

Responses to Comments

on the

Environmental Analysis

for

The Proposed Amendments to the Regulation on Methane Emissions from Municipal Solid Waste Landfills



Released November 19, 2025

to be considered at the
November 20, 2025 Board Meeting

This page intentionally left blank.

TABLE OF CONTENTS

1.0	INTRODUCTION	1
-----	--------------------	---

2.0	RESPONSES TO COMMENTS.....	2
-----	----------------------------	---

Tables

Table 2-1	List of Commenters	2
-----------	--------------------------	---

This page intentionally left blank.

1.0 INTRODUCTION

The California Air Resources Board (CARB) prepared an Initial Statement of Reasons (ISOR or Staff Report) for the Proposed Amendments to the Regulation on Methane Emissions from Municipal Solid Waste Landfills (Proposed Amendments). This Staff Report included as Chapter VI, an Environmental Analysis (EA), which details the California Environmental Quality Act (CEQA) determinations made for the Proposed Amendments. As explained in Chapter VI of the Staff Report, CARB, as the lead agency for the Proposed Amendments, has concluded that this action is categorically exempt from CEQA under the “Class 1” exemption (Cal. Code Regs., tit. 14, § 15301) for modifications to existing facilities, “Class 2” exemption (Cal. Code Regs., tit. 14, § 15302) for replacement or reconstruction of existing structures or facilities, “Class 3” exemption (Cal. Code Regs., tit. 14, § 15303) for new construction or conversion of small structures, “Class 4” exemption (Cal. Code Regs., tit. 14, § 15304) for minor alterations to land, and “Class 8” exemption (Cal. Code Regs., tit. 14, § 15308) for actions taken by regulatory agencies for the protection of the environment. In accordance with CARB’s certified regulatory program (California Code of Regulations, title 17, sections 60000-60008) staff included an EA in the Staff Report, explaining why there are no potentially significant adverse impacts from the Proposed Amendments and that they are categorically exempt from CEQA.

On September 26, 2025, CARB staff released for public review and comment the Staff Report for the Proposed Amendments, pursuant to Administrative Procedure Act (APA) requirements. The public comment period began on September 26, 2025, and concluded on November 10, 2025. 42 comment letters were submitted through the comment docket opened for the Proposed Amendments during that time.

Comments are available at:

<https://carb.commentinput.com/comment/extra?id=Ygdx2SEH7h>

Pursuant to CARB’s certified regulatory program and generally applicable CEQA provisions, because CARB’s environmental analysis determined that the above-mentioned categorical exemptions apply to the Proposed Amendments, there is no obligation to respond to comments raising environmental issues prior to the Board taking action on the Proposed Amendments. However, staff has carefully reviewed all the comment letters received and determined that some comments purportedly raised environmental issues related to the EA. Although not required, CARB has prepared a written response to these comments for the Board’s consideration. The comments to which CARB is choosing to respond are summarized in section 2.0 below.

2.0 RESPONSES TO COMMENTS

The comment letters were coded by the order in which they were received on the comment docket. Table 2-1 provides the list of comment letters, which included comments on the environmental analysis, for which CARB is choosing to provide responses. CARB's responses to these comments are provided below.

Table 2-1 List of Commenters		
No.	Commenter	Date
15	Jeffrey Mills, L and D Landfill	November 10, 2025
42	Christine Wolfe, Waste Management	November 10, 2025

CARB received some public comments from industry stakeholders that raise concerns regarding the environmental analysis undertaken for the Proposed Amendments. As noted above, no response to these comments is necessary, because as analyzed in the Staff Report, the Proposed Amendments are categorically exempt from CEQA. However, for informational purposes, CARB provides the following responses. CARB also notes at the outset that no environmental organization has raised any concerns with the Proposed Amendments; the only commenters who have done so are industry stakeholders who would be subject to the Proposed Amendments and who raised other general issues with the requirements in the Proposed Amendments.

Comment Letter 15 November 10, 2025	Jeffrey Mills, L and D Landfill
--	---------------------------------

Comment 15-1: The commenter indicates that CARB may not have adequately addressed the rulemaking under CEQA, including potential environmental impacts and alternatives.

Response: CARB disagrees, for the reasons set forth in response to comment 42-1 below, and given the environmental analysis CARB prepared as Chapter VI of the Staff Report. The commenter does not identify any specific deficiencies in CARB's environmental analysis.

Comment 42-1: WM argues that CARB has not met the requirements of Public Resources Code section 21159.

Response: Section 21159, to the extent it applies here,¹ provides for a limited, streamlined environmental analysis for rules or regulations requiring certain emissions-related control equipment, performance standards or treatment requirements. CARB's certified regulatory program (CRP) and the Environmental Analysis Chapter VI in Staff Report meet all section 21159 provisions. Section 21159 provides for analysis of the following components: (1) the reasonably foreseeable environmental impacts of the methods of compliance; (2) an analysis of reasonably foreseeable feasible mitigation measures; (3) an analysis of reasonably foreseeable alternative means of compliance with the rule or regulation; and (4) for a rule or regulation that requires the installation of pollution control equipment adopted pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), the analysis shall also include reasonably foreseeable greenhouse gas emission impacts of compliance with the rule or regulation.

