



February 10, 2026

The Honorable Brian Feldman
Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Chair Feldman and Members of the Senate Education, Energy, and Environment Committee,

American Water appreciates the opportunity to provide written feedback on SB264. American Water provides drinking water and wastewater service to an estimated 14 million people in 14 states, including in Maryland, where we have served homes and businesses with clean, reliable drinking water since the early 1930s.

American Water appreciates the House's focus on the control and prevention of waterborne disease in drinking water. We look forward to working with you to enhance drinking water regulations in partnership with the Maryland Department of the Environment (MDE) and the Maryland Department of Health in this effort.

Minimum Numeric Disinfectant Residual Levels (9-430, pages 6-8)

American Water recommends revising the bill to task MDE with developing regulations related to minimum numeric disinfectant residual level requirements. This would provide MDE with the opportunity to review existing science, consult with experts, consider the risk-risk tradeoff of increasing disinfectant residuals with the associated risks of increased disinfection byproduct (DBP) formation, and have the necessary flexibility to craft an appropriate regulation.

Caution must be used when establishing a minimum numeric disinfection residual requirement. Science does not support the premise that higher disinfection residual levels necessarily equate to better control of Legionella bacteria. Additionally, higher disinfectant residual levels can result in higher DBP formation. DBPs in drinking water are regulated by MDE because at certain elevated levels they may present long-term risks for cancer and may cause reproductive issues.

The legislation and related regulations must also be clear on the applicability of the requirements. Currently, only surface water systems and ground water systems under the direct influence of surface water are required to provide disinfection treatment and maintain disinfectant residuals. As currently written, the legislation would apply to all drinking water systems regardless of source type and whether the system currently provides disinfection treatment.

As suggested in the draft legislation, not all low residual levels warrant investigation from MDE. As the state drinking water regulatory agency, MDE should be tasked with developing a methodology that drives water systems to investigate and respond to low residuals that also includes certain triggers for MDE involvement. American Water would welcome the opportunity to be included in any discussions on this matter.

The final legislation must include adequate time for water systems to understand the requirements, determine their current situation, make plans for any necessary improvements, and execute said plans (which may include design, permitting, funding, and construction).

Any final legislation must also consider the financial impact of the new requirements. Water systems are working with limited resources and already have multiple priorities, including lead service line replacement and installing treatment to meet the new limits for perfluorinated (PFAS) compounds.

Customer affordability remains a priority and key concern, so we must ensure that new requirements that come from this legislation are based on sound science and incorporate best practices. As a water

utility regulated by the Maryland Public Service Commission, new costs associated with compliance would be included in the cost of service and recoverable in the water rates charged to our customers.

Further, to the extent that any new regulations create additional costs, all water utility providers, regardless of ownership, should have equal access to any and all state and federal funding that may be available to support compliance with new requirements. Customers in all types of systems should have the opportunity to benefit from available funding.

Definition of “Disruption” and Related Customer Notification (9-429 and 9-431, pages 5-6 and 8-9)

American Water urges caution when linking disruptions in the distribution system with Legionella. Regulations must be clear on whether the types of events cited under 9-429 are intended to trigger Legionella notification under 9-431. It appears that only “any disruption in the water distribution system that could result in increased levels of Legionella bacteria” need to be reported and tracked, but the current language could be interpreted differently.

Certain disruptions, such as changing meters and flushing, are part of every water utility’s routine practices and include procedures designed to reduce risk of microbial intrusion, let alone the introduction of Legionella. Tracking of disruptions should be reserved for those with higher potential for microbial intrusion. MDE should be tasked with defining those disruptions that warrant tracking, possibly building on the recently proposed revisions to Subtitle 4 that define conditions that require notifying customers of a water outage or issuance of a boil water advisory under certain conditions. That would help ensure that public outreach is reserved for events that merit outreach and education.

Investigating Reported Cases of Legionnaires’ Disease (9-432 and 9-433, pages 9-12)

American Water appreciates the House’s efforts to investigate cases of Legionnaire’s Disease. Any sampling requirements for legionella must consider the benefits of sampling for *Legionella pneumophila*, the most common cause of Legionnaires’ disease, versus more general sampling for *Legionella* that detects all potential species. This also extends to presentation of the results to customers and providing the appropriate risk messaging based on the specific situation.

Requirements for Building Water Management Plans (9-434, pages 12-14)

American Water applauds the House’s focus on building water management plans for those locations that present a higher risk for legionella. Development and execution of building management plans is a critical step in controlling Legionella in these locations.

We believe this bill is a well-intended concept, which we support with amendments. We look forward to continued discussions on regulations focused on value-added activities to protect public health.

Sincerely,

Matthew J. Corson

Matthew J. Corson, P.E.
Senior Manager, Environmental Policy and Planning