

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO CA 95814 5512

September 27, 1999

Gerardo Rios
Air Border Coordinator
US EPA
75 Hawthorne Street
San Francisco, CA 94105

DOCKET 99-AFC-5
DATE SEP 27 1999
REC'D SEP 28 1999

Dear Mr Rios,

The California Energy Commission is currently reviewing an Application for Certification (AFC) for the Otay Mesa Generating Project. Enclosed, please find a Project Summary. As part of our environmental analysis, our staff will conduct an environmental justice analysis of the project using the EPA Guidelines, published April 1998. We have the following questions:

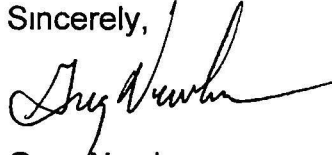
1. Should a screening analysis of the potentially affected population stop at the U S /Mexico border, or should the screening analysis include the demographics of Tijuana?
2. If the screening analysis of a potentially affected population on the U S side of the border indicates that there is no affected minority and low-income population, what, if anything, would the Energy Commission be legally required to do to address any environmental justice issues in Mexico?
3. What international treaties (such as NAFTA) are relevant for the Energy Commission to include in an environmental justice or any other environmental impact analysis on the U S /Mexico border?

When conducting an environmental justice analysis, Energy Commission staff have relied on the U S EPA's Guidance For Incorporating Environmental Justice Concerns In EPA's NEPA Compliance Analysis. Because the Otay Mesa project is 1.5 miles from the US/Mexico border, staff is concerned that the environmental justice analysis be thorough, legally defensible, and adequate to address any environmental justice issues that may arise because of the construction and operation of the project.

Gerardo Rios
September 27, 1999
Page 2

Thank you for your consideration and response to the above issues. If you have any questions, please contact Eileen Allen at (916) 654-4082, or Amanda Stennick at (916) 654-3859.

Sincerely,



Greg Newhouse
Office Manager,
Energy Facilities Siting &
Environmental Protection Division

Enclosure
Running Grass, EPA
CC Kristen Aliotti
Director of California/Mexico Affairs
California Trade and Commerce Agency