

# Bill No. 36-0232

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2 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.



**PRESENTED BY**

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**Submitted to**

**SENATOR AVERY L. LEWIS, CHAIRMAN**

***Senate Committee on Government Operations, Veterans Affairs, and Consumer Protection***

Cleone H. Creque Legislative Conference Room

in St. John, Virgin Islands

March 10, 2026

3 Good afternoon, Senator Avery L. Lewis, Chairman, Committee on Government  
4 Operations, Veterans Affairs, and Consumer Protection, other committee members,  
5 36th Legislature Staff, and those in the viewing and listening audience. I am Daryl  
6 D. Jaschen, Director of the Virgin Islands Territorial Emergency Management  
7 Agency (VITEMA). I am here today to provide testimony to Bill No. 36-0232, an  
8 act amending Act No. 8018 to authorize the disposal of green waste using controlled  
9 incineration technologies, including air curtain incinerators, and for other purposes,  
10 dated February 2, 2026, proposed by Senator Clifford A. Joseph, Sr.

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12 According to FEMA in a report published on December 9, 2017, in the United States  
13 Virgin Islands, Hurricane Irma and Hurricane Maria generated 850,000 cubic yards  
14 of debris. Of that amount, an estimated 60%, or 510,000 cubic yards, comprised  
15 vegetation debris such as downed trees and tree limbs, palm fronds, brush, and grass.  
16 By March 23, 2018, Government House reported an even larger amount, an  
17 estimated 750,00 cubic yards of vegetation debris had been picked up across all  
18 islands.

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20 The Federal Emergency Management Agency (FEMA), US Army Corps of  
21 Engineers and Emergency Protection Agency are normally the lead federal agencies  
22 working in conjunction with the local government agencies to reduce debris  
23 following a Stafford Act approved disaster by the President of the United States  
24 (POTUS). Overall, debris is categorized as power utility and telecommunications  
25 debris, construction and demolition (C&D) debris, white goods debris, metal debris,  
26 hazardous materials debris, marine debris, and vegetation debris. Through contracts  
27 by Federal agencies or the Government of the U.S. Virgin Islands, most of the debris  
28 is reduced and then transported outside the territory. The one exception is vegetation

29 debris. Currently, vegetation debris must stay in the U.S. Virgin Islands as  
30 determined by the U.S. Army Corps of Engineers. Normally, vegetation debris is  
31 reduced in volume through various techniques. After debris reduction, the vegetation  
32 is sent to VI Waste Management Authority landfills at Bovoni on St. Thomas and  
33 Anguilla on St. Croix. Currently, there are no authorized permanent vegetation  
34 debris locations on St. John or Water Island.

35 A joint USVI task force formed following hurricanes Irma and Maria concluded  
36 there were three options for reduction of the vegetation debris: composting,  
37 mulching, and air curtain incineration. However, the 32nd Legislature passed Act  
38 8018 on December 21, 2017, after being vetoed by the Governor on December 13,  
39 2017. Act 8018 bans the burning of all fallen trees and other vegetation debris  
40 generated because of a natural disaster, thus subsequently eliminating the air curtain  
41 incineration option.

42 The purpose of today's hearing is to present discussion on amending Act 8018 to  
43 include air curtain incineration as an additional option, along with composting and  
44 mulching, in the reduction of vegetation debris generated during a disaster. The  
45 bottom line is that a natural disaster in the U.S. Virgin Islands generates a  
46 tremendous amount of vegetation debris in a very short period. There is very little  
47 room to store vegetation waste and reduction techniques such as composting and  
48 mulching, while very feasible options, take up precious land area, are slow, and  
49 produce limited results. When vegetation debris is properly separated from other  
50 types of debris, the air curtain incineration option provides both a quick and an  
51 environmentally friendly solution.

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53 By definition, an air curtain incinerator is a pollution-control device that burns  
54 vegetative debris, using a high-velocity fan to create an air curtain over a steel box.

55 This technology increases combustion temperatures and efficiency, significantly  
56 reducing smoke and particulate matter, compared to open burning. A self-contained  
57 above ground air curtain incinerator can reduce vegetation debris at a rate of 10 tons  
58 per hour or 40 cubic yards per hour. This translates to 3,360 cubic yards a week,  
59 running 12-hours days, 7-days a week.

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61 As testimony to the environmentally friendly nature of an air curtain incinerator, on  
62 April 17, 2024, the U.S. Environmental Protection Agency removed, under the Code  
63 of Federal Regulations, Title 40, Part 60, paragraph 60.2069, the title V permit  
64 requirements for air curtain incinerators, as long as it burns only wood waste, clean  
65 lumber, yard waste, or a mixture of these three types of waste. To qualify for the  
66 exclusion, “the air curtain incinerators must be used to combust debris in an area  
67 declared a State of Emergency by a local or State government, or the President, under  
68 the authority of the Stafford Act. The duration of use without needing to notify the  
69 EPA is eight (8) weeks, and if the period lasts more than 8 weeks, you must notify  
70 the EPA and request permission to continue to operate for an additional 8 weeks. At  
71 the end of 16 weeks from the date the air curtain started operation, you must cease  
72 operation, unless the EPA has approved in writing your request to continue  
73 operation.”

74

75 Currently, the only requirement from the EPA is that the air curtain incinerator  
76 complies with opacity requirements under the Other Solid Waste Incinerators rule.  
77 Opacity is the measure of visible smoke emissions. This rule requires a check as  
78 defined in paragraph 62.14755a with opacity of less than or equal to 10 percent  
79 during operation and less than or equal 35 percent during startup period within the  
80 first 30-minutes of operation.

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82 The use of an air curtain incinerator in the U.S. Virgin Islands following a natural  
83 disaster provides for quick and environmentally safe method to reduce vegetation  
84 debris. Additionally, this method destroys pests and pathogens making it a valuable  
85 alternative to chipping and hauling which can spread infestations. The process  
86 achieves a significant volume reduction, converting 95% to 98% of the waste into  
87 sterile ash.

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89 VITEMA is in full support of the proposed amendment to Act No. 8018, especially  
90 during times of natural disasters, which generate a large volume of vegetation debris  
91 in a short period of time, and cannot be transported outside the Territory.

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93 Thank you for the opportunity to present testimony on Bill No. 36-0232. I am  
94 prepared to answer any questions any members of this committee may have at this  
95 time.