Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 466
Author: Caballero (D), et al.
Amended: 8/25/25 in Assembly
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 8-0, 4/23/25
AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar, Padilla, Pérez

SENATE JUDICIARY COMMITTEE: 13-0, 4/29/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 37-0, 5/28/25
AYES: 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
NO VOTE RECORDED: Cervantes, Limón, Reyes

ASSEMBLY FLOOR: 77-0, 9/2/25 - See last page for vote

SUBJECT: Drinking water: primary standard for hexavalent chromium: exemption

SOURCE: Coachella Valley Water District, City of Los Banos

DIGEST: This bill would preclude public water systems from violation of a drinking water standard for hexavalent chromium (chromium-6) while implementing an approved compliance plan or while State Water Resources Control Board (State Water Board) action on the plan is pending.

Assembly Amendments of 8/25/25 conditionally protect public water systems from the consequences of violating a drinking water standard for chromium-6 rather than providing liability protection, if their compliance plan is awaiting approval or is approved by the State Water Board.

ANALYSIS:

Existing federal law establishes the Safe Drinking Water Act (SDWA) of 1974 (42 United States Code (USC) § 300 (f) et seq.), which:

a) Regulates the nation's public drinking water supply.
b) Requires the United States Environmental Protection Agency (U.S. EPA) to set national health-based standards for drinking water.
c) Authorizes states to apply to the U.S. EPA for primacy to implement SDWA within their jurisdictions if they can show that they will adopt standards at least as stringent as the U.S. EPA's and ensure compliance. California is a primacy state.
d) Authorizes citizens to enforce compliance with any requirement prescribed by or under SDWA.

Existing state law:

1) Establishes the California Safe Drinking Water Act of 1996, which:

a) Requires the Office of Environmental Health Hazard Assessment to perform risk assessments and adopt public health goals for contaminants in drinking water based exclusively on public health considerations (Health and Safety Code (HSC) § 116365).
b) Requires the State Water Resources Control Board (State Water Board), Division of Drinking Water (Division), formerly within the Department of Public Health (DPH) to establish, regulate and enforce primary drinking water standards (State Maximum Contaminant Levels, or MCLs) (HSC § 116275).
c) Authorizes the Division to issue citations for the failure to comply with a requirement of the California Safe Drinking Water Act or any regulation, standard, permit or order issued thereunder. That citation often contains a specific directive for required corrective action (HSC § 116271).
d) Requires the State Department of Health Services (succeeded by the California Department or DPH and then State Water Board) to adopt a primary drinking water standard for chromium-6 by January 1, 2004 (HSC § 116365.5).

e) Provides, effective on October 1, 2024, pursuant to State Water Board regulations, the maximum contaminant level (MCL) for chromium-6 of 0.010 milligram per liter (equivalent to 10 µg/L or 10 ppb). (California Code of Regulations § 64431)

2) Authorizes the State Water Board to assess a penalty of $1,000 or less per day for each day that a violation of any Safe Drinking Water law, regulation, permit, standard, citation, or order occurs, and in addition to any liability or penalty imposed under any other law (HSC § 116650).

This bill:

1) Prohibits, conditionally, a public water system from being determined, held, considered, or deemed in violation of the primary drinking water standard for chromium-6 while:

   a) Implementing a State Water Board approved compliance plan; or,
   b) Awaiting approval of a submitted compliance plan by the State Water Board.

2) Provides that these proposed provisions only apply to a public water system that meets the total chromium MCL in California for drinking water.

3) Prevents any of the proposed provisions from affecting the State Water Board's authority to establish drinking water standards for contaminants in drinking water.

4) Provides that the proposed provisions do not apply to a public water system if their compliance plan is rejected by the State Water Board.

Background

1) *The Safe Drinking Water Act*. The Safe Drinking Water Act (SDWA) was passed by Congress to protect public health by setting national standards for public drinking water. Through the SDWA, the U.S. EPA sets maximum contaminant levels (MCLs) based on the best available science to prevent adverse public health impacts and with consideration of the ability of public water systems to detect and remove contaminants with available technology. The U.S. EPA then requires public water systems to test and monitor for contamination and treat contaminated drinking water to remain below MCLs.

States may be granted primacy, meaning they are granted the authority to enforce and conduct oversight of the SDWA for water systems within their states. States may adopt more stringent drinking water quality standards than the federal standard. States also have the right, along with the federal government, to take enforcement actions against water systems that fail to meet water safety standards, which may include administrative orders, issuing penalties, or legal action.[1]

2) *The chemical of concern: Chromium-6*. Chromium is an odorless and tasteless metallic element.[2] There are two common and stable forms of chromium: trivalent chromium (chromium-3) and hexavalent chromium (chromium-6). Chromium-6 is a naturally occurring element found in rocks, soil and plants, but is also widely used in electroplating, stainless steel production, textile manufacturing, and wood preservation.[3] Chromium-6 may leach into drinking water supplies through either the erosion of natural chromium deposits or from leakage, poor storage, or inadequate industrial waste disposal practices.[4] There are three available water treatment technologies for chromium-6: ion exchange, reduction-coagulation-filtration, and reverse osmosis.[4]

   Chromium-6 is classified as a carcinogen and chronic exposure to the chemical can lead to damage of the liver and reproductive systems.[5] The National Toxicology Program found a significant increase in stomach and intestinal tumors in rats and mice that consumed chromium 6 in drinking water.[6] In other studies, scientists reported an increased risk of stomach cancer in workers exposed to chromium-6.[7] Chromium-6 became notorious to the general public through the film *Erin Brockovich*, which featured the story of lawyer and environmental activist Erin Brockovich who litigated against Pacific Gas & Electric for their pollution of chromium-6 in the 1990's.

