



SANTA CLARA UNIVERSITY

INTERNATIONAL HUMAN RIGHTS CLINIC

April 17, 2026

Clerks' Office, California Air Resources Board
1001 I Street
Sacramento, CA 95814
Submitted electronically at:

Re: Written Comment on Proposed Amendments to the Regulation on Methane Emissions from Municipal Solid Waste Landfills, Deadline for Public Comment April 17, 2026

CARB's April 2026 LMR Amendments Should Restore Key Improvements Lost from the Previous Version

A. Summary of Comment

1. Santa Clara Law School's International Human Rights Clinic¹ (IHRC) continues to support CARB's mission to strengthen methane regulations in order to achieve SB 32's goal of 40% GHG emission reduction of 1990 levels by 2030.² We believe that CARB has included several important steps towards this in its April amendments. However, we are also concerned about a number of CARB's April amendments because they significantly weaken the LMR amendments' ability to contribute to this important target. We believe that, although CARB should work with landfill operators to better understand their limitations, some of the amendments water down the October version of the amendments too extensively, with little explanation of the basis for these changes. Therefore, we respectfully request CARB reconsider some of the April amendments, as detailed below.

B. Several Amendments Should Be Strengthened to Increase Regulatory Oversight

2. The time period for determining eligibility for well closure should not be shortened. Our clinic questions whether the change to 36 months instead of 60 months when determining eligibility for well closure is necessary, as proposed in paragraph 34 of the fifteen-day notice. In this paragraph, the only justification for this change is that the "staff believes 36 months is a

¹ The International Human Rights Clinic at Santa Clara University School of Law offers law students the opportunity to gain professional experience working on cases and issues related to international human rights law. Students collaborate with human rights organizations and experts, primarily in the United States and Latin America, through research, litigation, documentation, writing, and advocacy.

² California Air Resources Board, *Landfill Methane Regulation: About*, <https://ww2.arb.ca.gov/our-work/programs/landfill-methane-regulation/about>.



sufficient period.”³ While compromise may be needed to balance the needs of landfill operators against the original time period, a more thoroughly articulated reason for cutting back the requirement so extensively would be justified in this instance, due to the importance of understanding landfill conditions long-term. In light of CARB’s obligations to reduce environmental harm, cautiousness about well closure is justified, and a reduction in this caution merits further justification. Accordingly, unless CARB can provide reasoned justification for this change, we respectfully suggest that CARB return to the originally proposed 60 month period.

3. Similarly, we also believe paragraph 48 needs more justification for its change from five years to three years of no exceedances of surface methane concentrations prior to landfill closure. Lowering this threshold may shorten the overall landfill closure process, which is vital to ensuring environmental health in surrounding communities.⁴ Given the significant risk of climate, public health, and land use impacts from this shortened timeline, we strongly urge CARB to reconsider this amendment and return to the originally proposed five-year timeline.

4. In paragraph 73, CARB changes the proposed regulation and removes the 120-day limit on timeline proposals by landfill operators. While it is understandable that operators may need longer to complete corrective actions, a hard numerical limit should be placed on timeline proposals. A “prompt” corrective action is a subjective term that may be lost in practice, leaving landfill-adjacent communities with no meaningful recourse in the event of exceedances. If CARB is unsure about an appropriate timeline for corrective actions, the issue should be researched to find an appropriate but specific limit rather than allowing the regulations to remain vague on this critical point. We encourage CARB to return to the previously proposed language on this point.

5. In paragraph 102, we suggest that instead of changing the well re-tuning timeline from one day to 10 days, that CARB create a graduated schedule of time allotted to re-tune based on how many wells a landfill has. This would allow larger landfills to complete the re-tuning process adequately while ensuring greater compliance with 95469(g).

³ California Air Resources Board, *Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information: Proposed Amendments to the Regulation on Methane Emissions from Municipal Solid Waste Landfills* (April 2 2026) [15-Day Notice], https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2025/LMR/notice_15-day.pdf?utm_medium=email&utm_source=govdelivery.

⁴ Environmental Studies (EVS) Institute, *Disposal of Wastes: Guide to Landfill Closure, Post-Closure Care, and Remediation*, (October 22, 2025), <https://evs.institute/disposal-of-wastes/guide-landfill-closure-post-closure-remediation/#the-long-term-monitoring-program>.



C. Several Amendments Make Substantive Improvements and Should Remain

6. We support the change that collection systems must be “sealed and capped” rather than “sealed or capped” in paragraphs 13 and 40. Additionally, we support paragraph 39, which clarifies offline well limits, in order to better convey the intent that entire landfills will not be relieved of the limit in the case of fire. Changing the wording and clarifying intent here is important not just for strengthening the regulations to prevent methane pollution, but it also makes the regulations more understandable and implementable.

7. We support paragraph 53’s amended emphasis that exceedances detected through compliance inspections count against exceedance requirements. Stringent standards are important for the proper regulation and oversight of landfill closures, which as noted above, can have significant impacts on adjacent communities for decades into the future.

