

**Columbia Ethanol Project –
Amendment Determination Request and Department Determination**

Contents

Document Name	From:
Amendment Determination Request (ADR) Contents: <ul style="list-style-type: none">1. ADR on Name Change (Jan. 28, 2021)2. Verification Letter to Council Chair (March 31, 2021)3. Announcement Letter to ODOE (Jan 28, 2021)4. Announcement Letter to Business Partners (Jan. 22, 2021)	Pacific Ethanol Columbia, LLC
ADR Determination (June 18, 2021)	Oregon Department of Energy

ESTERSON Sarah * ODOE

Subject: FW: Amendment Determination Request
Attachments: Columbia DOE Name Change Letter.docx.pdf

From: Afton Baker
Sent: Thursday, January 28, 2021 7:02 AM
To: 'KILSDONK Duane * ODOE' <Duane.Kilsdonk@oregon.gov>
Cc: Angela Boatman <aboatman@pacificethanol.com>
Subject: Amendment Determination Request

Good Morning Mr. Kilsdonk,

Per our previous conversations, here is the information requested for the amendment:

Amendment Determination Request

(3) For any request for amendment described under OAR 345-027-0350(3) or (4), the certificate holder may submit an amendment determination request to the Department for a written determination of whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3).

(4) A request described in section (1), (2), or (3) of this rule must be submitted in writing to the Department and must include:

(a) A narrative description of the proposed change:

Pacific Ethanol has undergone a rebranding of the company to align with new products and direction of an ingredient supplier. Pacific Ethanol Inc. has changed the name of the parent company to Alto Ingredients, Inc. In line with this name change, the Boardman Oregon facility will now be known as Alto Columbia, LLC. Angela Boatman, Plant Manager for the facility will remain as the point of contact for the facility. Her number is 541-220-6508. Any formal communication should be directed to the following:

Email: EHSScompliance@altoingredients.com

*Mail: Corporate Office
Alto Ingredients, Inc.
Attn: Alto Columbia
PO Box 10
Pekin, IL 61555-0010*

(b) Maps and/or geospatial data layers representing the effects and/or location of the proposed change:

The amendment is administrative in nature and not a physical change at the facility.

(c) The certificate holder's evaluation of the determinations it is requesting under sections (1), (2), or (3) of this rule:

We request: Section (2) For a proposed change that would not add area to the site boundary, the certificate holder may submit an amendment determination request to the Department for a written determination of whether: (a) The proposed change requires an amendment under OAR 345-027-0350; or (b) The proposed change is exempt from requiring an amendment under OAR 345-027-0353.

After a review of: OAR 345-027-0350 Changes Requiring an Amendment, none of the options listed describe the change we are requesting. The name change of the company is a rebranding effort and not associated with any type of sale or transfer of ownership to any other party.

(d) Any additional information the certificate holder believes will assist the Department's evaluation.

Attached are the formal name change notification letters for the parent company as well as all subsidiaries.

Thank you for your review and consideration,

Afton S. Baker
Director-Environmental,
Health, Safety & Security

<image006.png>

O: 208.678.6530 | M: 208.283.4498
Alto Ingredients, Inc.
PO Box 10, Pekin, IL, 61555
abaker@altoingredients.com





A Subsidiary of Alto Ingredients, Inc.

March 31, 2021

Oregon Dept. of Energy
Energy Siting Division
550 Capitol St. NE
Salem, OR 97301

RE: Amendment Determination Request Information

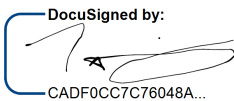
Dear Council Chair Marcia L. Grail and ODOE:

Alto Columbia received notice the department reviewed CEP's information provided for the ownership restructure/rebranding. Per the department's request for Alto Columbia, LLC to submit a signed letter and certification in which Alto Columbia, LLC:

- a) Acknowledges that, in light of the recent name change, it is now the holder of the Columbia Ethanol Project Amended Site Certificate and certifies that it agrees to the terms and conditions and
- b) Verifies that Alto Ingredients, Inc. is its parent company and that references in the Amended Site Certificate to Pacific Ethanol, Inc. should now be considered as references to Alto Ingredients, Inc.

Please consider the signature below as certification for the above statements. Alto Columbia, LLC requests issuance of a determination confirming that a site certificate amendment is not required.

Very truly yours,

DocuSigned by:

CADF0CC7C76048A...

