

Senate Bill 577

By: Senators Watson of the 11th, Anderson of the 24th, Payne of the 54th and Cowsert of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 12 and 50 of the Official Code of Georgia Annotated, relating to
2 conservation and natural resources and state government, respectively, so as to reserve to the
3 state certain PFAS claims; to provide for enforcement of such claims by the division; to
4 provide for definitions; to provide for statutory construction; to provide for the receipt and
5 administration of lawsuit and settlement proceeds by the Georgia Environmental Finance
6 Authority; to provide for reporting; to provide for a short title; to provide for legislative
7 findings and intent; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
12 resources, is amended by adding a new chapter to read as follows:

13

"CHAPTER 1814 12-18-1.15 This Act shall be known and may be cited as the 'Coordinated PFAS Remediation Act.'16 12-18-2.17 (a) The General Assembly finds that:18 (1) The natural resources and environment of this state are of vital importance to the state
19 and its citizens, and the protection and preservation of natural resources and the
20 environment, including the waters of the state, are an essential concern and responsibility
21 of the government of the state;22 (2) Public health and safety are of vital importance to the state and its citizens, and the
23 protection and preservation of public health and safety, including measures to ensure the
24 provision of safe drinking water to the public, are an essential concern and responsibility
25 of the government of the state;26 (3) Perfluoroalkyl and polyfluoroalkyl substances, commonly known as "PFAS," have
27 been widely used throughout Georgia, the United States, and the world;28 (4) PFAS persist and have been found in water, soil, air, and fish and wildlife throughout
29 Georgia, the United States, and the world;30 (5) The removal and remediation of PFAS contamination, including the removal of
31 PFAS from the waters of the state and from county and municipal drinking water
32 systems, can be costly;33 (6) Lawsuits have been filed in Georgia and throughout the United States by county,
34 municipal, and other local governments, alleging PFAS contamination of public waters,
35 lands, and facilities, including county and municipal drinking water systems and
36 waste-water treatment systems, seeking damages and other relief;

37 (7) However, this piecemeal litigation threatens to deplete the resources available to the
38 state and its political subdivisions; and

39 (8) Sound public policy requires a thoughtful, orderly, and coordinated effort to marshal,
40 conserve, and allocate resources available to the state and its political subdivisions for the
41 treatment, abatement, removal, and remediation of PFAS contamination of public waters,
42 lands, and facilities, including county and municipal drinking water systems and
43 waste-water treatment systems.

44 (b) It is the intent of the General Assembly to:

45 (1) Coordinate litigation and other efforts to marshal resources available to the state and
46 its political subdivisions for the treatment, abatement, removal, and remediation of PFAS
47 contamination of public waters, lands, and facilities; and

48 (2) Promote the conservation and coordinated allocation of resources available to the
49 state and its political subdivisions for the treatment, abatement, removal, and remediation
50 of PFAS contamination of public waters, lands, and facilities, so as to ensure that
51 resources are directed to purposes most beneficial to the citizens of the state as a whole.

52 12-18-3.

53 (a) As used in this chapter, the term:

54 (1) 'Division' means the Environmental Protection Division of the Department of Natural
55 Resources.

56 (2) 'Local government' means:

57 (A) Any county, municipality, consolidated government, or other political subdivision
58 or instrumentality of the state;

59 (B) Any agency, authority, board, commission, department, division, institution,
60 instrumentality, or office of any county, municipality, consolidated government, or
61 other political subdivision of the state;

62 (C) Any agency, authority, board, commission, department, division, institution,
63 instrumentality, office, or other organization established by intergovernmental
64 agreement among two or more counties, municipalities, consolidated governments, or
65 other political subdivisions of the state;

66 (D) Any other public or private entity vested with authority by any county,
67 municipality, consolidated government, or other political subdivision or instrumentality
68 of the state to perform services that might otherwise be performed by a local
69 government entity or political subdivision; and

70 (E) Any other public agency, authority, board, commission, department, division,
71 government, institution, instrumentality, or office created by or under the Constitution
72 of this state or any Act of the General Assembly, except:

73 (i) The state government;

74 (ii) The University System of Georgia or an institution or instrumentality of the
75 University System of Georgia; and

76 (iii) A county or independent school system.

