SENATE THIRD READING
SB 466 (Caballero)
As Amended July 17, 2025
Majority vote

## SUMMARY

Provides that a public water system is not to be deemed in violation of the primary drinking water standard for hexavalent chromium (Chrom 6) under specified conditions.

**Major Provisions**

1) Provides that a public water system is not to be determined, held, considered, or otherwise deemed to be in violation of the primary drinking water standard for Chrom 6 while implementing (or awaiting a decision on) a compliance plan approved by the State Water Resources Control Board (State Water Board).

2) Provides that this bill does not affect the state's requirements for establishing drinking water standards for contaminants in drinking water.

3) Provides that this bill only applies to hexavalent chromium (Chrom 6) and not any other contaminant.

4) Provides that this bill does not affect the authority of the State Water Board or the Attorney General to enforce any applicable law or regulation regarding Chrom 6, including a State Water Board approved Chrom 6 compliance plan.

## COMMENTS

*Federal and state regulation of contaminants in drinking water:* To regulate drinking water contaminants that pose significant health risks, the State Water Board can begin the process by requesting that the Office of Environmental Health Hazard Assessment (OEHHA) establish a public health goal (PHG) for a contaminant. PHGs are concentrations of drinking water contaminants that pose no significant health risk if consumed for a lifetime, based on current risk assessment principles, practices, and methods. OEHHA can establish PHGs for contaminants regulated under existing drinking water standards (also called maximum contaminant levels or MCLs), and for contaminants that do not yet, but may in the future, have MCLs.

PHGs are not regulatory standards. However, state law requires the State Water Board to set MCLs for contaminants as close to the corresponding PHG as is economically and technologically feasible. To establish a PHG, OEHHA scientists first compile all relevant scientific information available, which includes studies of the chemical's effects on laboratory animals and studies of humans who have been exposed to the chemical. The scientists use data from these studies to perform a health risk assessment, in which they determine the levels of the contaminant in drinking water that could be associated with various adverse health effects. When calculating a PHG, OEHHA uses all the information it has compiled to identify the level of the chemical in drinking water that would not cause significant adverse health effects in people who drink that water every day for 70 years. OEHHA must also consider any evidence of immediate and severe health effects when setting the PHG.

Once OEHHA establishes a PHG, the State Water Board determines whether an MCL (or an updated MCL) should be considered. If the State Water Board determines that an MCL should be considered, it then conducts an in-depth risk management analysis and, if appropriate, initiates

the regulatory process for adopting an MCL, enforceable under the California Safe Drinking Water Act (SDWA).

Similarly, under the federal SDWA, the United States Environmental Protection Agency (US EPA) can establish national primary drinking water regulations, which are legally enforceable standards and treatment techniques that apply to public water systems. These standards are established to protect public health by limiting the levels of contaminants in drinking water. Like most states, California has been granted "primacy" by the US EPA, which grants the State Water Board the authority to implement and enforce the federal SDWA, including national primary drinking water regulations, at the state level. For the State Water Board to maintain its primacy authority, California must have statutes, regulations, and an implementation program for public water system supervision that are no less stringent than those under the federal SDWA.

*Hexavalent Chromium (Chrom 6)*: Chrom 6 is a heavy metal that has been used in industrial applications and found naturally occurring throughout the environment. While chromium can exist in a nontoxic, trivalent form, the hexavalent form has been shown to be carcinogenic and toxic to the liver. Chrom 6 is among the chemicals known to the state to cause cancer, pursuant to California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"). Human exposure to Chrom 6 can occur through inhalation by breathing polluted air, ingestion by drinking contaminated water, or dermal contact by touching contaminated soil. Research has shown that Chrom 6 can cross the placenta barrier – passing from mother to baby. In 2023, the California Air Resources Board adopted a rule to phase out Chrom 6 at industrial facilities, noting that there was "no known safe level of exposure" to Chrom 6.

*Chrom 6 MCL*: The State Water Board's MCL for Chrom 6 is 0.010 milligrams/liter (mg/L) or 10 micrograms (µg)/L, which became effective on October 1, 2024. The State Water Board is required to set MCLs as close as feasible to the corresponding PHG, placing primary emphasis on the protection of public health, to the extent that it is technologically and economically feasible. The PHG for Chrom 6 (0.02 µg/L) was established by OEHHA in 2011.

