

**Senate Bill No. 454**

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Passed the Senate September 9, 2025

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*Secretary of the Senate*

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Passed the Assembly September 8, 2025

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

**CHAPTER \_\_\_\_\_**

An act to add Chapter 4.9 (commencing with Section 116774.20) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

**LEGISLATIVE COUNSEL'S DIGEST**

**SB 454, McNerney. State Water Resources Control Board: PFAS Mitigation Program.**

Existing law designates the State Water Resources Control Board as the agency responsible for administering specific programs related to drinking water, including, among others, the California Safe Drinking Water Act and the Emerging Contaminants for Small or Disadvantaged Communities Funding Program.

This bill, which would become operative upon an appropriation by the Legislature, would enact a perfluoroalkyl and polyfluoroalkyl substances (PFAS) mitigation program. As part of that program, the bill would create the PFAS Mitigation Fund in the State Treasury and would authorize certain moneys in the fund to be expended by the state board, upon appropriation by the Legislature, for specified purposes. The bill would authorize the state board to seek out nonstate, federal, and private funds designated for PFAS remediation and treatment and deposit the funds into the PFAS Mitigation Fund. The bill would continuously appropriate these funds to the state board for specified purposes. The bill would authorize the state board to establish accounts within the PFAS Mitigation Fund. The bill would authorize the state board to expend moneys from the fund in the form of a grant, loan, or contract, or to provide assistance services to water suppliers and sewer system providers, as those terms are defined, for multiple purposes, including, among other things, to cover or reduce the costs for water suppliers associated with treating drinking water to meet the applicable state and federal maximum PFAS contaminant levels. The bill would require a water supplier or sewer system provider to include a clear and definite purpose for how the funds will be used to provide public benefits to their community related to safe drinking water, recycled water, stormwater, or treated wastewater in order to be eligible to receive

funds. The bill would require the state board to adopt guidelines to implement these provisions, as provided.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 4.9 (commencing with Section 116774.20) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

**CHAPTER 4.9. PFAS MITIGATION PROGRAM**

**Article 1. Findings and Declarations**

116774.20. (a) The Legislature finds and declares all of the following:

(1) Every Californian should enjoy the same degree of protection from environmental and health hazards. No single group of people should bear a disproportionate share of the negative environmental consequences and adverse health impacts arising from industrial, governmental, or commercial operations or policies.

(2) State law also declares that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

(3) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) continues to be used in a broad range of industrial processes and in manufacturing products because of their water and stain resistant, nonstick, surfactant, and other properties, including for making packaging, plastic food ware, cleaning products, ski waxes, menstrual products, metal products, propellants, coatings and paints, and much more, despite the growing body of evidence that these chemicals may leach into food, water supplies, and even the human body through exposures.

(4) Concentrated PFAS contamination in the environment creates cumulative health burdens resulting in communities with greater health risks, such as cancer, reproductive health and fertility effects, and immune system disorders.

(5) PFAS makes its way into community water supplies and wastewater. Water suppliers and wastewater treatment operators are not responsible for the introduction of PFAS into the

environment, yet these local agencies are responsible for treating our water and wastewater.

(6) Enhancing the long-term sustainability of drinking water systems and wastewater systems for all communities increases our communities' resilience and environmental safety.

(7) Funding for the infrastructure to treat PFAS in water supplies, including recycled water, and wastewater systems under this chapter promotes investments for communities, including disadvantaged communities, and important contributions to help those communities create a cleaner environment.

(b) It is the intent of the Legislature that true environmental justice be brought to our state by addressing PFAS contamination, including the continuing disproportionate environmental burdens in the state and on passive receivers by creating a fund to provide for the treatment of PFAS in water, wastewater, and recycled water.

(c) It is further the intent of the Legislature that the state board, in managing the fund, strive to ensure all regions of the state receive an equitable level of consideration for funding pursuant to this chapter, to the extent practicable.

## Article 2. PFAS Mitigation Fund

116774.21. For the purposes of this chapter, the following definitions apply:

(a) "Fund" means the PFAS Mitigation Fund established pursuant to Section 116774.22.

(b) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(c) "Recycled water" has the same meaning as defined in subdivision (n) of Section 13050 of the Water Code.

(d) "Sewer service provider" has the same meaning as defined in subdivision (n) of Section 13288 of the Water Code.

(e) "State board" means the State Water Resources Control Board.

(f) "Water supplier" means a local public agency or private company supplying or storing water, or a mutual water company.

116774.22. (a) The PFAS Mitigation Fund is hereby created in the State Treasury. Upon appropriation by the Legislature,

moneys deposited into the fund shall be available for the state board to expend consistent with the purposes of this chapter.

(b) The state board may seek out and deposit nonstate, federal, and private funds designated for PFAS remediation and treatment into the fund for purposes of this chapter. The state board may establish accounts within the fund. Notwithstanding Section 13340 of the Government Code, the nonstate, federal, and private funds in the fund shall be continuously appropriated without regard to fiscal years to the state board for purposes of this chapter.

116774.23. (a) The state board may expend moneys from the fund in the form of a grant, loan, or contract, or to provide technical assistance services to water suppliers and sewer system providers for one or more of the following purposes:

(1) Cover or reduce the costs for water suppliers associated with treating drinking water, including recycled water, to meet the applicable state advisory levels and applicable state and federal maximum PFAS contaminant levels.

(2) (A) Cover or reduce the costs for sewer system providers associated with treating wastewater or recycled water to reduce or remove PFAS.

(B) Upon the establishment of state or federal standards regarding treating wastewater or recycled water to reduce or remove PFAS, cover or reduce the costs for sewer system providers to meet the applicable standards.

(3) Cover or reduce the costs for water suppliers or sewer system providers associated with proper disposal of PFAS contamination after treating drinking water supplies, recycled water, stormwater, or wastewater.

(4) Any other costs an applicant claims are associated with the removal of PFAS in drinking water, recycled water, stormwater, and wastewater.

(b) Eligible expenditures made pursuant to subdivision (a) shall include, but not be limited to, all of the following:

(1) Construction of a new treatment facility or to upgrade an existing treatment facility that addresses PFAS contamination.

(2) Infrastructure related to monitoring PFAS.

(3) The costs associated with planning, design, and infrastructure for eligible projects.

(c) The state board may expend no more than 5 percent of the total moneys available in the fund for the purposes of administering the fund.

116774.24. In order to be eligible for funds pursuant to this chapter, a water supplier or sewer system provider shall include a clear and definite purpose for how the funds will be used to provide benefits to their community related to safe drinking water, recycled water, stormwater, or treated wastewater.

116774.25. (a) The state board shall adopt guidelines to implement this chapter.

(b) The development of the guidelines shall include, but not be limited to, all of the following:

(1) Specific funding criteria from each funding source.

(2) Identification of minimum and maximum grant amounts, based on percentage of the total annual moneys available.

(3) Opportunities for public comment, where the state board shall solicit stakeholder input by doing both of the following:

(A) Notify the public when draft guidelines are posted on the state board's internet website.

(B) Conduct two public workshops on the draft guidelines to receive and consider public comment prior to finalizing the guidelines.

### Article 3. General Provisions

116774.26. Actions taken to implement, interpret, or make specific this chapter are not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

116774.27. This chapter does not expand any obligation of the state to provide resources for the provisions of this chapter.

116774.28. The Legislature finds and declares that participation in an activity authorized for funding from the fund or a contribution to the fund by a federal, state, or local agency serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

Article 4. Contingent Operation

116774.29. This chapter shall become operative contingent upon an appropriation by the Legislature for its purposes.

Approved \_\_\_\_\_, 2025

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*Governor*