



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

August 5, 2022

Mr. Christopher Efid  
NEXT Renewable Fuels, Oregon  
11767 Katy Freeway, Suite 705  
Houston, TX 770779  
[chris@nextrenewables.com](mailto:chris@nextrenewables.com)

\*Communicated via email\*

DEQ requests the applicant to provide full, complete responses and associated documentation to satisfy all items below by August 19, 2022. Please note there are requests to relabel and add additional data to existing figures and documents. Please let me know if I can better clarify any of these items.

Best Regards,

Jeff Brittain  
401 Dredge and Fill Program Coordinator

**I. The questions below are related to the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf”:**

1. Sheet 1 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays erosion controls for the north site and indicates existing wetland vegetation to be protected. Please clearly distinguish the boundaries for wetlands and waters and specify the additional BMPs (beyond the perimeter fence shown) that will be used to delineate and protect wetlands and waters that are to be unimpacted.
2. Sheet 2 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays erosion controls for the west site and indicates existing vegetation and drainage ditches to be protected, as well as post-construction stormwater treatment facilities.
  - a. Please clearly distinguish the boundaries for wetlands and waters and specify the additional BMPs (beyond the perimeter fence shown) that will be used to delineate and protect wetlands and waters that are to be unimpacted

- b. Please clearly distinguish the dimensions of the treatment facilities and label/number/identify each as a distinct feature. These include all vegetated buffers and treatment swales
  - c. Please note that all facilities to be used for post-construction stormwater management should be delineated once constructed to prevent trampling by foot or equipment.
3. Sheet 3 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays erosion controls for the east site and indicates post-construction stormwater treatment facilities. Two treatment swales running east-west are distinguishable, but the vegetated buffer along the drainage ditch is not. Please clearly distinguish the boundaries of the vegetated buffer and the drainage ditch.
4. Sheet 5 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays a plan view and cross section view of the access road which connects to Hermo Road and indicates a relocated ditch and a grass water quality swale.
  - a. Please label/number/identify the grass water quality swale as a distinct feature.
  - b. Please label/number/identify the drainage ditch as a distinct feature.
  - c. What impervious surfaces would this grass water quality swale provide treatment for?
  - d. Would this grass water quality swale provide treatment during construction or post construction?
  - e. The arrows identifying the relocated drainage ditch and the gravel rail access road appear to point to the same feature. Please distinguish the difference between these two and label the buffer.
  - f. Please explain why a buffer larger than 10’ is not provided between the gravel access road and the relocated drainage ditch.
  - g. What would the relocated drainage ditch receive flows from? It appears as though the flow would come from the 30’ paved access road.
  - h. What will be the final slope of the relocated drainage ditch?
  - i. Please provide a detailed plan and cross section for the grass water quality swale which appropriately labels/numbers/identifies the feature, includes dimensions, and a planting plan.
5. Sheet 6 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays a plan view and cross section view of the access road which connects to Hermo Road and indicates a relocated ditch grass, an existing ditch to remain, and a water quality swale.
  - a. Please label/number/identify the grass water quality swale as a distinct feature.
  - b. Please label/number/identify the relocated drainage ditch as a distinct feature.
  - c. Please label/number/identify the drainage ditch to remain as a distinct feature.
  - d. Please indicate how the runoff from the 10’ maintenance road will be treated before it enters the existing drainage ditch to remain. This ditch appears to enter a pipe which discharges to McLean Slough.

- e. Please specify how the runoff from the gravel rail access road will be treated before it enters the relocated drainage ditch.
  - f. Where does the relocated drainage ditch discharge to?
  - g. Please provide a detailed plan and cross section for the grass water quality swale which appropriately labels/numbers/identifies the feature, includes dimensions, and a planting plan.
6. Sheet 7 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays cross sections of the access road and mentions wetland impacts.
  - a. Please specify within the diagram which wetlands are being impacted.
7. Sheet 9 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays the underground extent of the pile foundations and references wetland fill cross sections.
  - a. Please specify within the diagram which wetlands are being impacted.
8. Sheet 11 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document appears to display the same area as Sheet 5 but there are discrepancies between what features are labeled on both. For example, the “relocated drainage ditch” is labeled as a dark and heavily bubbled feature on Sheet 5 and as a linear polygon with a dashed line through the middle on Sheet 11.
  - a. Please consider combining the plan-view information from Sheet 5, 6, and 11 onto one singular diagram for the west segment of the access road and rail spur that connects to Hermo Road.
  - b. If these sheets cannot be combined please re-label so that the features match on each.
  - c. On Sheet 5 and Sheet 6, there are areas identified as a “gravel lay down yard”. On sheet 11 that same area appears to be labeled as a “proposed stormwater treatment swale”.
    - i. Please explain the intended use of this area.
    - ii. If there will be multiple uses for this area please explain the sequencing.
    - iii. If this area will be used for staging or construction prior to being utilized for post-construction stormwater treatment, please explain how the area will be prepped, conditioned, and restored for its use as a treatment facility.
    - iv. If applicable, please label/number/identify the proposed stormwater treatment swale as a distinct feature.
9. Sheet 12 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays additional plan views of the access road and rail spurs, moving east towards the main facility, and includes proposed stormwater treatment swales, relocated ditches, and existing ditches to remain.
  - a. Please label/number/identify the proposed stormwater treatment swales as distinct features.
  - b. Please label/number/identify the relocated drainage ditches as distinct features.
  - c. Please label/number/identify the drainage ditches to remain as distinct features.
10. Sheet 13 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays additional plan views of the access road and rail spurs, moving east from the main facility, and includes a proposed stormwater treatment swale.

