



THE WATER WORKS OPERATORS' ASSOCIATION OF PENNSYLVANIA

May 5, 2021

Senate Democratic Policy Committee

RE: **Testimony on Legionella Prevention (Senate Bill No. 1285)**

Chairwoman Muth, Senator Fontana and Members of the Senate Committee,

I am Serena A. DiMagno, Senior Environmental Consultant with Spotts, Stevens and McCoy, Inc. (SSM) a multi-disciplinary engineering, surveying and environmental services company. I have over 45 years of experience in water and wastewater systems investigation, design, operations, treatment, management, regulatory negotiation, permitting and compliance. I am also the Chairman of the Pennsylvania Department of Environmental Protection (DEP) Public Water Systems Technical Advisory Assistance Center (TAC) serving my fourth, two-year term as Chairman. Today, I am representing The Water Works Operators' Association of Pennsylvania (WWOAP) as the Legislative and Regulatory Affairs Chairman.

WWOAP (www.wwoap.org) is a nonprofit group of members dedicated to increasing the knowledge and expertise of those working at all levels and in all sectors of Pennsylvania's water supply industry. We provide information regarding public water supply design, construction, treatment, and management. For nearly a century, WWOAP has existed to help strengthen and promote the water industry.

WWOAP appreciates the opportunity to provide testimony on this important proposed legislation that impacts our members, all sectors of the water supply industry in Pennsylvania and most significantly, water consumers.

WWOAP **supports** the control of Legionella in the "covered buildings" meeting the criteria outlined in Senate Bill 1285. However, WWOAP **does not support** the changes proposed to the Pennsylvania Safe Drinking Water Act (PSDWA) related to public water systems requirements. Legionella is a premise plumbing issue and as such, mitigation and control strategies should be regulated within the buildings defined under the proposed regulation. Legionella occurrence in the "covered buildings" is due to exposure to water within the buildings either in the building distribution system or other water appurtenances such as fountains, cooling towers, etc. Public water systems have no regulatory authority to control the water systems located within the covered buildings. The public water systems do not have responsibility for water quality beyond the connection to the customer's service line, including large facilities and buildings.

Particularly, WWOAP **does not support** the proposed requirement for public water systems to maintain a minimum free chlorine residual of 0.5 mg/l or a combined chlorine residual of 1.0 mg/l in all parts of the distribution system at all times.

The current minimum chlorine residual required in public water distribution systems at all times is 0.2 mg/l (free or total residual). The current disinfection residual regulation was established in the revised Disinfection Requirements Rule (DRR) published in the PA Bulletin on April 28, 2018 (most recent revisions to 25 PA Code, Chapter 109) following an extensive 2-year regulatory development process that included input from scientific and engineering experts, research by the PA Department of Environmental Protection (PA DEP) regarding chlorine residual policies in other states, as well as significant input from all sectors of the public water supply industry regarding consumer and regulatory compliance impacts anticipated with elevated chlorine residual requirements in the distribution systems. Public water systems must balance the effects of raising the minimum chlorine residual in the distribution system with maintaining acceptable levels of disinfectant by-products (DBPs) within regulatory compliance. DBPs are known carcinogenic compounds with Maximum Contaminant Levels (MCLs) mandated by the U.S. EPA and regulated by PA DEP. The higher the chlorine residual that is applied to the public water distribution system, the higher the potential for the formation of DBPs. Additionally, increased chlorine residuals in the public water supply distribution systems may result in having consumers abandon tap water for much more expensive bottled water or vended water. Also, there is currently legislation pending in Pennsylvania Senate (HB754 and HB 755) which would reduce the regulatory oversight of the bottled water industry by removing oversight from the PA DEP to the PA Department of Agriculture.

Universally raising the chlorine residual in public water supply systems is not the appropriate means to address Legionella control in the “covered buildings” specified in Senate Bill 1285. Legionella control within these “covered buildings” should occur within the premise plumbing of these buildings. Realistically, given the complexity of the plumbing systems in these “covered buildings” and in most cases the overall size of these facilities, it is not reasonable that the “elevated” chlorine residual from the public water system would carry throughout the entire “covered building” without additional water treatment being provided within the distribution system of the “covered building”. “Covered buildings” should be sampled and tested for Legionella and should develop water management plans to control water quality. Building water management plans should be developed using the ANSI/ASHRAE 188 Standard –Legionellosis: Risk Management for Building Water Systems.

Further, WWOAP **does not support** the public notification (written notice) requirements specified in Senate Bill No. 1285 which conflict with the Public Notification regulations already in force under 25 PA Code Chapter 109 including circumstances in which there is a loss of positive pressure in the public water supply distribution system. The Loss of Positive Pressure policy requires *one-hour reporting notification* to PA DEP under certain circumstances and requires that the public water systems conform to American Water Works Association Standard C-651 for repairs to water main breaks.

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WWOAP **does support** public outreach efforts to educate consumers regarding public health and prevention of Legionella. During the shut-down (either complete or partial) of buildings during the COVID-19 pandemic, many water industry associations and public water suppliers, as well as regulatory agencies such as U.S. EPA, reached out to the public through the media, their websites and or direct mailers to provide information on how to safely return the water systems within buildings to operation and prevent waterborne disease, including Legionella.

Thank you for the opportunity to provide testimony on Senate Bill 1285 to the Senate Democratic Policy Committee. WWOAP certainly supports the efforts of Senate Bill 1285 to address Legionella in “covered buildings” and encourages moving forward to require “covered buildings” to monitor for Legionella and adopt water management plans for the control of Legionella. Senate Bill 1285 should remove the requirements for public water systems which are and will continue to be addressed and regulated by PA DEP.

Very truly yours,

Serena A. DiMagno

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Legislative/Regulatory Affairs Committee Chairman
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