

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 466 (Caballero) – As Amended July 17, 2025

Policy Committee:	Environmental Safety and Toxic Materials	Vote:	7 - 0
	Judiciary		12 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill prohibits a public water system from being determined, held, considered, or otherwise deemed in violation of a primary drinking water standard for hexavalent chromium while implementing a compliance plan approved by the State Water Resources Control Board (State Water Board) or while State Water Board action on the compliance plan is pending.

Specifically, this bill:

- 1) Provides that, notwithstanding both item 5, below, and the compliance deadlines for achieving the primary drinking water standard for hexavalent chromium, a public water system shall not be determined, held, considered or otherwise deemed in violation of the primary drinking water standard for hexavalent chromium while implementing a State Water Board-approved compliance plan. Provides that a public water system that has submitted a compliance plan for approval shall not be determined, held, considered, or otherwise deemed in violation of the primary drinking water standard for hexavalent chromium while State Water Board action on the proposed and submitted compliance plan is pending.
- 2) Provides that this bill applies only to a public water system that meets the total chromium maximum contaminant level (MCL) enforceable standard for drinking water in California.
- 3) Provides that this bill does not affect the state's requirements for establishing drinking water standards for contaminants in drinking water, and does not apply to any contaminants other than hexavalent chromium.
- 4) Provides that this bill does not apply if a hexavalent chromium MCL compliance plan is rejected by the State Water Board.
- 5) Provides that this bill does not affect the authority of the State Water Board or the Attorney General (AG) to enforce any applicable law or regulation regarding hexavalent chromium, including a State Water Board-approved hexavalent chromium MCL compliance plan.

FISCAL EFFECT:

The State Water Board anticipates minor and absorbable costs (Safe Drinking Water Account) for staff review of hexavalent chromium compliance plans. The State Water Board notes some systems may update their compliance plans more often and seek compliance deadline extensions to receive the liability protections afforded by this bill.

Further, the State Water Board contends two of the bill's provisions may conflict with one another. Namely, as described in the summary above, the bill prohibits finding a public water agency in violation of a primary drinking water standard for hexavalent chromium, and, at the same time, declares the bill does not affect the authority of the State Water Board or the AG to enforce any applicable law or regulation regarding hexavalent chromium. The State Water Board argues this potential conflict creates ambiguity and may lead to litigation, resulting in potential costs of an unknown amount.

COMMENTS:

1) **Purpose.** According to the author:

SB 466 provides narrow legal protections for water systems that are actively working to comply with an approved or pending Chromium-6 Maximum Contaminant Level (Cr-6 MCL) Compliance Plan, recognizing the complexities and financial challenges water systems face as they implement the necessary steps to address Chromium-6 contamination. This bill is a reasonable temporary measure to protect water providers acting in good faith to comply with the Cr-6 MCL, from unnecessary litigation, allowing them to stay focused on their mission of providing safe and affordable drinking water to the communities they serve.

2) **Background.** Hexavalent chromium is a naturally occurring heavy metal with several industrial uses. It is also a carcinogen and toxic to the liver. Because the substance is both naturally occurring and frequently used in industry, hexavalent chromium is found in drinking water in some parts of the state. Accordingly, since the late 1990s, the state has attempted to regulate the level of hexavalent chromium in drinking water supplies.

In 2024, the State Water Board issued a revised MCL regulation specifying the highest concentration of hexavalent chromium permitted in drinking water systems. As with prior regulations, recognizing the equipment and infrastructure upgrades and financing needed to remove the contaminant from drinking water, the State Water Board authorized water agencies to come into compliance over time in accordance with a state-approved compliance plan. The new regulations also require any public water system seeking to come into compliance through a compliance plan to notify their customers that their drinking water is not presently meeting the MCL standard.

Among others in support, the City of Chino notes water providers do not seek relief from enforcement by the State Water Board for exceeding the hexavalent chromium MCL, but that “they do...have great concern about potential litigation following public notice of [hexavalent chromium MCL] exceedance.” The City of Chino argues this bill “does not permanently shield a water agency from any harm caused and does not affect the State Water Board’s enforcement authority,” but rather, “this legal protection would only apply for the limited period when a water provider submits a [hexavalent chromium MCL] compliance plan and remains in full compliance with the plan that is approved or waiting approval” from the State Water Board.