

SENATE BILL 512

M3

3lr2857

By: **Senator Lam**

Introduced and read first time: February 3, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Drinking Water – Legionella Pneumophila Bacterium – Minimizing Growth and**
3 **Transmission**

4 FOR the purpose of requiring a certain supplier of water to maintain a certain residual
5 disinfectant level of chlorine in the water distribution system and conduct certain
6 sampling and analysis; requiring a certain supplier of water to provide certain notice
7 of certain water distribution system disruptions; requiring the Department of the
8 Environment, in consultation with certain entities, to develop a best practices guide
9 for individuals to reduce the risk of contracting disease caused by Legionella
10 pneumophila bacterium; specifying that certain penalties collected for a violation of
11 this Act shall be distributed to a special fund to be used for certain purposes; and
12 generally relating to drinking water and Legionella pneumophila bacterium.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 9–401(a), (l), and (m) and 9–413(c)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2022 Supplement)

18 BY adding to
19 Article – Environment
20 Section 9–407.1
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2022 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Environment
25 Section 9–413(d)
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

9–401.

(a) In this subtitle the following words have the meanings indicated.

(l) (1) “Public water system” means a system that:

(i) Provides to the public water for human consumption through pipes or other constructed conveyances; and

(ii) 1. Has at least 15 service connections; or

2. Regularly serves at least 25 individuals.

(2) “Public water system” includes:

(i) Any collection, treatment, storage, or distribution facility that is under the control of the operator of the system and is used primarily in connection with the system; and

(ii) Any collection or pretreatment storage facility that is not under the control of the operator of the system and is used primarily in connection with the system.

(m) “Supplier of water” means any person who owns or operates a public water system.

9–407.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “PLANNED DISRUPTION” MEANS A KNOWN, PLANNED, OR ANTICIPATED DISRUPTION TO THE WATER DISTRIBUTION SYSTEM.

(II) “PLANNED DISRUPTION” INCLUDES KNOWN, PLANNED, OR ANTICIPATED:

1. CONSTRUCTION ACTIVITIES;

2. WATER AND SEWER SYSTEM MAINTENANCE;

1 3. SOURCE WATER DISTURBANCES OR MAINTENANCE;
2
3 DISINFECTANTS;
4
5 REPLACEMENT; AND
6
7 6. CHANGES TO WATER SOURCING, PRESSURES, AND
8 FLOWS.

8 (3) (I) “UNPLANNED DISRUPTION” MEANS AN UNPLANNED
9 DISRUPTION TO THE WATER DISTRIBUTION SYSTEM.

10 (II) “UNPLANNED DISRUPTION” INCLUDES:

11 1. FLOODING;
12 2. WATER MAIN BREAKS;
13 3. SYSTEM FAILURES AND DISRUPTIONS;
14 4. EQUIPMENT FAILURES;
15 5. CHEMICAL AND DISINFECTANT TREATMENT
16 INTERRUPTIONS;
17 6. SEVERE STORMS;
18 7. EARTHQUAKES;
19 8. MAJOR FIRES; AND
20 9. UNPLANNED CHANGES TO FLOWS OR PRESSURES.

21 (B) (1) NOTWITHSTANDING § 9–407(B) OF THIS SUBTITLE, A SUPPLIER
22 OF WATER SHALL:

23 (I) MAINTAIN A DETECTABLE RESIDUAL DISINFECTANT LEVEL
24 OF AT LEAST 0.5 MILLIGRAMS PER LITER OF CHLORINE, NOT TO EXCEED THE
25 MAXIMUM RESIDUAL DISINFECTANT LEVEL SET BY THE U.S. ENVIRONMENTAL
26 PROTECTION AGENCY, IN THE WATER DISTRIBUTION SYSTEM; AND

(II) AT FREQUENT AND REGULAR INTERVALS, CONDUCT SAMPLING AND ANALYSIS OF RESIDUAL DISINFECTANT CONCENTRATIONS TO DETERMINE THE RESIDUAL DISINFECTANT LEVEL OF CHLORINE AT ALL POINTS IN THE DISTRIBUTION SYSTEM.

