

COMMITTEE ON GOVERNMENT OPERATIONS, VETERANS  
AFFAIRS AND CONSUMER PROTECTION

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

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

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

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

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

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

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

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

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

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

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

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

21 **BILL SUMMARY**

22 This bill amends Act No. 8018 to clarify the permitted methods for the disposal of green  
23 waste by prohibiting open pit burning; authorizes the Virgin Islands Waste Management  
24 Authority and landfill operators to utilize controlled incineration technologies, including air

1 curtain incinerators and similar methods; allows alternative green waste management practices;  
2 and establishes permitting and safety requirements for private open burning of green waste.

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

4 *S:\AMENDS\36th Legislature\JOSEPH, SR., CLIFFORD A\Amendment 36-*

5 *743\Amendment No. 36-743 (REVISED) - DRAFTED ON YELLOW.docx*