

**COMMITTEE ON GOVERNMENT OPERATIONS, VETERANS
AFFAIRS AND CONSUMER PROTECTION**

05/28/2026-SPECIAL ORDERED TO THE FLOOR

04/23/2026-HELD IN COMMITTEE

03/23/26-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

03/18/2026-REASSIGNED TO THE COMMITTEE ON GOV'T OPERATIONS, VETERANS AFFAIRS
AND CONSUMER PROTECTION

03/18/2026-SPECIAL ORDERED

03/10/2026-HELD IN COMMITTEE

BILL NO. 36-0232

Thirty-Sixth Legislature of the Virgin Islands

February 2, 2026

An act amending Act No. 8018 to authorize the disposal of green waste using controlled incineration technologies, including air curtain incinerators, and for other purposes

PROPOSED BY: Senator Clifford A. Joseph, Sr.
Sponsors: Avery L. Lewis, Kenneth L. Gittens
and Franklin D. Johnson.

1 **WHEREAS**, the accumulation of green waste at landfill sites across the Virgin Islands
2 presents ongoing operational, environmental, and public safety challenges;

3 **WHEREAS**, unmanaged green waste increases the risk of uncontrolled fires and smoke
4 events that threaten nearby communities and emergency responders;

5 **WHEREAS**, existing law generally prohibits open burning of waste except upon specific
6 permission of the Virgin Islands Waste Management Authority under limited circumstances,
7 but does not expressly distinguish modern controlled combustion technologies from traditional
8 open pit burning;

1 **WHEREAS**, controlled incineration technologies, including air curtain incinerators,
2 provide a safer and more environmentally responsible means of disposing of green waste than
3 open pit burning;

4 **WHEREAS**, authorizing the Virgin Islands Waste Management Authority to utilize such
5 technologies, while preserving permitting requirements for private open burning, promotes
6 efficient waste management and public safety; and

7 **WHEREAS**, it is in the best interest of the people of the Virgin Islands to modernize
8 green waste disposal practices in a manner consistent with environmental protection and fire
9 safety standards; Now, Therefore,

10 ***Be it enacted by the Legislature of the Virgin Islands:***

11 **SECTION 1.** Act No. 8018 is amended as follows:

12 (a) In section 1:

13 (1) strike subsection (a) and insert:

14 “(a) It is unlawful to dispose of green waste by open pit burning, including
15 trees, limbs of trees, or other vegetation fallen or generated, whether resulting from
16 a natural disaster, for the purpose of solid waste disposal.

17 The Virgin Islands Waste Management Authority and landfill operators may burn
18 green waste, provided that such waste is separated from all non-vegetative waste prior to
19 burning and is burned only using a controlled incinerator, an air curtain incinerator, or a
20 substantially similar technology utilizing comparable or greater safety mechanisms and
21 emission controls, subject to applicable federal and territorial environmental laws and
22 regulations.

23 The Virgin Islands Waste Management Authority may also utilize alternative green
24 waste management methods, including composting, mulching, and shredding.”

(2) add the following new subsection (b):

“(b) Private persons may engage in the open burning of green waste generated on their own property only after obtaining a permit from the Virgin Islands Fire Service or other designated authority. A permit shall be issued only upon a determination that:

(1) The burning will be conducted at least 50 feet from any structure, unless conducted in an approved waste burner with a closed top located not less than 15 feet from any structure;

(2) The burning will be attended at all times during daylight hours;

(3) Adequate firefighting equipment is maintained on-site;

(4) The material to be burned consists solely of vegetative waste generated on the premises where the burning will occur;

(5) Atmospheric conditions are favorable and will minimize smoke and air pollution; and

(6) The burning complies with all applicable fire safety and environmental regulations.”

(3) By striking Section 3 in its entirety.

SECTION 2. The operation of any air curtain incinerator by the Virgin Islands Waste Management Authority or a landfill operator authorized by the Virgin Islands Waste Management Authority under this act must comply with the following requirements:

(a) The incinerator must be operated only by or under the supervision of a person who holds a valid certification issued by the manufacturer or distributor of the air curtain incinerator.

(b) The incinerator may not be operated within 300 feet of any residence.

1 (c) Prior to commencing operations, the Virgin Islands Waste Management Authority
2 shall obtain approval from the Department of Planning and Natural Resources following an
3 inspection conducted by the Department to ensure compliance with applicable permit
4 conditions.

5 (d) The incinerator may not be operated unless there are at least four air quality
6 monitors located at the perimeter of the incinerator site measuring particulate matter, including
7 PM10 and PM2.5.

8 (1) The monitors must be Federal Reference Method or Federal Equivalent
9 Method monitors, or equivalent monitors as determined by the Department of Planning
10 and Natural Resources.

11 (2) Monitoring data must be made publicly available by the Virgin Islands Waste
12 Management Authority not less than monthly in a manner accessible to the public.

13 (3) If monitoring data indicates that particulate matter levels exceed the National
14 Ambient Air Quality Standards (NAAQS) for PM10 or PM2.5, the operation of the
15 incinerator must cease for not less than 24 hours or until compliance is achieved.

16 (e) Each incinerator must be inspected and tuned not less than twice per year by a
17 person qualified by the manufacturer or distributor of the air curtain incinerator, or by another
18 qualified person approved by the Department of Planning and Natural Resources, to ensure that
19 the unit operates in accordance with the manufacturer's specifications and applicable
20 operational standards.

21 (f) The Virgin Islands Waste Management Authority shall, in coordination with the
22 Department of Planning and Natural Resources, develop and implement policies and
23 procedures governing the operation of air curtain incinerators, including provisions relating to
24 employee safety and environmental protection, within 60 days of enactment of this act.

BILL SUMMARY

This bill amends Act No. 8018 to clarify the permitted methods for the disposal of green waste by prohibiting open pit burning; authorizes the Virgin Islands Waste Management Authority and landfill operators to utilize controlled incineration technologies, including air curtain incinerators and similar methods; allows alternative green waste management practices; and establishes permitting and safety requirements for private open burning of green waste.

BR25-0883/February 2, 2026/KEH

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