77 (3) 'PFAS' means any perfluoroalkyl or polyfluoroalkyl substance, any substance that
78 degrades to a perfluoroalkyl or polyfluoroalkyl substance, and any precursor of a
79 perfluoroalkyl or polyfluoroalkyl substance.

80 (4) 'PFAS claim' means any claim of state government or any local government for
81 damages or any other legal or equitable remedy as a result of, arising from, or relating to
82 PFAS contamination or PFAS damage, including, but not limited to:

83 (A) Any claim to recover damages or other monetary relief for any damage to,
84 diminution in the value of, impairment of the use of, or loss of any public waters, public
85 lands, public facilities, or other property as a result of, arising from, or relating to PFAS
86 contamination or PFAS damage;

- 87 (B) Any claim for the cost or expense of treating, abating, or remediating PFAS
88 contamination of, or removing PFAS from, any public waters, public lands, or public
89 facilities, including, but not limited to, drinking water, waste water, or storm water;
- 90 (C) Any claim for the cost or expense of repairing or remediating public facilities or
91 any other property damaged, impaired, or lost as a result of PFAS contamination or
92 PFAS damage;
- 93 (D) Any claim for the cost or expense of any construction or improvement of any
94 public facilities or the purchase or lease of any property by state government or any
95 local government for the purpose of removing PFAS from any public waters, public
96 lands, or public facilities, including, but not limited to, drinking water, waste water, or
97 storm water, or otherwise remediating PFAS contamination; and
- 98 (E) Any other claim for costs, expenses, damages, or losses sustained, whether directly
99 or indirectly, by state government or any local government as a result of, arising from,
100 or relating to PFAS contamination or PFAS damage.
- 101 (5) 'PFAS contamination' means the alleged introduction of PFAS to, or presence of
102 PFAS in, any public waters, public lands, or public facilities.
- 103 (6) 'PFAS damage' means any alleged damage to, diminution in the value of, impairment
104 of, or loss of any property of state government or any local government as a result of,
105 arising from, or relating to PFAS contamination.
- 106 (7) 'Public facilities' means any buildings or other structures erected or maintained on
107 any public lands by, or for the use of, the state government or any local government.
- 108 (8) 'Public lands' means any real property owned or occupied by the state government
109 or any local government.
- 110 (9) 'Public waters' means the waters of the state, as such term is defined in Code
111 Section 12-5-172, and any other waters used by any local government for the provision
112 of drinking water to the public.

113 (10) 'State government' means the executive branch of state government and any agency,
114 authority, board, commission, department, division, institution, instrumentality, or office
115 thereof.

116 12-18-4.

117 (a) On and after July 1, 2026, and subject to subsection (c) of this Code section, all PFAS
118 claims shall be reserved to the state and shall be brought exclusively by and through the
119 division pursuant to Code Section 12-18-5.

120 (b)(1) On and after July 1, 2026, no local government may bring or maintain an action
121 asserting a PFAS claim.

122 (2) Any civil action in which any local government asserts a PFAS claim that is pending
123 on July 1, 2026, shall be abated and stayed until the division appears and files a motion
124 to substitute the division for the local government. If the division fails to file such a
125 motion within 180 days after July 1, 2026, any PFAS claim asserted by the local
126 government shall be dismissed without prejudice, and the abatement and stay shall be
127 lifted.

128 (c) Nothing in this chapter shall be construed to apply to any claim resulting from, arising
129 from, or relating to PFAS brought by a natural person or a corporation, limited liability
130 company, partnership, trust, or other entity that does not meet the definition of state
131 government or local government as set forth in Code Section 12-18-3, including, but not
132 limited to, a claim for:

133 (1) Damage to, diminution in the value of, impairment of the use and enjoyment of, or
134 the loss of private property or any private leasehold or other contractual interest in any
135 public lands or public facilities; or

136 (2) Personal injury or wrongful death.

