

The proposed rulemaking involves technical standards. EPA proposes to use several voluntary consensus standards (VCS) methods for enumerating *E. coli* in surface waters. These methods are listed in section IV.K.2, Table IV-37, and were developed or adopted by the following organizations: American Public Health Association in Standard Methods for the Examination of Water and Wastewater, 20th, 19th, and 18th Editions, the American Society of Testing Materials in Annual Book of ASTM Standards—Water and Environmental Technology, and the Association of Analytical Chemists in Official Methods of Analysis of AOAC International, 16th Edition. These methods are available in the docket for today's proposal. EPA has concluded that these methods have the necessary sensitivity and specificity to meet the data quality objectives of the LT2ESWTR.

The Agency conducted a search to identify potentially applicable voluntary consensus standards for analysis of *Cryptosporidium*. However, we identified no such standards. Therefore, EPA proposes to use the following methods for *Cryptosporidium* analysis: Method 1622: "*Cryptosporidium* in Water by Filtration/IMS/FA" (EPA-821-R-01-026, April 2001) (USEPA 2001e) and Method 1623: "*Cryptosporidium* and *Giardia* in Water by Filtration/IMS/FA" (EPA 821-R-01-025, April 2001) (USEPA 2001f).

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify additional potentially applicable voluntary consensus standards, and to explain why such standards should be used in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations or Low-Income Populations

Executive Order 12898 establishes a Federal policy for incorporating environmental justice into Federal agency missions by directing agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The Agency has considered environmental justice related issues concerning the potential impacts of this action and consulted with minority and low-income stakeholders.

Two aspects of the LT2ESWTR comply with the order that requires the Agency to consider environmental justice issues in the rulemaking and to

consult with stakeholders representing a variety of economic and ethnic backgrounds. These are: (1) The overall nature of the rule, and (2) the convening of a stakeholder meeting specifically to address environmental justice issues.

The Agency built on the efforts conducted during the development of the IESWTR to comply with Executive Order 12898. On March 12, 1998, the Agency held a stakeholder meeting to address various components of pending drinking water regulations and how they might impact sensitive subpopulations, minority populations, and low-income populations. This meeting was a continuation of stakeholder meetings that started in 1995 to obtain input on the Agency's Drinking Water Programs. Topics discussed included treatment techniques, costs and benefits, data quality, health effects, and the regulatory process. Participants were national, State, Tribal, municipal, and individual stakeholders. EPA conducted the meeting by video conference call between eleven cities. The major objectives for the March 12, 1998, meeting were the following:

- Solicit ideas from stakeholders on known issues concerning current drinking water regulatory efforts;
- Identify key areas of concern to stakeholders; and
- Receive suggestions from stakeholders concerning ways to increase representation of communities in OGWDW regulatory efforts.

In addition, EPA developed a plain-English guide for this meeting to assist stakeholders in understanding the multiple and sometimes complex issues surrounding drinking water regulations.

The LT2ESWTR and other drinking water regulations promulgated or under development are expected to have a positive effect on human health regardless of the social or economic status of a specific population. The LT2ESWTR serves to provide a similar level of drinking water protection to all groups. Where water systems have high *Cryptosporidium* levels, they must treat their water to achieve a specified level of protection. Further, to the extent that levels of *Cryptosporidium* in drinking water might be disproportionately high among minority or low-income populations (which is unknown), the LT2ESWTR will work to remove those differences. Thus, the LT2ESWTR meets the intent of Federal policy requiring incorporation of environmental justice into Federal agency missions.

The LT2ESWTR applies uniformly to CWSs, NTNCWSs, and TNCWSs that use surface water or GWUDI as their

source. Consequently, this rule provides health protection from pathogen exposure equally to all income and minority groups served by surface water and GWUDI systems.

K. Consultations with the Science Advisory Board, National Drinking Water Advisory Council, and the Secretary of Health and Human Services

In accordance with sections 1412 (d) and (e) of SDWA, the Agency has consulted with the Science Advisory Board (SAB), the National Drinking Water Advisory Council (NDWAC), and will consult with the Secretary of Health and Human Services regarding the proposed LT2ESWTR during the public comment period. EPA charged the SAB panel with reviewing the following aspects of the LT2ESWTR proposal:

- The analysis of *Cryptosporidium* occurrence, as described in Occurrence and Exposure Assessment for the LT2ESWTR (USEPA 2003b);
- The pre- and post-LT2ESWTR *Cryptosporidium* risk assessment, as described in Economic Analysis for the LT2ESWTR (USEPA 2003a); and
- The treatment credits for the following four microbial toolbox components: raw water off-stream storage, pre-sedimentation, lime softening, and lower finished water turbidity (described in section IV.C of this preamble).

EPA met with the SAB to discuss the LT2ESWTR on June 13, 2001 (Washington, DC), September 25–26, 2001 (teleconference), and December 10–12, 2001 (Los Angeles, CA). Written comments from the December 2001 meeting of the SAB addressing the occurrence analysis and risk assessment were generally supportive. EPA has responded to the SAB's recommendations for *Cryptosporidium* occurrence analysis in the current draft of Occurrence and Exposure Assessment for the LT2ESWTR (USEPA 2003b), and EPA has addressed the SAB's comments on risk assessment in the current draft of Economic Analysis for the LT2ESWTR (USEPA 2003a). Comments from the SAB on the microbial toolbox components and the Agency's responses to those comments are described in section IV.C of this preamble.

EPA met with the NDWAC on November 8, 2001, in Washington, DC, to discuss the LT2ESWTR proposal. EPA specifically requested comments from the NDWAC on the regulatory approach taken in the proposed microbial toolbox (e.g., proposal of specific design and implementation criteria for treatment credits). The Council was generally supportive of EPA establishing criteria for awarding