

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



November 1, 2011

DOCKET**09-AFC-5C**DATE Nov. 01 2011RECD. Nov. 01 2011

Matt Stucky, PE
Abengoa Solar Inc.
235 Pine Street, Suite 1800
San Francisco, CA 94104

**SUBJECT: ABENGOA MOJAVE SOLAR POWER PROJECT (09-AFC-5C)
COMPLIANCE CONDITION OF CERTIFICATION GEN-4**

Dear Mr. Stucky:

This letter is to inform you that the California Energy Commission (Energy Commission) is in receipt of information that the Abengoa Mojave Solar Power Project (AMS) is currently out of compliance with Condition of Certification **GEN-4**, in the Facility Design section of the Energy Commission Decision.

BACKGROUND

Pursuant to Public Resources Code (PRC), Section 25532, the Energy Commission shall assure that any facility certified under this division is operating in compliance with conditions adopted or established by the Energy Commission or specified in the written decision on the application. In addition, California Code of Regulations, Title 20, Section 1770 states that the Energy Commission shall provide adequate monitoring of all conditions and measures set forth in the final decision required to mitigate potential impacts and to assure that the facility is operated in compliance with all applicable laws.

CONDITION OF CERTIFICATION COMPLIANCE

The AMS project was approved by the Energy Commission in September 2010. Condition of Certification **GEN-4** states "prior to the start of rough grading, the project owner shall assign a California-registered architect, or a structural or civil engineer, as the resident engineer (RE) in charge of the project. The RE (or his delegate) must be located at the project site, or be available at the project site within a reasonable period of time, during any hours in which construction takes place".

Ron Klinkebiel (the Abengoa RE) was in Spain during the week of September 26, 2011. At a morning project meeting on September 27, 2011 during a discussion concerning grading issues, Steve Hermsmeyer, the on-site Chief Building Official (CBO) for Abengoa, asked that the RE be contacted to review the issue. He was informed by Leonardo Bruno (Abener-Teyma Site Manager) that Mr. Klinkebiel was not available due to his travel to Spain. Additionally, there was no delegate RE present on site because one had not been identified prior to the RE's absence.

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To attain compliance with the Condition of Certification **GEN-4**, AMS must ensure that the RE (or his delegate) is located at the project site, or be available at the project site within a reasonable period of time, during any hours in which construction takes place.

The Energy Commission staff will continue to work closely with Mojave Solar, LLC to ensure conformance with all conditions of certification. However, Mojave Solar, LLC should understand that the violation may result in formal Energy Commission actions including the assessment of penalties in accordance with the provisions of PRC Section 25534. Should staff file a complaint, you will be notified pursuant to the provisions of Section 1232, Title 20, California Code of Regulations (20 CCR) and have an opportunity to respond pursuant to the provisions of Sections 1233 and/or 1237, 20 CCR.

If you have any questions, please call me at (916) 651-0587 or e-mail me at cmarxen@energy.state.ca.us.

Sincerely,

CHRISTOPHER J. MARXEN
Compliance Office Manager
Siting, Transmission, and
Environmental Protection Division

cc: Docket Unit, California Energy Commission