(2) THE DEPARTMENT MAY ADOPT REGULATIONS TO REQUIRE:

(I) ADDITIONAL DISINFECTANT OR SAMPLING REQUIREMENTS FOR PUBLIC WATER SYSTEMS IN ORDER TO MINIMIZE THE GROWTH AND TRANSMISSION OF LEGIONELLA PNEUMOPHILA BACTERIUM; AND

(II) THE MONITORING OF PUBLIC WATER SYSTEMS DURING PLANNED DISRUPTIONS AND UNPLANNED DISRUPTIONS.

(C) AS SOON AS PRACTICABLE BUT NOT LATER THAN 4 HOURS AFTER A SUPPLIER OF WATER BECAME AWARE OF A WATER DISTRIBUTION SYSTEM DISRUPTION THAT MAY RESULT IN INCREASED LEVELS OF LEGIONELLA PNEUMOPHILA BACTERIUM IN THE DISTRIBUTION SYSTEM, A SUPPLIER OF WATER SHALL CONDUCT WATER SAMPLING AND ANALYSIS FOR:

(1) LEGIONELLA PNEUMOPHILA BACTERIUM; AND

(2) RESIDUAL DISINFECTANT LEVELS OF CHLORINE.

(D) (1) AT LEAST 30 DAYS BEFORE A PLANNED DISRUPTION, A SUPPLIER OF WATER SHALL PROVIDE NOTICE OF THE PLANNED DISRUPTION TO ALL RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL CUSTOMERS AND RESIDENTS SERVED BY THE PUBLIC WATER SYSTEM AND LOCATED IN THE SERVICE AREA.

(2) AS SOON AS PRACTICABLE BUT NOT LATER THAN 4 HOURS AFTER THE TIME A SUPPLIER OF WATER BECAME AWARE OF AN UNPLANNED DISRUPTION THAT MAY RESULT IN INCREASED LEVELS OF LEGIONELLA PNEUMOPHILA BACTERIUM IN THE WATER DISTRIBUTION SYSTEM, THE SUPPLIER OF WATER SHALL PROVIDE NOTICE OF THE UNPLANNED DISRUPTION TO ALL RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL CUSTOMERS AND RESIDENTS SERVED BY THE PUBLIC WATER SYSTEM AND LOCATED IN THE SERVICE AREA.

(3) THE NOTICE REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE:

(I) SPECIFIC DETAILS THAT DESCRIBE THE UNPLANNED DISRUPTION OR THE PLANNED DISRUPTION;

1 **(II) DATE, TIME, AND LOCATION OF THE DISRUPTION;**

2 **(III) IDENTIFICATION OF HOMES, NEIGHBORHOODS, AND AREAS**
3 **OF THE COMMUNITY AT ELEVATED RISK DUE TO THE DISRUPTION, INCLUDING BY**
4 **EVALUATING WATER DISTRIBUTION FLOWS FROM THE POINT OF DISRUPTION TO**
5 **ALERT USERS LIKELY TO BE IMPACTED;**

6 **(IV) A DESCRIPTION OF ANY ACTIONS UNDERTAKEN TO**
7 **CORRECT THE EFFECTS OF THE DISRUPTION;**

8 **(V) EXPECTED TIME TO RESOLVE THE INITIAL DISRUPTION;**

9 **(VI) INFORMATION ON LEGIONELLA PNEUMOPHILA BACTERIUM**
10 **RISKS AND OTHER PATHOGEN RISKS, INCLUDING INFORMATION ON RISKS TO**
11 **INDIVIDUALS WHO ARE ELDERLY OR IMMUNOCOMPROMISED;**

12 **(VII) THE ESTIMATED LENGTH OF TIME THAT THE LEVEL OF**
13 **LEGIONELLA PNEUMOPHILA BACTERIUM MAY REMAIN ELEVATED; AND**

14 **(VIII) MEASURES CONSUMERS CAN TAKE TO REDUCE OR**
15 **ELIMINATE EXPOSURE TO LEGIONELLA PNEUMOPHILA BACTERIUM, INCLUDING:**