CARB's analysis includes each of these components. Regarding the reasonably foreseeable environmental impacts of the methods of compliance, Chapter VI of the Staff Report includes a detailed discussion regarding the methods of compliance and their reasonably foreseeable environmental impacts. For the reasons explained in that chapter, CARB determined that there would be no significant environmental impacts, and set forth its analysis regarding why the project is exempt from CEQA. As explained in CARB's Environmental Analysis, the Proposed Amendments would not result in any significant adverse impacts on the physical environment or alter the use of existing public or private structures or facilities. The Proposed Amendments will only affect facilities subject to the current Landfill Methane Regulation, and reasonably foreseeable compliance responses would take place within the current footprint of built facilities (landfills and landfill gas collection systems) or future areas that would have been developed regardless of the Proposed Amendments. The Proposed Amendments would not result in any new offsite ground disturbances, nor would they result in disturbance of any onsite previously undisturbed soils.

Regarding the reasonably foreseeable feasible mitigation measures, CARB notes that the proposed project itself is akin to a mitigation measure in that its purpose is to reduce

¹ Section 21159 defines a "performance standard" to include "process or raw material changes or product reformulation". It is unclear whether that definition includes a regulation regarding methane capture.

greenhouse gas emissions.² As CARB determined the proposed project would not involve any potentially significant environmental impacts, no further mitigation is necessary, and therefore there are no further reasonably foreseeable mitigation measures to analyze.

Regarding the reasonably foreseeable alternative means of compliance with the rule or regulation, CARB analyzed potential regulatory alternatives in Chapter IX of the Staff Report. CARB is not proposing to adopt either of those alternatives; therefore they are not reasonably foreseeable. Nevertheless, this section explains both of the alternatives analyzed in CARB's regulatory alternatives analysis. Alternative 1 is to exclude the requirements related to remotely detected emission plumes in section 95469(b) of the Proposed Amendments. Alternative 2 is to add to the Proposed Amendments a requirement to install and operate continuous wellhead monitoring with automated well tuning at all wells on landfills that use an energy recovery control device (e.g., an engine, gas turbine, or boiler that produces heat or electricity).

If CARB were to propose adoption of Alternative 1, there would be no increased environmental impacts beyond existing environmental conditions (baseline), though it would result in longer timelines to detect and repair certain methane leaks, and therefore would achieve fewer reductions in greenhouse gas and co-pollutant emissions than the Proposed Amendments. Alternative 1 would not result in lower levels of monitoring activity, as it would involve the use of data from satellites that are already operational and collecting data; it would simply not require operators to perform inspections, make repairs, and report information to CARB when notified of a remotely detected methane emission plume. This alternative, and the foregone benefits associated with it, are discussed in Chapter IX (Evaluation of Regulatory Alternatives) of the Staff Report on page 136, as well as on pages 137-138.

Alternative 2, involving continuous wellhead monitoring, would potentially result in greater emission reductions than the emission reductions that would be achieved by the Proposed Amendments. Alternative 2 is similar to the Proposed Amendments, but with continuous monitoring and automated well tuning as well as potentially increased corrective actions as a result of the more frequent (continuous) data collection. However, pages 138 and 139 of the Staff Report detail the relative advantages and disadvantages of these continuous monitoring systems, including operational considerations, suitability for certain wells and landfills, and costs. In sum, the two alternatives would not involve impacts greater or different than the Proposed Amendments, as analyzed in the Environmental Analysis in the Staff Report and described in this response to comment.

² See, e.g., CEQA's definition of "mitigation", which includes avoiding or minimizing impacts. (14 CCR § 15370.) Here, the proposed project's purpose is to reduce existing GHG emissions and air pollution.

Regarding the reasonably foreseeable greenhouse gas emission impacts of compliance with the rule or regulation, CARB analyzed these impacts in Chapter V (Air Quality) of the Staff Report. See in particular pages 116 through 119.

To the extent WM argues CARB may not determine the Proposed Amendments are exempt from CEQA, CARB disagrees. Nothing in section 21159 indicates an agency may not determine that even projects subject to section 21159 are CEQA-exempt. Such a reading of section 21159 would conflict with long-established CEQA principles and would run counter to the policy of a streamlining statute like section 21159. Section 21159 is codified under an article titled “Expedited Environmental Review for Environmentally Mandated Projects,” and under a chapter titled “Streamlined Environmental Review.” It was not designed to require *more* analysis beyond what CEQA would normally require; rather, it is intended to streamline environmental review for rules requiring pollution control equipment. (See, e.g., Public Resources Code § 21159(b), stating that analysis under section 21159 is not required where an EIR is prepared for the project; see also Public Resources Code section 21159(f), noting that section 21159 is not intended, and may not be used, to delay the adoption of any rule or regulation for which an analysis is required to be performed pursuant to section 21159.) Furthermore, it is worth noting that projects to install emissions control equipment are inherently designed to *reduce* environmental impacts.