

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2145 Session of  
2024

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O'MARA, MARCH 25, 2024

REFERRED TO COMMITTEE ON HEALTH, MARCH 25, 2024

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania  
2 Consolidated Statutes, providing for Legionnaires' disease  
3 risk management; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 67

9 LEGIONNAIRES' DISEASE RISK MANAGEMENT

10 Sec.

11 6701. Scope of chapter.

12 6702. Definitions.

13 6703. Duties of department.

14 6704. Duties of suppliers of water.

15 6705. Public education on Legionella bacteria.

16 6706. Enforcement orders.

17 6707. Penalties.

1 § 6701. Scope of chapter.

2 This chapter relates to the testing for and mitigation of the  
3 Legionella bacteria in public water systems by the Department of  
4 Environmental Protection.

5 § 6702. Definitions.

6 The following words and phrases when used in this chapter  
7 shall have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Department." The Department of Environmental Protection of  
10 the Commonwealth.

11 "Drinking water standards." As defined in section 3 of the  
12 act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania  
13 Safe Drinking Water Act.

14 "Planned disruption." A known, planned or anticipated  
15 disruption to a public water system. The term includes a  
16 disruption due to any of the following:

17 (1) Construction activities.

18 (2) Water and sewer system maintenance.

19 (3) Source water disturbances or maintenance.

20 (4) A change to a chemical or disinfectant treatment.

21 (5) Lead pipe and water infrastructure replacement.

22 (6) A change to water sourcing, pressure or flow.

23 "Public water system." As defined in section 3 of the  
24 Pennsylvania Safe Drinking Water Act.

25 "Supplier of water." As defined in section 3 of the  
26 Pennsylvania Safe Drinking Water Act.

27 "Unplanned disruption." An unplanned disruption to a public  
28 water system. The term includes a disruption due to any of the  
29 following:

30 (1) Flooding.

- 1           (2) A water main break.
- 2           (3) A system failure and disruption.
- 3           (4) An equipment failure.
- 4           (5) An interruption to a chemical or disinfectant  
5 treatment.
- 6           (6) A severe storm.
- 7           (7) An earthquake.
- 8           (8) A major fire.
- 9           (9) An unplanned change to water sourcing, pressure or  
10 flow.

11 § 6703. Duties of department.

12 No later than 24 months from the effective date of this  
13 section, the department shall promulgate regulations specifying  
14 all of the following:

15           (1) Disinfectant or sampling requirements for a public  
16 water system to minimize the growth and transmission of  
17 Legionella bacteria.

18           (2) The monitoring of a public water system during a  
19 planned disruption or unplanned disruption.

20 § 6704. Duties of suppliers of water.

21 (a) Duties.--Notwithstanding the drinking water standards, a  
22 supplier of water shall have the following duties:

23           (1) Maintain a detectable residual disinfectant level of  
24 at least 0.5 milligrams per liter of chlorine, not to exceed  
25 the maximum residual disinfectant level set by the United  
26 States Environmental Protection Agency, in a public water  
27 system.

28           (2) At frequent and regular intervals, conduct water  
29 sampling and analysis of residual disinfectant concentrations  
30 to determine the residual disinfectant level of chlorine at

1 each point in a public water system.

2 (b) Mitigation of Legionella bacteria.--As soon as  
3 practicable, but no later than four hours after a supplier of  
4 water becomes aware of a public water system disruption that may  
5 result in increased levels of Legionella bacteria in the public  
6 water system, a supplier of water shall conduct water sampling  
7 and analysis for all of the following:

8 (1) Legionella bacteria.

9 (2) The residual disinfectant level of chlorine.

10 (c) Notice of planned disruptions.--At least 30 days before  
11 a planned disruption of a public water system, a supplier of  
12 water shall provide notice of the planned disruption to each  
13 residential, commercial or institutional customer and each  
14 resident served by the public water system and located in the  
15 service area.