3) *Regulating chromium-6 in California*. The national drinking water standard for chromium is only established for total chromium, which includes both chromium-3 and chromium-6, and is currently 100 parts per billion (ppb). California is the only state to adopt a more stringent standard than the national

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[1] U.S. Environmental Protection Agency. (2015). Understanding the Safe Drinking Water Act.
[2] U.S. Environmental Protection Agency. (2025). Chromium in Drinking Water.
[3] National Institute of Environmental Health Sciences (2024). Hexavalent Chromium.
[4] State Water Board (2024). FAQ: Proposed maximum contaminant level (MCL) for hexavalent chromium.
[5] Environmental Working Group. (2025). Chromium-6.
[6] Hooth, M. J. (Ed.). (2009). Technical Report on Toxicology and Carcinogenesis Studies of Sodium Dichromate Dihydrate.
[7] Welling, R., et. al. (2015). Chromium VI and stomach cancer: a meta-analysis of the current epidemiological evidence.

standard, and only for chromium-6.

Prior to a recent rulemaking, the state MCL for chromium-6 was 50 ppb. In 2014, the Department of Public Health, the administering agency of the drinking water program at the time, established an MCL of 10 ppb for chromium-6. The Sacramento Superior Court overturned this ruling in 2017 on the grounds that DPH failed to properly comply with the SDWA requirement to consider economic feasibility of water systems to meet this MCL.[6] In 2020, the State Water Board published an economic feasibility analysis for the chromium-6 MCL to meet the SDWA requirement.[8] Then on July 1, 2024, the MCL originally sought to be established in 2014, was adopted.

Comments

1) *Author's statement.* 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) *Coming into compliance*. Public water systems with 10,000 service connections or more will be required to begin compliance monitoring on July 1, 2026, two years after the adoption of this new MCL. This means that water systems will test their waters quarterly, and annually average their results to determine whether the levels of chromium-6 meet the 10 ppb MCL. Water systems with fewer service connections are provided an additional year or two to comply, depending on the number of connections. The sponsors have indicated that there are currently 129 water systems of various sizes experiencing concentrations of chromium-6 that exceed the state-mandated 10 ppb MCL.

   If the monitoring results demonstrate that the levels of chromium-6 exceed the MCL, then water systems must submit a compliance plan to the State Water Board within 90 days. Compliance plans must include statements regarding

[8] California Water Boards. (2020). White paper disucssion on: economic feasibility analysis in consideration of a hexavalent chromium MCL.

how the water system will comply with the state-mandated MCL, proposed treatment methods, proposed timelines for any construction required to implement the treatment method, and an anticipated submission date if applicable. Any amendments water systems make to their compliance plans are subject to review and approval of the State Water Board (California Code of Regulations, Title 22 § 64432). It is unclear what enforcement mechanisms would be used by the State Water Board to enforce these compliance plans.

Treating contamination is expensive as it may cost on the order of 10's to 100's of millions of dollars, and many water systems may struggle to obtain the financial ability to comply. Their financial ability is often dependent on ratepayers, whose water bills may skyrocket as the water system attempts to treat their drinking water to come under compliance. Before the Assembly amendments, this bill sought to relieve public water systems of certain and broader liability that could compound legal expenses while the water system funds compliance mechanisms. Recent amendments attempt to conditionally narrow liability as it pertains to violating a drinking water standard for chromium-6.

While it could be beneficial for public water systems, providing a protection from the consequences of violating a drinking water standard may run the risk of dragging on as water agencies implement their compliance plans. Some water agencies have indicated that it may take 4-6 years to come under compliance. Water agencies are also permitted to update their plans, and could potentially request extensions. It is unclear if there are bounds to these extensions or how the State Water Board may enforce within this framework.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, "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."

SUPPORT: (Verified 9/2/2025)

City of Los Banos (co-source)
Coachella Valley Water District (co-source)
Bighorn Desert View Water Agency
California Groundwater Coalition

California Municipal Utilities Association
Chino; City of
City of Chino
City of Kerman, CA
City of Patterson
City of Sacramento Department of Utilities
City of Vacaville, Department of Public Works
Coachella; City of
Community Water Systems Alliance
Daly City; City of
Eastern Municipal Water District
Grassland Water District
Indio Water Authority
Joshua Basin Water District
Kerman; City of
Las Virgenes - Triunfo Joint Powers Authority
Mesa Water District
Mission Springs Water District
Myoma Dunes Mutual Water Co.
Palmdale Water District
Quartz Hill Water District
San Bernardino County
San Joaquin River Club
Soquel Creek Water District
Twentynine Palms Water District
Watsonville Department of Public Works

OPPOSITION: (Verified 9/2/2025)

California River Watch

ASSEMBLY FLOOR: 77-0, 9/2/25
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio,

Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Berman, Gabriel

Prepared by: Taylor McKie / E.Q. / (916) 651-4108
9/3/25 18:38:12

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