16 **1. FLUSHING WATER LINES DURING AND AFTER**
17 **COMPLETION OF CONSTRUCTION WORK;**

18 **2. REMOVING AND CLEANING FAUCET AERATOR**
19 **SCREENS AND SHOWERHEADS;**

20 **3. INSTALLING A WATER FILTER OR WATER TREATMENT**
21 **DEVICE TO REMOVE LEGIONELLA PNEUMOPHILA BACTERIUM; AND**

22 **4. DRAINING AND FLUSHING HOT WATER HEATERS,**
23 **INCLUDING RAISING HOT WATER TEMPERATURE TO A MINIMUM OF 130 DEGREES**
24 **FAHRENHEIT.**

25 **(E) (1) THE DEPARTMENT SHALL DEVELOP AND PUBLISH A BEST**
26 **PRACTICES GUIDE FOR INDIVIDUALS TO REDUCE THE RISK OF CONTRACTING**
27 **DISEASE CAUSED BY LEGIONELLA PNEUMOPHILA BACTERIUM.**

28 **(2) IN DEVELOPING THE BEST PRACTICES GUIDE UNDER PARAGRAPH**
29 **(1) OF THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH:**

30 **(I) THE MARYLAND DEPARTMENT OF HEALTH;**

**(II) THE CONSUMER PROTECTION DIVISION IN THE OFFICE OF
THE ATTORNEY GENERAL; AND**

**(III) RELEVANT STAKEHOLDERS, INCLUDING HEALTH CARE
PROFESSIONALS, WATER QUALITY EXPERTS, AND HEALTH ADVOCACY
ORGANIZATIONS FOCUSED ON DISEASE CAUSED BY LEGIONELLA PNEUMOPHILA
BACTERIUM.**

9–413.

(c) In an action brought in the appropriate court to enforce the order, a person who willfully violates or fails or refuses to comply with any order issued by the Secretary under this subtitle may be fined not more than \$5,000 for each day on which the violation occurs or failure to comply continues.

(d) (1) In addition to any other remedies available at law and after an opportunity for a hearing, which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this subtitle or any order, regulation, or plan adopted or issued under this subtitle.

(2) The penalty imposed on a supplier of water serving a population of more than 10,000 under this subsection shall be:

(i) Up to \$1,000 per day for each violation, but not exceeding \$25,000 total for each violation; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of the State;

3. The cost of cleanup and the cost of restoration of natural resources;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation;

7. The degree of hazard posed by the particular pollutant or pollutants involved;

8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator; and

9. Whether or not penalties were assessed or will be assessed under other provisions of this subtitle.

(3) The penalty imposed on a supplier of water serving a population of 3,301 to 10,000 under this subsection shall be:

(i) Up to \$500 per day for each violation, but not exceeding \$12,500 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

(4) The penalty imposed on a supplier of water serving a population of 501 to 3,300 under this subsection shall be:

(i) Up to \$250 per day for each violation, but not exceeding \$6,250 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

(5) The penalty imposed on a supplier of water serving a population of 500 or less under this subsection shall be:

(i) Up to \$100 per day for each violation, but not exceeding \$5,000 total for each violation; and

(ii) Assessed with consideration given to the factors set forth in paragraph (2)(ii) of this subsection.

(6) Each day a violation occurs is a separate violation under this subsection.

(7) Any penalty imposed under this subsection is payable to the State and collectible in any manner provided at law for the collection of penalties.

(8) (I) [All] EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF

1 **THIS PARAGRAPH**, penalties collected under this subtitle shall be paid into the Maryland
2 Clean Water Fund created under § 9–320 of this title.

3 (II) ANY PENALTIES COLLECTED FOR A VIOLATION UNDER §
4 **9–407.1 OF THIS SUBTITLE SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED**
5 **TO SUPPORT ONLY:**

6 1. EDUCATION ON MINIMIZING LEGIONELLA
7 PNEUMOPHILA BACTERIUM AND RELATED DISEASE FOR THE GENERAL PUBLIC,
8 WATER UTILITY OPERATORS, BUILDING AND FACILITY OWNERS, AND HEALTH CARE
9 PROFESSIONALS;

10 2. ONGOING STATEWIDE RESEARCH RELATING TO
11 LEGIONELLA PNEUMOPHILA BACTERIUM; AND

12 3. ENFORCEMENT OF § 9–407.1 OF THIS SUBTITLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2023.