Patrick McKenzie
VP Business Development & Engineering

PO BOX 10
PEKIN, IL 61555
916.403.2123
www.altoingredients.com



Formerly  Pacific Ethanol, Inc.

January 28, 2021

Dear Oregon Department of Energy,

We are pleased to announce we have changed our corporate name from Pacific Ethanol, Inc. to **Alto Ingredients, Inc.**, effective January 12, 2021. As announced in October of last year, we undertook a corporate rebranding to best reflect our enhanced focus on specialty alcohols and essential ingredients as we transitioned from a transportation fuels-focused business to a consumer products and ingredients-focused business. Our new corporate name and brand, Alto Ingredients, represents our many high-quality products, which our customers incorporate into a range of vital finished goods that touch people's everyday lives, from cleaning solutions to pharmaceuticals to renewable fuels.

Please note that there has been no change in management or in the range of products and services we offer. We plan to amend the names of a number of our operating subsidiaries in the future, and we will send you a separate communication if you are impacted. But at the present time, there have been no changes to EINs, account numbers, addresses or other similar items for the corporate parent or any of the operating subsidiaries of Alto Ingredients.

As we move forward under our new Alto Ingredients brand, we remain committed to our goal of delivering the highest levels of integrity, purity, and quality, and look forward to continuing our relationship with you. Please visit www.altoingredients.com.

Best regards,
Alto Ingredients, Inc.

Afton S. Baker
Director-Environmental,
Health, Safety & Security



Formerly  Pacific Ethanol, Inc.

January 22, 2021

To our customers and business partners:

We would like to notify you that we have changed the names of our subsidiaries, along with the change in our corporate name to **Alto Ingredients, Inc.** Except as noted below, the following name changes are effective immediately:

<u>New name</u>	<u>Former name</u>
Alto ICP, LLC	Illinois Corn Processing, LLC**
Alto Pekin, LLC	Pacific Ethanol Pekin, LLC
Alto Canton, LLC	Pacific Ethanol Canton, LLC
Alto Columbia, LLC	Pacific Ethanol Columbia, LLC
Alto Magic Valley, LLC	Pacific Ethanol Magic Valley, LLC
Alto Nutrients, LLC	Pacific Ag Products, LLC
Alto Central, LLC	Pacific Ethanol Central, LLC
Alto West, LLC	Pacific Ethanol West, LLC
Alto Op Co.	PE Op Co.

****Note**, the change in name to Alto ICP, LLC will be effective on March 1, 2021.

The name of our ethanol marketing company, Kinergy Marketing LLC, as well as Pacific Ethanol Madera LLC and Pacific Ethanol Stockton LLC remain unchanged.

Please note that there has been no change in management nor in the range of products and services we offer. Importantly, there have been no changes to EINs, DUNS Numbers, and account numbers, for either the corporate parent, Alto Ingredients, Inc., or any of its operating subsidiaries. Additionally, our payment remit address and banking information, including bank routing number and bank account information, remains unchanged. We encourage vendors to submit invoices via email to our updated email address accountspayable@altoingredients.com.

Attached for your convenience is a complete listing of the Alto Ingredients companies, referencing EINs, DUNS, along with mailing addresses and physical locations.

Best regards,
Alto Ingredients, Inc.



New Name	Former Name	EIN #s	DUNS #s
Alto Ingredients, Inc.	Pacific Ethanol, Inc.	41-2170618	13-088-4695
Kinergy Marketing LLC	<i>Unchanged</i>	93-1302446	17-729-1726
Alto Nutrients, LLC	Pacific Ag Products, LLC	20-0036558	61-851-4413
Alto ICP, LLC **	Illinois Corn Processing, LLC	27-1067590	96-166-6257
Alto Pekin, LLC	Pacific Ethanol Pekin, LLC	47-4511689	92-992-2839
Alto Columbia, LLC	Pacific Ethanol Columbia, LLC	20-4589392	80-054-6694
Alto Magic Valley, LLC	Pacific Ethanol Magic Valley, LLC	87-0787391	01-577-4528
Alto Central, LLC	Pacific Ethanol Central, LLC	47-4490181	07-997-5364
Alto West, LLC	Pacific Ethanol West, LLC	20-2826981	83-067-4771
Alto Op Co.	PE OP Co.	46-5198303	N/A
Alto Canton, LLC	Pacific Ethanol Canton, LLC	27-3127915	N/A
Pacific Ethanol Stockton LLC	<i>Unchanged</i>	20-3168349	01-040-7444
Pacific Ethanol Madera LLC	<i>Unchanged</i>	27-0123339	83-067-4458

**** Change to Alto ICP, LLC effective March 1, 2021**

Mail should be directed to P.O Box 10, Pekin, Illinois 61555-0010, except checks and remittances, which should continue to be sent to the operations center at 400 Capitol Mall, Suite 2060, Sacramento, CA 95814.

