

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 190

An Act to amend and reenact § 15.1-1250.01 of the Code of Virginia, relating to public hearings for solid waste collection.

[H 181]

Approved April 2, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-1250.01 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-1250.01. Public hearing for certain garbage and refuse collection.

No service authority formed under this chapter shall be permitted to operate itself or contract for the operation of a garbage and refuse collection and disposal system for any ~~county~~ *political subdivision*, or to collect service charges therefor, unless the ~~participating county board of supervisors~~ *service authority* finds, after public notice and hearing, ~~and the participating governing body subsequently finds~~: (i) that privately owned and operated refuse collection and disposal services are not available on a voluntary basis by contract or otherwise, (ii) that the use of such privately owned services has substantially endangered the public health or has resulted in substantial public nuisance, (iii) that the privately owned refuse collection and disposal service is not able to perform the service in a reasonable and cost-efficient manner, or (iv) that operation by such authority or contract for such operation, in spite of any potential anti-competitive effect, is important in order to provide for the development and/or operation of a regional system of garbage and refuse collection and disposal for two or more units.

Upon such a finding by ~~the service authority and the participating board of supervisors~~ *governing body*, such service authority may itself operate or contract for the operation of a refuse collection and disposal system.

The requirements and restrictions of this section shall not apply in any ~~county~~ *political subdivision* wherein garbage and refuse collection and disposal services are being operated or contracted for by any sanitary district located therein, as of July 1, 1983.

Notwithstanding the provisions of this section, no ~~county participating in a service authority formed under this chapter~~ *political subdivision* shall be required to comply with the ~~public hearing~~ requirements of this section where the service authority proposes to contract with the private sector for services or systems involving discarded or waste materials removed from the nonhazardous solid waste stream for recycling or where the service authority proposes to contract with the private sector for services or systems involving collection and disposal of nonhazardous solid waste where the collected waste will be disposed of in a state-permitted waste management facility and where the service authority has a contract for services which shall be paid for through a supporting financial agreement approved by the participating ~~county board of supervisors~~ *political subdivision's governing body*. For purposes of this section, "recycling" means the process of separating a given nonhazardous waste material from the waste stream and processing it so that it may be used again as a new material for a product which may or may not be similar to the original product or used in manufacturing any usable product.