- a. Please label/number/identify the proposed stormwater treatment swale as a distinct feature.
11. Sheet 14 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays a pipeline alignment plan view and includes culverts at ditch crossings, and an existing ditch to remain unimpacted.
  - a. Please label/number/identify the drainage ditches to remain as distinct features.
  - b. Please label/number/identify each of the ditches at the crossing/culvert sites as distinct features.
12. Sheet 15 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays a pipeline alignment cross section view.
  - a. Please label/number/identify the drainage ditches to remain as a distinct feature.
  - b. Please label/number/identify the vegetated filter strip as a distinct feature.
  - c. Please label/number/identify the existing wetland as a distinct feature.
13. Sheet 16 of the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” document displays a pipeline alignment cross section view.
  - a. Please label/number/identify all wetlands as distinct features.

**II. The following questions are related to the “NEXT WWT-SW Design Basis 4-15.pdf”:**

1. The narrative within this document, particularly on page 6 of 9, indicates that all stormwater will be routed to the wastewater treatment facility (WWT) before being pumped to the port outfall. However, the information provided in the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” appears to show pathways where stormwater may enter wetlands and waters, including McLean Slough, and not be routed to the WWT. The information in the “Post Construction SWMP Narrative.pdf” also appears at odds with the plan to route all stormwater to the WWT. Please clarify this narrative and provide a map that displays all of the stormwater flow paths for the entire facility, including access roads.

**III. The following questions are related to the “Post Construction SWMP Narrative.pdf”:**

1. There are three appendices mentioned in Section I. of this report (page 6 of the 21 page pdf):
  - a. Appendix A: Existing Conditions
  - b. Appendix B: Soil Survey
  - c. Appendix F: Geotechnical Report
2. There are two appendices mentioned in Section VI. of this report (page 11 of the 21 page pdf):
  - a. Appendix C
  - b. Appendix D

Please provide a copy of each of these to DEQ.

3. Section I. provides a summary of the site acreage and states that the “Total Existing Site Area” is 141.99 acres. In the “Changes to Version of the JPA” document, the overview states that the site acreage increased from 104.03 to 1245.27 acres. Please clarify the size of the total site.
4. Please state the total amount of impervious areas that will exist as a result of the full build out. Include both the “newly developed” and “existing” impervious areas.
5. Please clarify what the site’s drainage basins are and be consistent with how they are referenced. For example, Section II. describes four “drainage paths”, followed by Figure 3. which shows five basins. In Section IV., four “generalized drainage basins” are mentioned again, but followed by a description of seven footprints and areas. Please refine this and present the plan in a consistent way, accompanied by a map that accurately identifies all the drainage basins and what their discharge locations are.
  - a. Provide a list/table of all outfall locations.
6. What are the expected pollutants of concern for each basin?
7. How will energy be dissipated prior to entering a water of the state?
8. Section IV. describes a laydown yard that will be used during ongoing operation. Site plans in the “NEXT JPA Plan Sheets BW 8.5 x 11.pdf” indicate that those areas may be used for water quality treatment facilities. Please explain this discrepancy.
9. Please provide more information regarding the Access Road Swale.
  - a. How will the access road swale be constructed?
  - b. There is mention of *sub*-basins (possibly four known as A, B, C, & D) within the Access Road Swale. Will it be a singular feature or several connected features?
  - c. The narrative states that *approximately four culverts* will be installed to convey water from the Access Road Swale to the relocated ditch. Please identify the exact number of connection points between the swale and the ditch, and indicate the locations on a map.
  - d. Please describe how the residence time for the Access Road Swale was calculated.
  - e. Please provide a detailed cross section of the swale including drainage layers and growth media.
  - f. Please provide a detailed planting plan for the swale including species and location.
10. Please provide more information regarding the Maintenance Road and Rail Spur Basin Treatment.
  - a. Please provide details for each filter strip that will be used in this basin, including dimensions and a planting plan. All water quality treatment facilities (including filter strips) should be labeled/numbered/identified as distinct features and referenced on a map.
11. Please provide more information regarding the Rail Yard Swale Design.
  - a. Is this feature a continuation of the “Access Road Swale” or is it a distinct individual water quality treatment facility?
  - b. The narrative in Section IV suggests that this feature will be divided into multiple segments and then provides a table with five segments (E, F, G, H, I). Please provide