The physical locations of our facilities are:

Company	Physical Address
Alto Ingredients, Inc.	1300 S. Second St., Pekin, IL 61554
Kinergy Marketing LLC	1300 S. Second St., Pekin, IL 61554
Alto Nutrients, LLC	1300 S. Second St., Pekin, IL 61554
Alto ICP, LLC	1301 S. Front St., Pekin, IL 61554
Alto Pekin, LLC	1300 S. Second St., Pekin, IL 61554
Alto Columbia, LLC	71335 Rail Loop, Boardman, OR 97818
Alto Magic Valley, LLC	2600 Washington Ave., Burley, ID 83318
Alto Central, LLC	1300 S. Second St., Pekin, IL 61554
Alto West, LLC	1300 S. Second St., Pekin, IL 61554
Alto Op Co.	1300 S. Second St., Pekin, IL 61554
Alto Canton, LLC	23029 E. County HWY 6, Canton, IL 61520
Pacific Ethanol Stockton LLC	3028 Navy Drive, Stockton, CA 95206
Pacific Ethanol Madera LLC	31470 Avenue 12, Madera, CA 93638



Oregon

Kate Brown, Governor



550 Capitol St. NE
Salem, OR 97301-3737
Phone: (503) 378-4040
Toll Free: 1-800-221-8035
FAX: (503) 373-7806
www.Oregon.gov/ENERGY

June 18, 2021

Afton S. Baker
Alto Ingredients, Inc.
PO Box 10, Pekin, IL 61555

Sent via email: abaker@altoingredients.com

RE: Amendment Determination Request (OAR 345-027-0357) from Pacific Ethanol Columbia, LLC for Columbia Ethanol Project re: Certificate Holder and Parent Company Name Change/Rebranding

Dear Mr. Baker,

On January 28, 2021, the Oregon Department of Energy (ODOE or the Department) received an Amendment Determination Request (ADR) submitted pursuant to OAR 345-027-0357 from Pacific Ethanol Columbia, LLC (certificate holder) for Columbia Ethanol Project (facility) requesting a determination of whether a change in the name of the certificate holder and certificate holder owner (parent company) would require a site certificate amendment.

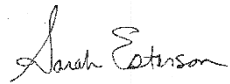
Under OAR 345-027-0357, a certificate holder may submit an ADR in writing to the Department for a determination regarding whether a proposed change requires a site certificate amendment. The rule requires that the ADR include a description of the proposed change, an explanation as to why the certificate holder has concluded that an amendment is not required, and the certificate holder's evaluation demonstrating that the proposed change would comply with the applicable Council standards and would not require an amendment as per OAR 345-027-0350.

The Department reviewed the certificate holder's evaluation and on March 24, 2021 requested additional information. On April 1, 2021, the certificate holder provided the requested information to the satisfaction of the Department. As presented in Attachment 1, the Department determined that the evaluation and requested information: 1) includes all information required by OAR 345-027-0357(4) and 2) the certificate holder/certificate holder owner name changes do not require a site certificate amendment, for the reasons in staff's analysis provided below.

Additionally, OAR 345-027-0057(6) allows that at the request of an Energy Facility Siting Council (EFSC or Council) member, the Department's determination must be referred to the Council for concurrence, modification, or rejection. In compliance with this rule, the Department will provide its determination to EFSC, informing Council of their rights under the rule. Should a Council member request to review the determination, the determination would likely go before EFSC at an upcoming Council meeting.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Sarah Esterson, Senior Policy Advisor
Oregon Department of Energy
E: sarah.esterson@oregon.gov
P: (503) 385-6128

Attachment: Staff Evaluation and Determination

cc (via e-mail distribution)

Todd Cornett, Assistant Director of Siting, Oregon Department of Energy
Duane Kilsdonk, Compliance Officer, Oregon Department of Energy
Patrick Rowe, Senior Assistant Attorney General, Oregon Department of Justice

Attachment 1: Staff Evaluation and Determination

Background and Description of Proposed Change

In 2007, EFSC issued a site certificate for the Columbia Ethanol Project (CEP). The site certificate authorizes construction and operation of CEP, which is capable of producing 44 million gallons of ethanol per year (MMgy). The facility is located on a 25-acre parcel in the Boardman Industrial Park, Port of Morrow, Morrow County. EFSC issued the site certificate to Pacific Ethanol Columbia, LLC (PEC). In 2017, EFSC issued an Amended Site Certificate, approving construction and operation of certain modifications to the facility's ethanol production process. The Amended Site Certificate again identifies PEC as certificate holder.

