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April 17, 2026

Clerks' Office
California Air Resources Board
1001 I Street
Sacramento, California 95814

RE: SWANA LTF Comments on 15-day Proposed Landfill Methane Regulation Modifications

To Whom it May Concern,

On behalf of the Solid Waste Association of North America's (SWANA) California Chapters Legislative Task Force (LTF), I write to provide feedback on the Board's 15-day proposed modifications (15-day changes) to the Landfill Methane Regulation (LMR). SWANA is the world's largest association of solid waste professionals (more than 10,000 members). SWANA's three California chapters represent approximately 1,000 of those members. SWANA represents the solid waste industry, including many of the local governments responsible for implementing waste diversion and recycling programs. The LTF is responsible for representing the California Chapters on legislative and regulatory issues and advocates for environmentally- and economically sound management of municipal solid waste.

The LTF appreciates the 15-day changes that considered our previous comments. The solid waste industry has worked closely with the California Air Resources Board (CARB) on the development of the Landfill Methane Regulation (LMR) and have been complying with this rule since 2010. As such, we believe we have valuable insights and expertise that are critical for CARB to consider as they proceed with this update to the LMR.

We respectfully offer the following comments below for your consideration.

General LMR Issues Not Addressed in the 15-Day Changes

- The LTF believes it critical that California gain full approval from the U.S. Environmental Protection Agency (EPA) for the LMR to be equivalent to their Emissions Guidance. This approval will ensure consistent implementation of the proposed regulation by local air districts. CARB needs to provide a timeline for re-submittal of the LMR to EPA for approval.
- The revised LMR should not become effective until full delegation and guidance is provided to the local air districts through Memorandums of Understandings (MOUs) or other means. This will also allow time for the regulated landfills to carry out the necessary changes to implement the amended regulation.

LEGISLATIVE ADVOCATE

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- Diverting organics from landfills has been identified by CARB as the most effective and cost-efficient long-term solution for reducing methane emissions from landfills. The landfill industry and wastewater sector have been working with regulators and legislators for years to address a host of issues and needs, such as increased funding for infrastructure, permit and regulatory streamlining, and programs for utilizing biomethane. These challenges have stalled efforts to meet the SB 1383 organic diversion mandates. The Little Hoover Commission in their report entitled “Reducing California’s Landfill Methane Emissions: SB 1383 Implementation – June 8, 2023” has urged the State to provide funding, improve coordination among State agencies and better share the responsibility for SB 1383 implementation, and expand market opportunities for recycled organic waste, including biomethane. CARB should align the LMR regulation as well as other programs to be consistent with these recommendations.

Specific Issues with the 15-Day Changes

Section 95464 (b)(6) – Cover Integrity Monitoring Plan

The 15-day changes propose to now limit the cover integrity monitoring plan and monthly requirements to areas of daily and intermediate cover. Requiring preparation and implementation of a separate cover integrity monitoring plan will be very costly and duplicative of current cover inspections required in the surface gas monitoring program, as well as potentially conflicting with approved cover design and operation requirements in other regulations. Requiring a plan to monitor cover integrity for a cover that only lasts for a day, or a short amount of time before fresh waste is placed against it, does not make sense and is not an effective use of resources. There are existing regulations that more effectively deal with daily cover requirements, and we believe that these are sufficient to achieve the goal of preventing surface emissions.

We also object to a cover integrity monitoring plan for areas with intermediate cover. Surface monitoring requirements contained in the current LMR already require that landfill technicians walk all parts of the landfill and not only measure surface emissions, but observe cover conditions that can lead to these emissions. Intermediate landfill surfaces, especially at larger landfills, can cover large areas, often hundreds of acres at very large landfills. A second layer of monitoring is onerous and unnecessary given the current, and very effective, surface monitoring requirements.

Section 95469 (a)(1)(D) and Section 95469 (a)(2)(D)

The 15-day changes add the language, “*including during compliance inspections*” throughout many LMR sections to clarify that the results of regulatory inspections count towards the site’s overall monitoring efforts. We agree that this reflects existing practice, however, we believe it will be more practical if the landfill operator is notified of exceedances found during an inspection so that the results can be verified by landfill staff.

Additionally, in the two referenced paragraphs (Section 95469(a)(1)(D) and (a)(2)(D)), the language, “*Any exceedance of the limit specified in ____ detected during any compliance inspections are a violation of this subarticle*”, was added. **We strongly object to this language and request it be removed.** By adding this language any exceedance detected during an inspection would now be considered a violation. In contrast, if the landfill operator were to detect it outside of an inspection, it would simply trigger timelines for repair. In this situation a Notice of Violation is undeserved and can bring about severe complications, especially if the site is a

Title V facility, which means a facility is subject to citizen suits. The LMR contains many provisions for dealing with chronic surface monitoring exceedances. We suggest that if an exceedance is detected during an inspection, it simply be added as a monitoring event in the site's monitoring efforts similar to the same language used in other sections. Also, as suggested above, we recommend that CARB allow the site to verify the inspection monitoring results. Finally, if CARB wishes to formalize exceedances found during their inspection, we suggest issuing a Notice to Comply to the landfill owner and/or operator, similar to the practice of many air quality management districts.

Thank you for the opportunity to provide feedback on this important issue. If you have any questions about our feedback or suggested amendments, we would be happy to discuss them further.

Sincerely,



Curtis Larkin
Chair
SWANA California Chapters Legislative Task Force