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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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### AB 28 (Schiavo) - Solid waste landfills: subsurface temperatures

**Version:** June 11, 2026

**Urgency:** No

**Hearing Date:** August 3, 2026

**Policy Vote:** E.Q. 7 - 0, E.Q. 6 - 0

**Mandate:** Yes

**Consultant:** Ashley Ames

**This bill meets the criteria for referral to the Suspense File. However, it was referred to the Committee pursuant to Senate Rule 29.10 (b), which only provides the option to (1) hold the bill, or (2) return the bill as approved by the Committee to the Senate floor.**

**Bill Summary:** This bill would establish a protocol for the Department of Resources Recycling and Recovery (CalRecycle) to require a corrective action plan in the event of a subsurface elevated temperature event at a landfill. It would also authorize the Secretary of the California Environmental Protection Agency (CalEPA) to establish a multiagency coordination group (MCG) to investigate and provide recommendations for addressing a landfill's subsurface elevated temperature event, and specify that CalRecycle may impose a penalty of up to \$100,000 per day to landfill operators that do not follow the requirements of the corrective action plan or recommendations of the MCG, among other provisions.

#### **Fiscal Impact:**

- CalEPA estimates ongoing costs of about \$572,000 annually (General Fund) to implement the provisions of this bill including participation in a multiagency coordination group established to investigate, monitor, and advise on subsurface elevated temperature events (SETs); provision of analysis and technical expertise; and service as a liaison with agencies, departments, and the public.
- CalRecycle estimates one-time costs of \$3 million spread over 3 years and ongoing costs of approximately \$2.64 million annually (Integrated Waste Management Fund) to develop methodologies to evaluate community impacts, develop specialized expertise necessary to mitigate harm to a person or community affected by a SET, develop and implement regulations, provide enforcement support, coordinate with affected communities, provide support and technical assistance to local enforcement agencies, participate in the multiagency coordination group, and oversee the expenditure of mitigation funds, among other things.
- The State Water Resources Control Board (SWRCB) estimates ongoing costs of \$750,000 annually (Waste Discharge Permit Fund) to participate in the multiagency coordination group, assist in investigations, and provide recommendations to achieve resolutions for SET at existing landfills, among other things.
- The California Air Resources Board (CARB) estimates ongoing costs of \$940,000 annually (Cost of Implementation Account) to participate in the multiagency coordination group, provide technical analysis of subsurface gas and waste temperature data, provide technical expertise, consult on air monitoring analysis, serve as a community liaison, and provide support, among other things.

- The Office of Environmental Health Hazards Assessment (OEHHA) estimates ongoing costs of \$324,000 annually (General Fund) to implement the additional tasks associated with the multiagency coordination group and to design and carry out additional community science investigations as needed.
- The Department of Toxic Substances Control (DTSC) anticipates its costs would be minor and absorbable.
- The above costs may be at least partially offset by reimbursements made by the owners and operators of landfills that experience SETs (Landfill Subsurface Fire Mitigation Community Fund).
- To the extent that CalRecycle imposes and collects the penalty of up to \$100,000 per day on landfill operators that do not follow the requirements of the corrective action plan or recommendations of the MCG, unknown but potentially significant penalty revenues (Landfill Subsurface Fire Mitigation Community Fund).

**Background:** According to CalRecycle, California currently has 299 operating and closed landfills. While surface fires at landfills are relatively common, large-scale subsurface fires of the type addressed by this legislation have been rare; CalRecycle has documented only 3–4 such incidents over the past 20–30 years. No federal or state agency maintains comprehensive statistics on landfill fire occurrences.

Containing and putting out a subsurface landfill fire is challenging for a number of reasons. To begin with, it is impossible to see where the fire is and where it is spreading. Some of the steps landfill operators can take are:

1. Installing more gas extraction wells to remove heat-generating gases and reduce pressure buildup;
2. Removing the liquid from landfills, which will help to reduce heat;
3. Removing oxygen;
4. Installing geomembrane covers to prevent oxygen from entering the landfill; and/or
5. Creating physical barrier – such as digging into the landfill and pouring in concrete – to cut off the fire’s access to fuel.

*The Chiquita Canyon Landfill Fire.* The Chiquita Canyon Landfill is a 639-acre facility located in Castaic, an unincorporated community of approximately 19,000 residents in northern Los Angeles County. Approximately 400 acres were permitted for solid waste disposal; prior to closure in December 2024, the facility received nearly 25% of Los Angeles County’s municipal solid waste. Since at least May 2022—a period exceeding four years—a subsurface fire has been active at Chiquita Canyon. The fire originated in a deep, inactive portion of the landfill and has since expanded to an estimated footprint of more than 90 acres. The incident has generated over 27,000 complaints to the South Coast Air Quality Management District (SCAQMD) and has produced substantial volumes of leachate containing elevated benzene concentrations, posing risks to public health and the environment.