In late January 2021, certificate holder informed ODOE that it "has undergone a rebranding of the company to align with new products and direction of an ingredient supplier. Pacific Ethanol Inc. has changed the name of the parent company to Alto Ingredients, Inc."¹ The letter further states that the certificate holder name of PEC also changed to Alto Columbia, LLC (Alto).

Scope of Review

OAR 345-027-0357(2) and -0350(1) contain the criteria used to determine whether the identified name changes require a site certificate amendment. The rules state:

OAR 345-027-0357(2) For a proposed change that would not add area to the site boundary, the certificate holder may submit an amendment determination request to the Department for a written determination of whether:

(a) The proposed change requires an amendment under OAR 345-027-0350

OAR 345-027-0350 Except for changes allowed under OAR 345-027-0353, an amendment to a site certificate is required to:

(1) Transfer ownership of the facility or the certificate holder as described in OAR 345-027-0400

OAR 345-027-0400 states:

(1) For the purpose of this rule:

(a) A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder.

(b) "New owner" means the person or entity that will gain ownership, possession or control of the facility or the certificate holder.

If the ADR affirms that a transfer of ownership of the facility or certificate holder occurred, then a site certificate amendment is required. If the ADR assessment affirms that a transfer has not occurred, the proposed name changes can be accepted without an amendment of the site certificate.

¹ January 28, 2021 email from Afton Baker to Duane Kilsdonk.

Evaluation

PEC is the certificate holder. PEC was a subsidiary of Pacific Ethanol, Inc. (PEI)². PEI leases the property from the Port of Morrow to operate the ethanol production facility³. Thus, because PEC is the certificate holder, it has the rights and responsibilities under the site certificate to control the facility and because PEI leases the property it has the right to possession of the facility. PEC is considered the owner of the facility and PEI is the certificate holder owner.⁴

According to the certificate holder, the change of company names “is a rebranding effort and not associated with any type of sale or transfer of ownership to any other party.”⁵ The Department also received written verification authorized from Patrick McKenzie, VP Business Development & Engineering of Alto acknowledging that, in light of the recent name change, it is now the holder of the Columbia Ethanol Project Amended Site Certificate and certifies that it agrees to the terms and conditions; and, that Alto Ingredients, Inc. is its parent company and that references in the Amended Site Certificate to PEI should now be considered as references to Alto Ingredients, Inc. Therefore, OAR 345-027-0400 would not be triggered because there is no change in the ownership of the facility or of the certificate holder; there is not a new owner or entity that is “gaining” ownership (i.e., taking ownership from another).

Determination

OAR 345-027-0400 requires a site certificate transfer if there has been *a change in the ownership, possession or control* of the facility or the certificate holder. According to the certificate holder, there has been no change in *ownership*, just a change in the names of the certificate holder and its parent. Based on the written verification received on March 31, 2021, as referenced above, a site certificate amendment to transfer certificate holder or certificate holder ownership under OAR 345-027-0400 would not be required.

Compliance with applicable EFSC Standards, state and local laws, rules, and ordinances will not be affected by the proposed name changes. ODOE will document the change in an order associated with the next site certificate amendment.

² Final Order on Request for Amendment 1, Findings of Fact, p. 14. See also the January 28, 2021 email from Afton Baker to Duane Kilsdonk and the January 22 letter attached thereto, listing the old and new names of PEI’s subsidiaries.

³ *Id.*, see Retirement Agreement attached to the Final Order.

⁴ In one spot, the Final Order states that “Pacific Ethanol Columbia, Inc.” is the parent company of PEC. I suspect that was an error and should have stated “Pacific Ethanol, Inc.” is the parent company. See Final Order on Request for Amendment 1, p. 1.

⁵ January 28, 2021 email from Afton Baker to Duane Kilsdonk.