
THIRD READING

Bill No: AB 28
Author: Schiavo (D), et al.
Amended: 7/18/25 in Senate
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 7/16/25
AYES: Blakespear, Valladares, Gonzalez, Hurtado, Menjivar, Padilla, Pérez
NO VOTE RECORDED: Dahle

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 56-9, 5/29/25 - See last page for vote

SUBJECT: Solid waste landfills: subsurface temperatures

SOURCE: Author

DIGEST: This bill establishes a series of reporting requirements for municipal solid waste landfill operators should the landfill exceed certain limits the bill requires the Department of Resources Recycling and Recovery to establish. State and local entities are required to take certain actions under the bill and landfill operators who do not adhere to the law will face certain penalties.

ANALYSIS:

Existing law:

- 1) Gives local and regional authorities the primary responsibility for controlling stationary source air pollution and establishes 35 air pollution control districts in the state (Health & Safety Code (HSC) §40000 et seq.).

- 2) Establishes requirements for handling and disposing of solid waste, as well as the permitting and operation of solid waste facilities (Public Resources Code (PRC) §43000 et seq.).
- 3) Requires the Department of Resources Recycling and Recovery (CalRecycle) to adopt certification requirements for local enforcement agencies (LEAs) that cover the permitting, inspection, and enforcement of regulations at solid waste facilities, as well as inspection and enforcement of litter, odor, and nuisance regulations (PRC §43200).
- 4) Authorizes a city or county to declare a local emergency, giving them full power to provide mutual aid to any affected area. Under a locally declared emergency, state agencies can provide mutual aid, personnel, equipment, and other available resources (Government Code (GC) §8630-8634).
- 5) Requires, under Section 60.36f of Title 40 of the Code of Federal Regulations, municipal solid waste (MSW) landfills to install gas collection and control systems to comply with various federal regulations on landfill emissions.

This bill:

- 1) Defines a number of terms, including “Gas temperature”, “Multiagency coordination group” (MACG), “Subsurface elevated temperature (SET) event”, and “Resolution”.
- 2) Requires the operator of a MSW landfill to monitor landfill gas temperatures in accordance with regulations adopted by the California Air Resources Board (CARB).
- 3) Requires the MSW landfill operator to, if the gas temperature is 131 degrees Fahrenheit or higher for two consecutive monthly monitoring periods, take specified actions to notify the LEA and CalRecycle about, report on, and take certain steps to resolve the issue.
- 4) Requires the MSW landfill operator to, if the gas temperature is 146 degrees Fahrenheit or higher and if other criteria established by CalRecycle are met or exceeded for two consecutive monthly monitoring periods, do all of the above as well as take additional steps regarding reporting and resolving the issue.
- 5) Requires the MACG to continue to monitor the situation and provide advice.

- 6) Requires the California Environmental Protection Agency (CalEPA), after the MACG is formed, to develop a fact sheet specific to the SET event and have the landfill operator send it (and updates) to residents within four miles of the landfill.
- 7) Requires the Office of Environmental Health Hazard Assessment (OEHHA) to, as quickly as possible, use the Community Assessment for Public Health Emergency Response (CASPER) Toolkit, established by the federal Centers for Disease Control and Prevention (CDC) to provide information regarding the effects of the SET event on the community.
- 8) Requires, if the gas temperature is 162 degrees Fahrenheit or higher and if the other criteria set by CalRecycle are met or exceeded for longer than two consecutive monthly monitoring periods do all of the above, as well as further additional steps to engage the operator, inspect the landfill, and develop and begin implementing a corrective action plan.
- 9) If the gas temperature is 162 degrees Fahrenheit or higher and if the other criteria set by CalRecycle are met or exceeded for two consecutive monthly monitoring periods covering 60 consecutive days, then provides the LEA and/or CalRecycle with greater abilities to suspend the operator's permit or take steps to proclaim a state of emergency.
- 11) Permits, in addition to any other remedies provided by law, the LEA or CalRecycle to impose an administrative civil penalty of \$10,000 per day for cases where an MSW landfill operator fails to fulfil certain duties.
- 12) Requires the LEA or CalRecycle to impose a penalty of up to \$1 million for each week of an SET event where the gas temperature is 162 degrees Fahrenheit or higher and the other criteria set by CalRecycle has been met or exceeded for longer than 60 days, if and only if CalRecycle makes certain determinations.
- 13) Requires all penalties collected under this bill to be deposited into the Landfill Subsurface Fire Mitigation Account.
- 14) Requires a permit suspended pursuant to this bill to be reinstated – subject to additional operating conditions imposed by CalRecycle – once an issue has been resolved.

- 15) Requires CARB to create mandatory requirements for landfill gas temperature monitoring as part of its regulations on methane emissions from MSW landfills to help identify and mitigate SET events.
- 16) Requires CalRecycle to – by July 1, 2027 – establish minimum guidelines to identify and manage SET events and set minimum standards for a corrective action plan.
- 17) Makes the MSW landfill operator liable for any costs incurred by the LEA and CalRecycle.