*Regulation of landfill emissions.* CARB implemented the landfill methane rule (LMR) to monitor and reduce methane emissions from landfills, in 2010. LMR requires owners and operators of certain landfills to install and operate gas collection and control systems, monitor surface methane concentration and other performance parameters, repair emission exceedances and other performance issues, source test, keep records of these actions and data, and report certain information to CARB or the air districts. LMR allows air districts to voluntarily enter into memoranda of understanding with CARB to implement and enforce the regulation and to assess fees to cover costs. Currently, 22 of the 35 local air districts are implementing and enforcing LMR.

In addition to CARB, federal, State, and local agencies all play a role in regulating landfills including but not limited to:

1. Local air districts in California play a lead role in regulating stationary sources of air pollution, including issuing permits for landfill GCCS. Local air districts regulate enclosed flares and other landfill gas combustion devices used to destroy methane and co-pollutants, and respond to nuisance and odor complaints
2. CalRecycle regulates solid waste handling, processing, and disposal activities to protect public health and safety and the environment by supporting solid waste local enforcement agencies.
3. The State Water Resources Control Board and their nine Regional Water Quality Control Boards (collectively, the Water Boards) regulate discharges to land that could impact surface water and groundwater quality, including regulatory and permitting requirements for landfills.
4. The Department of Toxic Substances Control regulates facilities for disposal of hazardous waste.
5. U.S. EPA regulates emissions of volatile organic compounds from landfills through requirements similar to those in the LMR.

**Proposed Law:** This bill would:

1. Require that landfill operators take certain actions in the case of a subsurface elevated temperature event, including:
  - a. Notify the department, state water board, State Air Resources Board, local enforcement agency, local air pollution control district, local health department, State Department of Public Health, and the appropriate regional water quality control board;
  - b. Provide subsurface gas and waste temperature data to those agencies;
  - c. Take any action that CalRecycle deems necessary to mitigate and resolve the subsurface elevated temperature event, including, but not limited to, creating a corrective action plan.

2. Specify requirements for the owner or operator of the solid waste landfill to meet if they are required to have a corrective action plan, including:
  - a. Complete a cost assessment for implementing the corrective action plan and for reimbursing the multiagency coordination group, and furnish evidence of financial ability to implement the corrective action plan;
  - b. Revise the closure and postclosure maintenance plan to account for additional costs resulting from the subsurface elevated temperature event;
3. Specify that if the owner and operator of a solid waste landfill cannot sufficiently cover the cost to manage and implement a corrective action plan, the Attorney General may, if warranted, pursue an action against the parent company of the owner and operator of the solid waste landfill.
4. Authorize CalRecycle to become the enforcement agency for all or part of the solid waste landfill, and to recover its reasonable and necessary costs for being the enforcement agency.
5. Specify that CalRecycle will adopt regulations to implement the reporting and corrective action plan requirements of the bill and that CalRecycle will provide regular updates to the affected communities on the subsurface elevated temperature event.
6. Authorize CalEPA to coordinate a MCG to investigate and provide recommendations on how to achieve resolution of a subsurface elevated temperature event. Require the owner and operator of a solid waste landfill that experiences a subsurface elevated temperature event to reimburse the MCG for all reasonable and necessary costs.
7. Require that within 60 days of the MCG developing recommendations, the county public health department shall conduct an initial community health needs assessment and the owner or operator of the solid waste landfill shall post that information on its internet website. Specify that the MCG can request subsequent community health needs assessments, and the local county public health department shall hold at least two public hearings in the affected communities to discuss the findings of the health needs assessment.
8. Require the owner or operator of the solid waste landfill to submit or revise and submit an air monitoring and sampling plan to the MCG and the local air district within 30 days of MCG requesting the plan, and begin implementing the plan 30 days after submitting it.
9. Authorize CalRecycle or local enforcement agencies to impose an administrative civil penalty up to of \$100,000 per day for failing to contact agencies or meet the conduct a corrective action plan as described above in (1) and (2).
10. Specify that the penalties will be deposited into a new Landfill Subsurface Fire Mitigation Community Fund at the State Treasury, and CalRecycle will continuously appropriate the funds to mitigate harm to people and communities impacted by a subsurface elevated temperature event.

11. Define “Subsurface elevated temperature event” to mean an event where subsurface gas or waste temperatures at a solid waste landfill persistently exceed 131 degrees Fahrenheit over a substantial area, as determined by CalRecycle.

**Related Legislation:**

AB 27 (Shiavo, 2025) would have provided a personal and a corporate income tax exemption for any payments a person or a company received as compensation related to the Chiquita Canyon Landfill fire.

**Staff Comments:** Earlier versions of AB 28 provided more prescriptive identification of what constituted an elevated subsurface temperature event and what should be done at temperatures exceeding 131F vs. 146F. This version of AB 28 would instead defer to CalRecycle to identify SETs, defining SET events as temperatures over 131F over some area for some time, with the specifics identified by CalRecycle.

This version of AB 28 would also increase the administrative civil penalty that CalRecycle or local enforcement can levy against non-compliant landfill operators from \$10,000 to a staggering \$100,000 per day. Those penalties would go through CalRecycle to directly mitigate harm to people and communities impacted by a subsurface elevated temperature event.

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