137 12-18-5.

138 (a) The division shall be authorized to:

139 (1) Bring and maintain civil actions asserting PFAS claims on behalf of, and in the name
140 of, the state;

141 (2) Pursue execution of judgments on PFAS claims, whether by fi. fa. or otherwise; and

142 (3) Negotiate and enter into settlements of PFAS claims on behalf of, and in the name
143 of, the state.

144 (b) The division may institute any claim brought pursuant to paragraph (1) of
145 subsection (a) as:

146 (1) A class action to the extent permitted under Title 9, regardless of whether such PFAS
147 claims may concern different public waters, public lands, public facilities, or properties
148 of the state government or any local government; or

149 (2) Individual claims in different courts on behalf of different political subdivisions of
150 the state, and such claims shall not be barred or impaired by any doctrine preventing
151 claim splitting; nor shall the division be limited by any law requiring the division to assert
152 all related claims in a single action.

153 (c) The Attorney General shall provide legal services to the division in proceedings and
154 settlements under this Code section, and in connection therewith, Code Sections 45-15-13
155 through 45-15-16 shall be fully applicable.

156 (d) As provided in Code Section 45-15-4, the Attorney General may select and employ
157 private counsel to perform legal services for the division in proceedings and settlements
158 under this Code section; provided, however, that, by September 1, 2027, and annually
159 thereafter, the Attorney General shall disclose the terms and fee agreements of any such
160 employment in an annual report to the Governor, the Lieutenant Governor, the Speaker of
161 the House of Representatives, and the chairpersons of the House Committee on
162 Appropriations and the Senate Appropriations Committee.

163 (e) In connection with the litigation or settlement of any PFAS claim concerning public
164 waters, public lands, public facilities, or other property of a local government:

165 (1) The division shall consult with the local government;

166 (2) The local government shall cooperate with the division; and

167 (3) In litigation, the local government shall be subject to discovery under Article 5 of
168 Chapter 11 of Title 9 as if it were a party.

169 (f) The proceeds of any judgment or settlement under this Code section shall be paid to the
170 Georgia Environmental Finance Authority for administration in accordance with Code
171 Section 50-23-5.

172 12-18-6.

173 Nothing in this chapter shall be construed to:

174 (1) Impair the obligation of any contract made prior to July 1, 2026; or

175 (2) Injuriously affect the vested rights of any citizen that were vested prior to
176 July 1, 2026."

177 **SECTION 2.**

178 Title 50 of the Official Code of Georgia, relating to state government, is amended in
179 Chapter 23, relating to Georgia Environmental Finance Authority, by adding new paragraphs
180 to subsection (b) of Code Section 50-23-5, relating to purpose, powers, and duties, to read
181 as follows:

182 "(31.3) To receive funds in a segregated account from the proceeds of lawsuits
183 contemplated by Code Section 12-18-5 and disburse such funds to the Attorney General
184 as may be appropriate to pursue lawsuits and pay expenses brought or incurred pursuant
185 to Code Section 12-18-5, with any remaining proceeds to be deposited into a separate
186 revolving fund or a drinking water revolving fund for use to promote the purposes of
187 Chapter 18 of Title 12, the 'Coordinated PFAS Remediation Act.'

188 (31.4) To submit by September 1, 2027, and annually thereafter, to the Governor, the
189 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons
190 of the House Committee on Appropriations and the Senate Appropriations Committee a
191 report detailing all proceeds received from a judgment or settlement and any
192 disbursements of such funds, including the purposes of the disbursements, pursuant to
193 paragraph (31.3) of this subsection;"

194

SECTION 3.

195 All laws and parts of laws in conflict with this Act are repealed.