For a more complete description of the provisions of this bill, see the Senate Environmental Quality Committee analysis.

Background

Landfill Construction 101. When a landfill is built, it is not simply a matter of finding a large open area where waste can be dumped. Rather, there is a labyrinth of state and federal laws and regulations involving multiple federal, state and local agencies. For the purpose of this bill, it may be useful to know that landfill construction involves – at a minimum – a series of: Gas monitoring and extraction wells; Lateral pipes to remove gas; Water monitoring and removal wells; and Devices for monitoring temperatures, gas levels and composition, water content, and more.

Once constructed, landfills must meet monitoring requirements. MSW landfill monitoring requirements are set by federal regulations established by the U.S. EPA and the frequency of the monitoring depends largely on what is being monitored.

Landfill Fires 101. According to CalRecycle, there are 299 operating and closed landfills in California. Certain types of landfill fires are not uncommon. While no federal or state agency tracks the number of landfill fires, reported large subsurface landfill fires of the type this bill attempts to address have been relatively rare in California – CalRecycle only knows of 3-4 in the past 20-30 years.

There are generally two types of fires that happen in landfills – surface fires and subsurface fires. Subsurface fires fall into one of two categories – subsurface elevated temperature (SET) fires and elevated temperature landfill (ETLF) fires.

While the language in AB 28 only refers to SET fires, its requirements will apply to all subsurface fires and events.

A SET fire generally happens much shallower in the landfill than an ETLF and is generally driven by access to too much oxygen, which makes the bacteria in the landfill more active and raises the temperature inside the landfill. An ETLF fire generally occurs much deeper within a landfill and generally stems from chemical reactions triggered when waste is heated by biological decomposition. Once a SET or an ETLF fire starts, it can spread within the landfill – using oxygen and waste fed by more and more oxygen and waste – to spread further and further, all while remaining hidden from the naked eye.

The Chiquita Canyon Landfill Fire. The 640-acre Chiquita Canyon Landfill is located in Castaic – an unincorporated community of about 19,000 people in northern Los Angeles County – about six miles west of Six Flags Magic Mountain near Interstate 5.

The facility – which had about 400 acres permitted for solid waste disposal – accepted nearly 25% of Los Angeles County’s solid waste prior to closing in December 2024.

Since at least May 2022 – for more than three years now – a subsurface fire has been burning at Chiquita Canyon. The fire, located deep in an inactive area of the landfill, has grown significantly – it’s now estimated at more than 90 acres – since first being identified and has had a direct and substantial impact on people living and working in the surrounding community. Experts estimate it will be years – not weeks or months – before the fire burns itself out and it may devour the entire landfill in the process.

The fire has generated more than 27,000 complaints to the South Coast Air Quality Management District (SCAQMD) and has produced a great deal of liquid waste (leachate) containing high levels of benzene, a chemical that poses risk to public health and the environment.

For a more complete background of AB 28, see the Senate Environmental Quality Committee analysis.

Comments

Purpose of Bill. According to the author, “The Chiquita Canyon Landfill has been smoldering and releasing toxic gas into communities within Assembly District 40 for over three years and is the largest on going public health and environmental emergency in Los Angeles. Current regulations and statutes are woefully inadequate to prevent and address this disaster. Assembly Bill 28 will take it a step further by ensuring landfills continually monitor their facilities for increased temperatures, require landfills to be transparent with surrounding communities, and outline progressive enforcement actions that local and state agencies must take if landfill operators fail to successfully implement a corrective action plan.”

Adapting the Response to Chiquita Canyon to Prevent Potential Future Subsurface Landfill Fires. It is difficult to overstate the level of suffering the residents of communities surrounding the Chiquita Canyon Landfill have endured since the landfill fire broke out more than three years ago – and there does not appear to be any end in sight.

Whether the responses from federal, state, and local governments have been quick enough and thorough enough is the subject of much debate. This bill takes many of the things government agencies did in response to the Chiquita Canyon Landfill fire and turns them into mandatory actions state and local governments must take in the hopes of preventing – and if necessary, responding to – subsurface landfill fires.

Putting Someone In Charge To Prevent Subsurface Landfill Fires From Occurring. One of the issues when it comes to landfills is there are a number of federal, state, regional, and local entities that can apply various regulations and issue permits, but arguably no one entity is truly in charge.

Under this bill, CalEPA is required to form a MACG once a landfill reports it has experienced landfill temperatures of 146 degrees Fahrenheit or higher – and other benchmarks set by CalRecycle has been met or exceeded – for two consecutive monthly monitoring periods covering 60 consecutive days. It is then in charge of deciding what state and local agencies should be a part of the MACG, and those participating entities are likely to vary from incident to incident.

Requiring One Entity To Lead Preventative Activity Sooner. Whether a single entity should be in charge of this issue beginning at the landfill permitting stage is a question perhaps for another bill and another day.