D. CARB Has Clear Legal Obligations to Strengthen the LMR Amendments

8. We once more would like to emphasize that in the face of scientific uncertainty, CARB should apply the precautionary principle throughout this revised regulation. This means that even when there is scientific uncertainty about the adverse health effects of landfill emissions, CARB should enact regulations that are protective of public health.⁵ Therefore, for known climate pollutants like methane, the precautionary principle directs CARB to implement more stringent monitoring requirements and reduce areas of the landfill that are excluded from compliance, GCCS downtime, and other opportunities for methane emissions to go undetected and unremediated. This is also in line with California’s increasingly ambitious targets to reduce GHGs in the state, as outlined in CARB’s 2022 Scoping Plan.⁶

9. CARB’s efforts to strengthen the LMR are also critical to fulfilling climate commitments made by the United States and by California, particularly given that methane is a powerful greenhouse gas and that landfills represent the second largest source of methane emissions in California. The United States is a signatory to the Global Methane Pledge, where countries have committed to working to reduce methane emissions by taking domestic action and “focusing on standards to achieve *all* feasible reductions in the energy and waste sectors.”⁷ Additionally, California itself has gone even further by launching the Subnational Methane Action Initiative,

⁵ For example, there may not yet be strong data to demonstrate the cumulative and synergistic effects of the various landfill gases, including methane, VOCs, HAPs, and criteria air pollutants, upon human health. Regulation in the face of such uncertainty must err on the side of protecting vulnerable residents.

⁶ California Air Resources Board, “2022 Scoping Plan for Achieving Carbon Neutrality,” pg. 41.

⁷ *Global Methane Pledge*, 2023. (emphasis added)



where CARB plays an integral role in achieving these emissions reduction goals.⁸ By enacting the proposed amendments and adding or retaining the stricter requirements outlined here, CARB will be directly fulfilling its responsibilities in this regard.

10. In the International Court of Justice’s Advisory Opinion on Climate Change, the Court stated that countries have duties under customary international law to prevent environmental harm and use due diligence as the standard for preventing such harm.⁹ This means that appropriate rules and measures must be put in place that regulate polluters and create effective enforcement and monitoring systems.¹⁰ Additionally, regulatory bodies must apply the precautionary principle to mitigate potential harm in the face of scientific uncertainty.¹¹ CARB can contribute to California’s obligations to reduce environmental harm by amending the LMR to promote effective enforcement and monitoring.

11. The Inter-American Court of Human Rights also stated in its Advisory Opinion on the Climate Emergency and Human Rights that governments have obligations to “eliminate [short-lived climate pollutants] as quickly as possible.”¹² Here, CARB should take this to mean that it should not delay in adopting the strongest possible LMR amendments and undertaking continued regulatory action to help eliminate short-lived pollutants like methane to the greatest extent possible. Governments also have an obligation to provide government-held information relating to the causes and impacts of climate change, including that of methane emissions, to the public and particularly to affected communities; this helps the public participate in environmental protection goals, access justice in relation to it, enables effective protection of rights, and guides environmental and social impact assessments.¹³ CARB should continue to promote transparency to achieve this goal by ensuring communities like Avenal that are affected by landfill methane emissions have access to the information regarding emissions and reparative measures in an accessible format and language. To fulfill these obligations, CARB should require all landfills to provide data about the composition and concentrations of landfill gas emissions and establish a public dashboard to share this information in real time. This dashboard should also provide updated information about leaks and corrective actions.¹⁴

⁸ California Air Resource Board, “California launches international methane-reduction initiative during Climate Week,” Sept. 20, 2023,

<https://ww2.arb.ca.gov/news/california-launches-international-methane-reduction-initiative-during-climate-week>.

⁹ International Court of Justice, “Obligations of States in respect of Climate Change,” (2025), para. 273, 281-82.

¹⁰ International Court of Justice, “Obligations of States in respect of Climate Change,” (2025), para. 283-86.

¹¹ International Court of Justice, “Obligations of States in respect of Climate Change,” (2025), para. 293.

¹² I/A Court H.R., *Climate Emergency and Human Rights AO 32-25*, Advisory Opinion on May 29, 2025, para. 337.

¹³ I/A Court H.R., *Climate Emergency and Human Rights AO 32-25*, Advisory Opinion on May 29, 2025, para. 520.

¹⁴ This proposal echoes the proposed data sharing requirements in AB 28, a bill currently under consideration by the California State Assembly designed to prevent recurrence of the devastating subterranean fire at the Chiquita Canyon Landfill. See <https://legiscan.com/CA/text/AB28/id/3186898>.



12. Furthermore, the Inter-American Court found that governments must closely supervise and monitor public and private activities generating greenhouse gas emissions and evaluate their compliance with environmental regulations in relation to the risk they pose.¹⁵ To effectively do so, governments must create strong mechanisms to monitor these activities and make necessary recommendations to ensure mitigation targets are met.¹⁶ The government must inform the public about these targets and the strategies in place to achieve them in a timely and effective manner.¹⁷ CARB should implement similar risk assessments into its existing mitigation and monitoring framework and prioritize transparency to ensure Californians are adequately informed about polluting actors.

Conclusion

13. The SCU Law International Human Rights Clinic supports CARB's mission of regulating California methane emissions to protect the public from harmful air pollutants. We believe the LMR amendments are an important step towards that goal. However, CARB's April amendments of the LMR need to be re-evaluated to restore this progress.

¹⁵ I/A Court H.R., *Climate Emergency and Human Rights AO 32-25*, Advisory Opinion on May 29, 2025, para. 352-53.

¹⁶ I/A Court H.R., *Climate Emergency and Human Rights AO 32-25*, Advisory Opinion on May 29, 2025, para. 354-55.

¹⁷ I/A Court H.R., *Climate Emergency and Human Rights AO 32-25*, Advisory Opinion on May 29, 2025, para. 519, 521.