spurring increased demand and thereby maximizing climate benefits in accord with the CFP's goals. At full capacity, NEXT will be able to meet all of Oregon's needs for diesel fuel.

Our support is also grounded in the design of Oregon's CFP. Some present uses of RD, such as transit buses, reflect an interim role for the fuel - as electrification is possible for these applications. Because renewably generated electricity earns the most credit under the CFP, there will be a clear incentive to eventually phase out RD for such uses. Thus, **the well-designed structure of the CFP prevents undesirable lock-in of RD in circumstances where an even more beneficial fuel becomes available.** On the other hand, there are other important uses for RD, such as long-haul trucking, where electrification is not yet practical or cost-effective. In these cases the savings in carbon pollution by swapping RD for petroleum diesel will be longer-lasting.

More broadly, we wish to note that **RD also carries social equity benefits.** Every gallon of RD produced at the NEXT facility directly replaces a gallon of petroleum diesel, and it is well known that drilling for this fuel by fracking has differentially greater impact on frontline and low-income communities. Further, combustion of RD generates much lower levels of black particulate matter compared with petroleum diesel. This will lessen the deposition of black particles on Pacific Northwest glaciers and high mountain snowpack, slowing warming-induced melting and reducing the potential for meltwater floods that particularly impact farming communities.

We know that not every impact from the NEXT facility can be fully mitigated. However, our best scientific projections, including those made by the Oregon Climate Change Research Institute, are that the **impacts of climate change will be devastating.** Decreasing snowpack that is altering river flows, rising water temperatures and increases in extreme weather events are already taking a toll on the Columbia River ecosystem. These impacts from global warming make it all the more important that everything possible be done so that the local impacts from the construction and operation of NEXT do not worsen the already ongoing degradation of that ecosystem.

We also wish to note that the choice of biomass feedstocks for RD production has a significant influence on the overall environmental impact of this approach to greenhouse gas emissions mitigation. We applaud the exclusion of palm oil from allowed feedstocks, given the catastrophic human and environmental impacts that palm plantations supplying biofuels markets have had in East Asia. However feedstocks such as US Midwestern corn and soybeans

are allowed under Oregon's CFP, even though the dual use of these commodities for food and fuel has potential to drive up food prices. As the NEXT facility will likely expand RD usage in Washington and Oregon, we ask that DEQ monitor this potential impact and consider reducing or excluding impacted crop RD feedstocks as may be appropriate in the future.

Oregon is in the leading group of US states with respect to its vision for limiting climate pollution. Moving forward, we are confident that the NEXT facility will further strengthen Oregon's commitment to limiting the damages of climate change. This will allow Oregon to serve increasingly as a model for other states to follow. We urge DEQ to issue the 401 Water Quality Certification permit without delay.

Thank you very much for considering our comments. Questions should be directed to Dr. John Perona at [johnjperona@gmail.com](mailto:johnjperona@gmail.com)

Sincerely,

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