This bill requires a landfill operator to begin reporting information to CalRecycle and an LEA when the landfill temperature is at or above 131 degrees Fahrenheit – the level at which the U.S. EPA says suggests heat-generating chemical reactions may exist – and other benchmarks to be established by CalRecycle have been met for two consecutive monthly monitoring periods covering 60 consecutive days. This bill then requires CalRecycle and the LEA to engage with the landfill operator within 21 days to examine the nature and extent of the landfill fire and work to resolve it.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee analysis:

- CalRecycle estimates ongoing costs beginning of \$514,000 annually (Integrated Waste Management Act Fund) for two positions to inspect, assess, and analyze landfills and to provide all necessary legal assistance, including rulemaking and issuing corrective action orders;
- CARB estimates ongoing costs of about \$610,000 annually (Cost of Implementation Account) to update regulations, provide technical expertise and analysis, and support development guidelines, among other things;
- The Department of Justice estimates unquantifiable but potentially significant ongoing costs (Legal Services Revolving Fund) related to client representation and enforcement work arising from this bill.
- OEHHA estimates ongoing annual costs of approximately \$459,000 for two positions and \$250,000 (General Fund) in contracting costs to implement the additional risk communication mandates and community survey requirements in this bill. OEHHA estimates additional and variable costs of an unknown but potentially significant amount to conduct a community health needs assessment using the CASPER toolkit to identify effects of the SET event on the surrounding community as necessary.
- The State Water Resources Control Board anticipates ongoing annual costs of approximately \$750,000. This includes \$250,000 for the Los Angeles Regional Water Quality Control Board, and \$250,000 for the Santa Ana Regional Water Quality Control Board, for anticipated participation in the MACG to develop the corrective action plans for SET events at the Chiquita Canyon Landfill and the El Sobrante Landfill respectively, and any other potentially impacted landfills in the future.

SUPPORT: (Verified 8/30/25)

Breast Cancer Prevention Partners
California Communities Against Toxics
California Environmental Voters
Californians Against Waste
Central California Environmental Justice Network
Citizens for Chiquita Canyon Closure
Climate Action California
Climate Reality Project, Bay Area
Climate Reality Project, California State Coalition
Climate Reality Project, Los Angeles
Climate Reality Project, Orange County
Climate Reality Project, Riverside County
Climate Reality Project, Sacramento
Climate Reality Project, San Fernando Valley
Climate Reality Project, South Central Coast
Coalition for Clean Air
County of Los Angeles Board of Supervisors
Facts Families Advocating for Chemical and Toxics Safety
Green Policy Initiative
Greenaction for Health and Environmental Justice
Northern California Elders Climate Action
San Francisco Baykeeper
Santa Cruz Climate Action Network
Socal Elders Climate Action
Valley Improvement Projects
2 Individuals

OPPOSITION: (Verified 8/30/25)

1heartcares of LA Jolla, San Diego, Del Mar, Oceanside and LA Mesa
AAA Global Trading INC
Apex Diesel Repair
Bluezone Health Solutions
California Council for Environmental & Economic Balance
Clever Investor, Inc.
Cofacc
Del Mar Dog Rescue
Filipino American Chamber of Commerce of Cerritos
Filipino American Chamber of Commerce of Greater San Diego
First Finance Lending Inc.

Fix Auto Poway
Jesse Miranda Center for Hispanic Leadership
Mapleview Bnm LLC
Marshall Bnm LLC
Mena Cc Inc.
Middle Eastern and North American Chamber of Commerce & Clever Community
Development, Inc.
Mike's Holdings LLC
New Beginnings CDC
Newcomers Support and Development
Orange County
Republic Services
Resource Recovery Coalition of California
Robin Hilton Land and Tree Company, Inc.
Rural County Representatives of California
SABAN - South Asian Biz America Network
Salon2000 by Je Gems
SD Business Solutions, Inc.
SWANA California Chapters Legislative Task Force
Sweetwater Bnm LLC
Time in Destiny
Waste Connections, Inc.
Waste Management

ASSEMBLY FLOOR: 56-9, 5/29/25

AYES: Addis, Aguiar-Curry, Ahrens, Arambula, Ávila Farías, Bains, Bauer-
Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Connolly,
Davies, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Haney,
Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor,
Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva,
Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca
Rubio, Schiavo, Schultz, Soria, Stefani, Valencia, Wicks, Wilson, Zbur, Rivas
NOES: Castillo, DeMaio, Hadwick, Hoover, Macedo, Patterson, Sanchez, Ta,
Wallis

NO VOTE RECORDED: Alanis, Alvarez, Bryan, Chen, Dixon, Flora, Gallagher,
Jeff Gonzalez, Lackey, Nguyen, Sharp-Collins, Solache, Tangipa, Ward

Prepared by: Evan Goldberg / E.Q. / (916) 651-4108
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