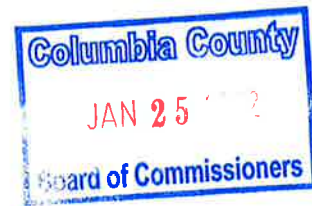


Argument in opposition

Mike's Peace of Mind farm <mkherdrich@q.com>

Tue 1/25/2022 6:53 PM

To: Jacyn Normine <Jacyn.Normine@columbiacountyor.gov>



📎 1 attachments (18 KB)

1-25NEXT_COMMENTS.docx;

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M.K. Herdrich
Meissner rd.
Deer Island

Columbia County, Oregon, Board of Commissioners

I am submitting arguments in strong opposition to the application by NEXT, nee Riverside Refining, nee Waterside Energy, nee TransMessis, et al. for an Oil Refinery on formerly zoned Agricultural property owned by the Port of Columbia County.

As a taxpayer and constituent, I am floored that my elected officials would even think about doing business with a corporation with a track record like NEXT.

(<https://www.bizjournals.com/portland/blog/sbo/2016/02/1-25b-northwest-fossil-fuel-project-dead-in-the.html>)

(<https://www.sightline.org/2015/07/09/the-proposed-longview-refinery-understanding-the-basics/>)

(<https://advancedbiofuelsusa.info/failed-biodiesel-facility-casting-doubt-on-longview-oil-refinery/>)

Defaulting on 1.85 million in contracts and leaving behind an EPA designated 'Immediate Hazard' site,

(https://response.epa.gov/site/site_profile.aspx?site_id=9819)

costing you and me another ~\$600,000 in clean up costs. Even the Port and city of Longview, who are not bashful about recruiting heavy industrial uses, wanted nothing to do with them. I am deeply concerned at the hurried, secretive and deeply flawed process you are following, rushing to approve a design review, conditional use, and variance approval for a 50,000 barrel per DAY oil refinery before too many voters notice. As elected representatives, you are showing an egregious disregard for the basic tenets of Oregon's land Use planning process, the first of which is Citizen Involvement. Short staffing at Land Development Services, losing 3 key positions, makes a thoughtful review and analysis of this huge proposed oil refinery under the time constraints imposed by the state impossible. An obvious solution? Deny the application and allow the applicants to re-apply when the conditions and concerns have been met and addressed.

By failing to allow a public hearing before our own planning commission, you are violating Oregon statewide land use planning Goal !; Our own county zoning ordinance provisions 1503(5), 1503(3); 1558 and others. This alone will surely lead to another costly, to the applicants and taxpayers alike, appeal to LUBA as it rightly should.

This proposed oil refinery is not compatible with adjacent agricultural uses, nor does it 'compliment the character of the surrounding rural area' when you consider the agricultural use and potential of the site, CCZO 681(4); 1505(5). The applicant's statement that the 2, (wildly

disparate), uses can 'coexist' is nonsense. Do you want to consume food products grown adjacent to and down wind of a dirty oil refinery?

The Design Review application and Conditional use application states, this is a 'Water Dependent Use' CCZO 1175 (A) and (B) and 1184 (E)? If that's the case, then why did Chris Efird waffle on the need for and size of a Railroad yard with a capacity for up to 400 rail cars?! "for when the river is down" (Chris Efird's stated reason for needing such a large rail yard~BOC hearing 1/19/2022). What the hell does that even mean? Covering 12.3 acres is not a 'branch line', it is a Rail Yard. And with 1-200 rail cars full of unspecified contents the potential for a catastrophic ecological disaster should be obvious. What about the impact of 100 car trains on the safety of the communities they pass through? I'm sure you've personally dealt with the 10-30 minute delay at RR crossings in recent memory. Is it OK for an ambulance, fire apparatus, police response to be delayed that long? I could not find that even addressed in the TIA. Why won't you listen to the Drainage Districts staunch opposition to this proposed refinery? I am dumbfounded that my elected county commissioners are ignoring expert's concerns including the permanent removal of 117.64 acres of existing wetlands, filling approximately 26,800 linear ft. of the existing Mitigation Site drainage ditches operated by the Drainage Company. This is not consistent with agricultural usage per ORS 215.203. Per ORS 547.305-310 and 547.405, the Drainage Company has the sole authority to alter these works and cannot allow these alterations as they will significantly impact the drainage and irrigation water flows to the agricultural lands within the Drainage Company system.

Between 2006 and 2008, approximately 64,530 cubic yards of fill material were placed on the proposed NEXT Plant Site with no records of testing for contaminants or fill permitting from DEQ, DSL, and USACE. This material was excavated from the nearby former U.S. Army base and was adjacent to the storage area for World War 2, Korean and Vietnam rail cars carrying many toxic chemicals, including agent orange. This area also contains groundwater monitoring and testing wells dating to that period, indicative of concerns of contamination

Per the lease between NEXT and the Port: "Lessee's use of the Premises must comply with all applicable laws, ordinances, rules and regulations ... No written agreements or solutions to the concerns raised repeatedly by the Drainage Company, many of which pertain to significant risks

to levee integrity and are associated with health, water, natural resources and the environment, have been provided to the Drainage Company for review and approval.

Per ORS chapters 190 and 195, Columbia County and the Columbia County Commissioners are required to coordinate with the Drainage Company on any activities within the Drainage company's boundaries. No outreach or communication from the County has taken place.

Per ORS 215.296, the Drainage Company, as the Local Governing Body over the lands within its boundaries, has the ability to deny any land uses which will significantly impact the financial or operational conditions of agricultural operations within its boundaries. The Drainage Company board will not approve the Mitigation Plan, and has concerns about the Plant Site due to the afore-mentioned impacts and therefore the Application for Permits by NEXT is incomplete and should not be approved by the County Commissioners.

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