



Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

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February 22, 2023

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The Honorable Brian J. Feldman

Chair, Senate Education, Energy, and the Environment Committee

2 West, Miller Senate Office Building

Annapolis, MD 21401

Re: SB 512 (Drinking Water – Legionella Pneumophila Bacterium – Minimizing Growth and Transmission)

Dear Chairman Feldman:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am writing to express concerns regarding SB 512, which would require that public water systems maintain a certain level of residual disinfectant (0.5 milligrams per liter of chlorine), sample for residual concentrations "at all points in the distribution system," and provide public notice for planned and unplanned disruptions. MAMWA is a statewide association of local governments and wastewater treatment agencies that serve approximately 95% of the State's sewered population. Many Members also operate public water systems.

CONSULTANT MEMBERS

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MAMWA is not sure that the bill will have the desired result. Public health is obviously the most important part of operating a public water system but increasing chlorine residuals leaving the water plant will likely not provide additional opportunities for public health protection. Legionella often occurs when chlorine residual is lost in privately owned buildings, like hospitals, long-term care facilities, and hotels, with poor building management and/or poor plumbing design. Water utilities have no control over the plumbing in private buildings. Respectfully, to address legionella control, we should be looking more broadly at best management practices, including building management, building and energy efficiency codes, and plumbing infrastructure upgrades.

GENERAL COUNSEL

AquaLaw PLC

SB 512 would also increase the risk of higher levels of disinfection byproducts (DBPs). Chlorine reacts with naturally present organic materials during water treatment to form DBPs, including trihalomethanes and haloacetic acids. Both are hazardous chemicals regulated under the United States Environmental Protection Agency's (EPA's) Safe Drinking Water Act. MAMWA urges the Committee to consider the potential for increased DBP formation of both regulated and unregulated chemicals throughout the distribution system if water utilities are required to increase residual chlorine levels.

MAMWA also questions requiring notifications for all customers for planned disruptions (like minor maintenance in one part of the service area, even on the sewer system). This would not only create a significant burden on public water systems, but the messages would likely

MAMWA Letter re Senate Bill 512

February 22, 2023

Page 2

be lost, as customers would have to field numerous public notices that in many cases do not even impact their neighborhood.

Lastly, regarding the requirement for sampling within four hours if there is a water distribution system disruption that may result in increased levels of legionella pneumophila bacterium in the distribution system, it seems excessive to require sampling for a disruption that is as common and normal as making an operational change at the plant (“changes to chemical treatments or disinfectants” is a part of the definition of “planned disruption” in the bill). The mandate puts a public water supplier in the unenviable position of having to either sample for legionella every time it makes this kind of change (and within four hours) or be questioned after the fact if it does not.

Please feel free to contact me with any questions at Lisa@AquaLaw.com or 804-716-9021.

Sincerely,



Lisa M. Ochsenhirt
MAMWA Deputy General Counsel

cc: Senate Education, Energy, and the Environment Committee Members, SB 512 Sponsor