16 (d) Notice of unplanned disruptions.--As soon as  
17 practicable, but no later than four hours after the time that a  
18 supplier of water becomes aware of an unplanned disruption that  
19 may result in increased levels of Legionella bacteria in the  
20 public water system, the supplier of water shall provide notice  
21 of the unplanned disruption to each residential, commercial or  
22 institutional customer and each resident served by the public  
23 water system and located in the service area.

24 (e) Contents of notice.--A supplier of water shall include  
25 all of the following information in the notice required under  
26 subsection (c) or (d):

27 (1) A specific description of the disruption.

28 (2) The date, time and location of the disruption.

29 (3) The identification of each home, neighborhood and  
30 area of the community at an elevated risk due to the

1 disruption, including by evaluating water distribution flows  
2 from the point of disruption to alert each customer or  
3 residence likely to be impacted.

4 (4) A description of each action undertaken by the  
5 supplier of water to correct the effects of the disruption.

6 (5) The expected time to resolve the initial disruption.

7 (6) Data on Legionella bacteria risks and other pathogen  
8 risks, including data on risks to individuals who are elderly  
9 or immunocompromised.

10 (7) The estimated length of time that the level of  
11 Legionella bacteria may remain elevated.

12 (8) Measures that each customer or resident can take to  
13 reduce or eliminate exposure to Legionella bacteria,  
14 including all of the following:

15 (i) Flushing water lines during and after completion  
16 of construction work.

17 (ii) Removing and cleaning faucet aerator screens  
18 and showerheads.

19 (iii) Installing a water filter or water treatment  
20 device to remove Legionella bacteria.

21 (iv) Draining and flushing hot water heaters,  
22 including raising hot water temperature to a minimum of  
23 130 degrees Fahrenheit.

24 § 6705. Public education on Legionella bacteria.

25 (a) Best practices guide.--The department shall develop and  
26 publish a best practices guide for individuals to reduce the  
27 risk of contracting disease caused by Legionella bacteria.

28 (b) Consultation.--In developing the best practices guide  
29 under subsection (a), the department shall consult with all of  
30 the following:

1           (1) The Department of Health.

2           (2) The Bureau of Consumer Protection in the Office of  
3           Attorney General.

4           (3) Relevant stakeholders, including health care  
5           professionals, water quality experts and health advocacy  
6           organizations focused on disease caused by Legionella  
7           bacteria.

8   § 6706.   Enforcement orders.

9           (a) Issuance.--The department may issue orders necessary to  
10          aid in the enforcement of this chapter. An order may be issued  
11          if the department finds that a supplier of water is in violation  
12          of this chapter or of a regulation issued under this chapter.  
13          The department may, in its order, require compliance with terms  
14          and conditions necessary to effect the purposes of this chapter.

15          (b) Effective date of order.--An order issued under this  
16          section shall take effect upon notice unless the order specifies  
17          otherwise.

18          (c) Other remedies preserved.--The authority of the  
19          department to issue an order under this section is in addition  
20          to any penalty which may be imposed or any other action taken  
21          under this chapter.

22   § 6707.   Penalties.

23          (a) Civil remedies.--The department may bring an action in a  
24          court of competent jurisdiction to restrain and abate the  
25          violation of this chapter or a regulation issued under this  
26          chapter.

27          (b) Civil penalties.--

28                  (1) In addition to a proceeding under any other remedy  
29                  available at law or in equity for a violation of a provision  
30                  of this chapter, a regulation promulgated under section 6703

1 (relating to duties of department) or an order of the  
2 department issued under section 6706 (relating to enforcement  
3 orders), the department may impose a civil penalty upon a  
4 supplier of water that willfully violates or otherwise fails  
5 to comply with a provision of this chapter, a regulation  
6 promulgated under section 6703 or an order of the department  
7 issued under section 6706. The following shall apply to civil  
8 penalties under this subsection:

9 (i) The amount of the civil penalty shall be as  
10 follows:

11 (A) For a supplier of water serving a population  
12 of more than 10,000, the department shall impose a  
13 civil penalty of no more than \$1,000 per day for each  
14 violation, not to exceed \$25,000 total for each  
15 violation.

