

ACT NO. 9099

BILL NO. 36-0232

THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

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

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

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

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

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

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

Be it enacted by the Legislature of the Virgin Islands:

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

(a) In section 1:

(1) strike subsection (a) and insert:

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

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

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

(b) Controlled incineration shall only be used as a disposal method if other environmentally safe alternatives, such as shredding, mulching, composting and reuse are not available. The Virgin Islands Waste Management Authority and landfill operators shall prioritize alternative green waste management methods.

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

“(c) 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.

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

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

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

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

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

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

(f) The Virgin Islands Waste Management Authority shall, in coordination with the Department of Planning and Natural Resources, develop and implement policies and procedures governing the operation of air curtain incinerators, including provisions relating to

employee safety and environmental protection, start-up and shutdown procedures, a mandatory one-week period of down time pursuant to the manufacturer's recommendation or after ten consecutive weeks of operation, whichever is less, within 60 days of enactment of this act.

- (g) The policies and procedures must include language to ensure:
 - (1) the proper sorting and separation of vegetative and non-vegetative debris;
 - (2) the reduction of incineration activities;
 - (3) fire safety requirements;
 - (4) the promotion of recycling, reuse, composting, mulching, and beneficial green waste management practices; and
 - (5) the minimization of smoke, particulate matter, and impact to surrounding residential communities.

Thus passed by the Legislature of the Virgin Islands on May 28, 2026.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 29th day of May, A.D., 2026.



Handwritten signature of Milton E. Potter in blue ink.

Milton E. Potter
President

Handwritten signature of Avery L. Lewis in blue ink.

Avery L. Lewis
Secretary



Bill No. 36- 0232 is hereby approved.

**Witness my hand and the Seal of the Government of
the United States Virgin Islands at Charlotte Amalie,
St. Thomas, This 9th day of June, 2026 A.D.**

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", written over a horizontal line.

**Albert Bryan Jr.
Governor**