Public water systems will be required to comply with the MCL based on the schedule below:

1) 10,000 service connections or more: October 1, 2026;
2) 1,000 to 9,999 service connections: October 1, 2027; and,
3) Less than 1,000 service connections: October 1, 2028

Compliance with the Chrom 6 MCL is assessed the same way as the MCLs of other inorganic chemicals: using "a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data." If a system exceeds the MCL before their applicable compliance date, they will not be in violation of the MCL, but they will be required to submit a Hexavalent Chromium Compliance Plan. If a system exceeds the MCL after the applicable compliance date, they will be in violation of the MCL, but do not have to submit a Hexavalent Chromium Compliance Plan.

*Compliance Plan for Chrom 6 MCL*: The Hexavalent Chromium MCL Compliance Plan is a description from any system with a source exceeding the MCL before their applicable compliance date. These plans are required to include the proposed method for compliance with the MCL, the date by which the system plans to submit the final plans and specifications for any construction, the dates by which the system plans to start and complete any construction, and the date by which the system plans to complete a treatment operations plan. Dates do not need to be included if they are not applicable (for example, if no construction is planned). While these plans can be amended as needed, the approved plans and the dates within are enforceable. The compliance plan must be submitted no later than 90 days after a system was notified of the

laboratory result that identified a Chrom 6 MCL exceedance. A compliance plan will be approved if it contains all applicable elements and is sufficient to demonstrate how the system will comply with the Chrom 6 MCL.

*This bill*: SB 466 provides that a public water system is not to be determined to be in violation of the Chrom 6 MCL as long as the public water system is implementing an approved compliance plan from the State Water Board. This bill preserves the State Water Board's and Attorney General's authority to enforce any law or regulation under the State Water Board's authority, including the Chrom 6 MCL. SB 466 could provide additional time, with State Water Board approval, for some public water systems to comply with the Chrom 6 MCL. This additional time could be helpful for smaller systems that may not have the funding to comply in the near term, but can comply with added time and under oversight of the State Water Board.

**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."

**Arguments in Support**

According to the City of Los Banos, a co-sponsor of the bill,

"Without SB 466, water districts will be in violation of the MCL before there is a sufficient opportunity to comply and must send out public notices to that effect. Water districts will still be required to notify the public of an exceedance of the Cr-6-MCL [Chrom 6], but under SB 466 this exceedance will not be deemed to be a violation of the MCL if they are in full compliance with an SWRCB [State Water Board] approved Compliance Plan.

Water providers do not seek relief from enforcement of the MCL by the State Water Board (SWRCB) for exceeding the Cr-6 MCL. The relief granted in this bill only applies to water systems that are also in compliance with the total Chromium standard for drinking water, which was in place prior to the new Cr-6 standard for drinking water, to ensure that these protections only apply to water systems with a track record of meeting Chromium drinking water standards in California."

**Arguments in Opposition**

According to California River Watch, on a prior version of the bill,

"The proposed legislation creates a preemptive and absolute blanket shield from civil liability for public water systems responsible for negligence resulting from its supplying potable drinking water contaminated with hexavalent chromium provided the system is implementing or has submitted a "compliance plan" to the state - regardless of the timeframe for actually coming into compliance. Such legislation threatens to cement into law environmentally harmful public policy."

## FISCAL COMMENTS

According to the Assembly Appropriations Committee enactment of this bill could result in minor and absorbable costs to the State Water Board.

## VOTES

**SENATE FLOOR: 37-0-3**
**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
**ABS, ABST OR NV:** Cervantes, Limón, Reyes

**ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-0**
**YES:** Connolly, Ellis, Bauer-Kahan, Castillo, Lee, McKinnor, Papan

**ASM JUDICIARY: 12-0-0**
**YES:** Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

**ASM APPROPRIATIONS: 15-0-0**
**YES:** Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Jeff Gonzalez, Solache, Ta, Tangipa

## UPDATED

VERSION: July 17, 2025

CONSULTANT: Josh Tooker / E.S. & T.M. / (916) 319-3965 FN: 0001178