16 (B) For a supplier of water serving a population  
17 of 3,301 to 10,000, the department shall impose a  
18 civil penalty of no more than \$500 per day for each  
19 violation, not to exceed \$12,500 total for each  
20 violation.

21 (C) For a supplier of water serving a population  
22 of 501 to 3,300, the department shall impose a civil  
23 penalty of no more than \$250 per day for each  
24 violation, not to exceed \$6,250 total for each  
25 violation.

26 (D) For a supplier of water serving a population  
27 of 500 or less, the department shall impose a civil  
28 penalty of no more than \$100 per day for each  
29 violation, not to exceed \$5,000 total for each  
30 violation.

1           (ii) Each day a violation occurs is a separate  
2 violation under this subsection.

3           (iii) A civil penalty imposed under this paragraph  
4 shall be payable to the Commonwealth and collectible in  
5 any manner provided at law for the collection of  
6 penalties.

7           (2) In determining the amount of a civil penalty imposed  
8 under paragraph (1), the department shall consider all of the  
9 following:

10           (i) The willfulness of the violation, the extent to  
11 which the existence of the violation was known to but  
12 uncorrected by the supplier of water and the extent to  
13 which the supplier of water exercised reasonable care.

14           (ii) The actual harm to the environment or human  
15 health or safety, including injury to or impairment of  
16 the use of the waters or natural resources of this  
17 Commonwealth.

18           (iii) The cost of cleanup and the cost of  
19 restoration of natural resources.

20           (iv) The nature and degree of injury to or  
21 interference with general welfare, health and property.

22           (v) The extent to which the location of the  
23 violation, including a location near the waters or  
24 natural resources of this Commonwealth or an area of  
25 human population, creates the potential for harm to the  
26 environment or human health or safety.

27           (vi) The available technology and economic  
28 reasonableness of controlling, reducing or eliminating  
29 the violation.

30           (vii) The degree of hazard posed by the particular

1 pollutant involved.

2 (viii) The extent to which the violation is part of  
3 a recurrent pattern of the same or similar type of  
4 violation committed by the supplier of water.

5 (ix) Whether or not a penalty was assessed or will  
6 be assessed under other provisions of this title.

7 (c) Notice and appeal of civil penalties.--If the department  
8 proposes to impose a civil penalty under subsection (b)(1), the  
9 department shall inform the supplier of water subject to the  
10 civil penalty of the proposed amount of the civil penalty. The  
11 supplier of water shall have a 30-day period to pay the proposed  
12 civil penalty in full or, if the supplier of water wishes to  
13 contest either the amount of the civil penalty or the fact of  
14 the violation, the supplier of water shall, within the 30-day  
15 period, file an appeal of the action with the Environmental  
16 Hearing Board. Failure of the supplier of water to appeal within  
17 the 30-day period shall result in a waiver of all legal rights  
18 to contest the violation and the amount of the civil penalty.

19 (d) Payment of civil penalties.--The State Treasurer shall  
20 deposit money collected from the civil penalties imposed under  
21 subsection (b)(1) into the Safe Drinking Water Account.

22 Notwithstanding any provision of the act of May 1, 1984  
23 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water  
24 Act, the department shall use the money deposited into the Safe  
25 Drinking Water Account under this subsection only for the  
26 following purposes:

27 (1) Education on minimizing Legionella bacteria and  
28 related diseases for the general public, suppliers of water,  
29 public water system building and facility owners and health  
30 care professionals.

1           (2) Ongoing Statewide research relating to Legionella  
2           bacteria.

3           (3) Enforcement of the provisions of section 6704  
4           (relating to duties of suppliers of water).

5           Section 2. This act shall take effect July 1, 2024, or  
6           immediately, whichever is later.