



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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Office of the Commissioner

March 13, 2026

The Honorable Avery L. Lewis
Chair, Committee on Government Operations,
Veterans Affairs and Consumer Protection
36th Legislature of the Virgin Islands

via email: alewis@legvi.org

RE: BILL NO. 36-0232 – DISPOSAL OF GREEN WASTE USING CONTROLLED INCINERATION TECHNOLOGIES

Dear Senator Lewis:

DPNR stands in full support of Bill No. 36-0232 – An Act amending Act No. 8018 to authorize the disposal of green waste using controlled incineration technologies, including air curtain incinerators, for several reasons. Firstly, green waste makes up approximately 30%-35% of the waste stream going to the landfill, by far the largest percentage of material. Both of our landfills are under consent decree and are scheduled for closure, with limited air space remaining in each of them. After Hurricanes Irma and Maria, green waste accounted for more than 20x the annual amount normally collected at the landfills. The Federal Emergency Management Agency (FEMA) has already told the Government of the Virgin Islands (GVI) that it will NOT ship green waste material out of the Territory as a response to another major storm, so if we were to suffer another major event, this would quickly lessen the amount of air space remaining in each of the landfills.

A second justification to do controlled incineration is that it will reduce the number of fires that happen unexpectedly in the landfills. Over the last six years there have been five (5) fires at the landfills, the most severe of which was in September 2023, which lasted for over two weeks. That fire started in the green waste area and slowly expanded. Fortunately, the brave men and women of the VI Fire and Emergency Services were able to control the expansion and eventually suppress the fire. This type of uncontrolled burn is far more dangerous than controlled incineration.

Questions have arisen related to the regulatory requirements for air curtain incinerators (ACI). The GVI issues Title V permits in accordance with the Clean Air Act for instruments with the potential to emit. A Title V permit is used to regulate the potential to emit pollutants such as carbon monoxide (CO), sulfur dioxide (SO₂), particular matter (PM_x), oxides of nitrogen (NO_x), and volatile organic compounds (VOCs). In August 2020, the USEPA conducted a five-year review of Other Solid Waste Incineration (OSWI) Units, of which ACIs are considered. On April 17, 2024, the USEPA issued a final rule concerning the OSWIs which concluded that if the units are burning only wood waste, clean lumber, yard waste or a mixture of these three types of waste, and they are not near another source which requires a


Title V permit, then there is no requirement for a Title V permit under the Clean Air Act (see link to federal register: <https://www.federalregister.gov/documents/2024/04/17/2024-08270/other-solid-waste-incinerators-air-curtain-incinerators-title-v-permitting-provisions>). The GVI's air permitting standards mirror that of the USEPA, and thus no Title V permit would be required for the operation of an ACI in the USVI. This is important to note as we discuss the legality of the use of ACIs in the territory – the agency responsible for setting the standards for the country have reviewed the use of ACIs and deemed the potential effects negligible, to the point where a permit is not required.

There are those in our community who believe that mulching, and not ACIs, should be the response to the handling of our vegetative waste. While this is a solution, it is not OUR solution as there is an issue of volume. Green waste is collected and deposited on a daily basis in our landfills, and we simply do not have the customer volume for mulching alone. We have a few hotels that could use the mulch; we could possibly provide for community gardeners; however, the volume that we see daily, and particularly after a storm, is one that we do not have the customer base to deplete the mulch created. As such, there will be stockpiles of material, and this same material could potentially end up as open burn, like the problems we have today. The byproduct of the ACI, the biochar, would take up significantly less space than mulched material. For example, if 100 tons of green waste is mulched, the remaining product is about 80 tons of material, whereas if 100 tons of green waste is incinerated in an ACI, the result is about 3 tons of biochar. We would also have an active customer base for the biochar – our farmers. Biochar is often tilled back into the soil for various crops by farmers. According to the National Institute of Health (NIH) biochar's agricultural benefit is as a soil additive that improves soil fertility as it improves water retention, fosters nutrient absorption, and promotes microbial activity ([Biochar Production and Characteristics, Its Impacts on Soil Health, Crop Production, and Yield Enhancement: A Review - PMC](#)).

Senators, Bill No. 36-0232, repealing any ban of incinerating any green waste material, is absolutely necessary for the Territory. The Anguilla Landfill has three (3) years of air space remaining, and the Bovoni Landfill has around seven (7) years remaining. If a major storm were to strike this upcoming hurricane season, are we willing to significantly reduce the amount of space with product that we had a plausible alternative of disposing? Do we really want to have to dedicate local funding to removing the waste? Controlled incineration technologies are safe and they are well-suited for island environments. I can see no reason why the Legislature would not pass Bill No. 36-0232.

Should you need any additional information, please feel free to contact me at (340)643-6242, or by email at jp.oriol@dpr.vi.gov.

Sincerely,



Jean-Pierre L. Oriol
Commissioner