

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.
Sponsor: Avery L. Lewis

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;

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

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

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

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

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

9 (a) In section 1:

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

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

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

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

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

23 “(b) Private persons may engage in the open burning of green waste
24 generated on their own property only after obtaining a permit from the Virgin

1 Islands Fire Service or other designated authority. A permit shall be issued only
2 upon a determination that:

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

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

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

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

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

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

14 (3) By striking Section 3 in its entirety.

15 **BILL SUMMARY**

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

21 **BR25-0883/February 2, 2026/KEH**