

incremental power demand by water utilities.

Both energy use and water use peak in the summer months, so the most significant effects on supply would be seen then. In the summer of 2001, U.S. generation capacity exceeded consumption by 15 percent, or approximately 120,000 mW (USDOE EIA 2002). Assuming around-the-clock operation of water treatment plants, the total energy requirement can be divided by 8,760 hours per year to obtain an average power demand of 8.3 mW. A more detailed derivation of this value is shown in Chapter 8 of the *Economic Analysis for the Stage 2 DBPR* (USEPA 2003i). Assuming that power demand is proportional to water flow through the plant and that peak flow can be as high as twice the average daily flow during the summer months, about 16.6 mW could be needed for treatment technologies installed to comply with the Stage 2 DBPR. This is only 0.014 percent of the capacity margin available at peak use.

Although EPA recognizes that not all areas have a 15 percent capacity margin and that this margin varies across regions and through time, this analysis reflects the effect of the rule on national energy supply, distribution, and use. While certain areas, notably California, have experienced shortfalls in generating capacity in the recent past, a peak incremental power requirement of 16.6 mW nationwide is not likely to significantly change the energy supply, distribution, or use in any given area. Considering this analysis, EPA has concluded that Stage 2 DBPR will not have any significant effect on the use of energy, based on annual average use and on conditions of peak power demand.

#### *I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995, Pub. L. No. 104-113, 12(d) (15 U.S.C. 272 *note*) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking involves technical standards. EPA proposes to

use American Society for Testing and Materials (ASTM) Method D 6581-00 for chlorite, bromide, and bromate compliance monitoring, which can be found in the Annual Book of ASTM Standards Volume 11.01. In the Stage 1 DBPR, EPA approved 13 methods from the Standard Methods Committee for measuring disinfectants, DBPs, and other parameters. Today's rule proposes to add the most recent versions of these 13 methods as approved methods. These consist of Standard Methods 4500-Cl D, 4500-Cl F, 4500-Cl G, 4500-Cl E, 4500-Cl I, 4500-Cl H, 4500-ClO<sub>2</sub> D, 4500-ClO<sub>2</sub> E, 6251 B, 5310 B, 5310 C, 5310 D, and 5910 B for chlorine, chlorine dioxide, HAA5, chlorite, TOC/DOC, and UV<sub>254</sub>. These methods can be found in the 19th and 20th editions of *Standard Methods for the Examination of Water and Waste Water* (APHA 1995; APHA 1996; APHA 1998). Standard Methods 4500-Cl D, 4500-Cl F, 4500-Cl G, 4500-Cl E, 4500-Cl I, 4500-Cl H, 4500-ClO<sub>2</sub> E, 6251 B, 5310 B, 5310 C, 5310 D, and 5910 B for chlorine, chlorine dioxide, HAA5, chlorite, TOC/DOC, and UV<sub>254</sub> are also available in the On-Line Version of *Standard Methods for the Examination of Water and Waste Water* (APHA 2003).

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify 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 Stage 2 DBPR 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 Stage 1 DBPR has served as a template for the development of the Stage 2 DBPR. As such, the Agency built on the efforts conducted during the development of the Stage 1 DBPR 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 Stage 2 DBPR 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 Stage 2 DBPR serves to provide a similar level of drinking water protection to all groups. Where water systems have high DBP levels, they must reduce levels to meet the MCLs. Thus, the Stage 2 DBPR meets the intent of Federal policy requiring incorporation of environmental justice into Federal agency missions.

The Stage 2 DBPR applies uniformly to community water systems and nontransient noncommunity water systems that apply a chemical disinfectant or deliver water that has been chemically disinfected. Consequently, the health protection from DBP exposure that this rule provides is equal across all income and minority groups served by systems regulated by this rule.