- more information on where they are located and how they will function in relation to one another.
- c. The narrative in Section IV describes a swale in the middle of the rail yard as well as a central swale. Is this the same feature? All water quality treatment facilities should be clearly labeled/numbered/identified as distinct features and referenced on a map.
  - d. Please describe how the residence time for the Rail Yard Swale Design was calculated. Why is it roughly double the time of the “Access Road Swale”?
  - e. Please provide a detailed cross section of the swale including drainage layers and growth media.
  - f. Please provide a detailed planting plan for the swale including species and location.
12. Please provide more information regarding the Oily Water Sewer Basin Treatment.
- a. The narrative in Section IV states that a wastewater treatment plant will treat oily water sewer drainage. Please describe how runoff in these areas will be contained and routed to the wastewater treatment plant, and not infiltrate into the groundwater or flow to other areas within or outside of the project.
  - b. The document titled “NEXT WWT-SW Design Basis 4-15” described a *Process Surface Water (PSW) System* that would be used to send water to the wastewater treatment plant. Is this information still relevant? If so, please incorporate relevant elements of the “NEXT WWT-SW Design Basis 4-15” into the stormwater plan itself. Use consistent language, phrasing, and identification terms throughout.
13. Please provide more information regarding the Plant Stormwater Basin Treatment.
- a. The narrative in Section IV states that “non-oily areas” within the plant will be routed to a stormwater treatment facility, which is separate from the wastewater treatment facility. This sounds similar to the *Storm Water (SW) Drain System* described in the “NEXT WWT-SW Design Basis 4-15” document. However, that design basis plan did not provide much information regarding the treatment itself. How relevant is the “NEXT WWT-SW Design Basis 4-15” with regard to the Plant Stormwater Basin Treatment? If there is relevant information from the basis plan, please incorporate into the stormwater plan itself.
  - b. Figure 3 from the “NEXT WWT-SW Design Basis 4-15” appears to distinguish water quality treatment basins within the facility itself. Please provided an updated figure like this that uses the updated language, terminology, and plans.
14. The “Post Construction SWMP Narrative.pdf” needs to use consistent language/terminology and should be restructured. See comments below regarding Section IV and V.
- a. Why are there two sections for water quality (IV) and quantity (V)? This information is all related and should be in the same section.
  - b. Section IV mentions different basins from Section V. Please revise and create consistency.
  - c. Section V of the narrative mentions that check-dams and weirs will be present in drainage swales. Please provide plans which depict this.

15. Section VI states that the *Access Road Swale* will discharge to three locations, but earlier in the document it mentioned four discharge locations. Please clarify and amend.
16. In general, Section VI is mostly a repeat of Sections IV and V. Please combine the key new information with Sections IV and V as relevant.
17. Section VII. describes the concept of an operations and maintenance plan. Please provide a complete operations and maintenance plan.

**IV. The following questions are related to the “DEQ 401 Cert Responses Final 2\_22\_22.pdf”:**

1. The response to Question #3 includes a reference to *Attachment B, NEXT Renewable Fuels Oregon Water Quality Standards Evaluation Memo*. Has this already been provided to DEQ or is it still forthcoming? Attachment A in the initial submittal (January 2021) and a follow-up in July 2021 was the *Project Design Basis* and does not directly address the water quality criteria and questions from DEQ’s April 8, 2021 inquiry.
2. The response to Question #11 includes a reference to *Attachment C* which would appear to contain two DSL concurrence letters. DEQ does not currently have these on file. Please provide these letters to DEQ.

**V. The following questions are related to the “Final NEXT JPA -Revised 2\_18\_22 DSL\_DEQ Version App only.pdf”:**

1. Please update the *Ground Improvement* description in Section 4 to be consistent with what was described in the “2022.01.25 GW Protection Measures at NEXT.pdf” document, specifically as it relates to the methods and substances used.
2. The Land Use Compatibility Statement found in Section 11 of the JPA indicates that project consistency with the comprehensive plan and land use regulations requires a Conditional Use Approval and a Development Permit. Section 8 of the JPA indicates that these were approved on 2/23/22. Please provide a copy of the Columbia County Land Use Permit and Conditional Use Permit approvals.

**VI. The following questions are related to public comments received by DEQ:**

1. Concerns exist regarding prior contamination of the project site and restoration site. Please provide a contaminated media management plan (CMMP). A DEQ CMMP checklist is available here: <https://www.oregon.gov/deq/wq/Documents/wqpCMMPChecklist.pdf>