

County of Monterey



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September 20, 2023

The Honorable Gavin Newsom
Governor, State of California
1020 N Street, Suite 9000
Sacramento, Ca 95814

Re: SB 753 (Caballero) Cannabis: water resources. – REQUEST FOR SIGNATURE

Dear Governor Newsom:

The County of Monterey is pleased to Senate Bill (SB) 753 by Senator Anna Caballero and requests your signature on this measure. SB 753 clarifies existing state law to explicitly penalize illegal cannabis growers who pollute groundwater with caustic, illegal chemicals who illegally “take” water. This measure amends Section 11358 of the Health and Safety Code to include groundwater as a public resource, and establishes that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may also be punished by imprisonment.

Despite the existence of a legal cannabis industry in the state following the approval of Proposition 64 by the voters in 2016, the illicit cannabis industry persists. One element of the illicit market involves illegal cannabis farms which are often located in rural parts of the state and have been identified as the most common culprit of water theft. Water is reportedly being unlawfully taken or diverted from rivers, streams, municipal water storage facilities, fire hydrants, farms, homes, and private wells.

In 2020 alone, as much as 36 million liters of water was used for illicit cannabis grows. Illegal grow sites have been found to divert water from sensitive wetlands and rivers, harming sensitive ecosystems. The extensive use of pesticides, nitrates, and rodenticides pollute groundwater supplies and rivers, making the water unfit for drinking and causing harm to wildlife. Because some sites go undetected for years, the potential environmental damage could last generations.

SB 753 addresses the impact of illicit cannabis farms in two ways. First, by clarifying that groundwater is a public resource, and second, by establishing that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may be punished as a misdemeanor or imprisonment as a felony.

Providing deterrents to water theft and groundwater pollution appropriately recognizes the danger these illegal grows pose long-term to humans, our environment, and wildlife. It is for these reasons that the County of Monterey supports SB 753 and requests your signature on this important measure. Should you

have any questions, please feel free to contact the County of Monterey's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luis A. Alejo". The signature is fluid and cursive, with the first name "Luis" being the most prominent.

LUIS A. ALEJO

Chair, Board of Supervisors

cc: The Honorable Senator Anna Caballero, Author
Christine Aurre, Deputy Legislative Secretary, Office of Governor Gavin Newsom
The Honorable John Laird, 17th Senate District
The Honorable Robert Rivas, 29th Assembly District
The Honorable Dawn Addis, 30th Assembly District
California State Association of Counties
Rural Counties Representatives of California