

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 56-265.1 of the Code of Virginia and to amend the Code of Virginia by  
3 adding a section numbered 56-257.3, relating to landfill gas pipelines.

4 [H 2471]  
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 56-265.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia**  
8 **is amended by adding a section numbered 56-257.3 as follows:**

9 § 56-257.3. Landfill gas pipeline safety.

10 *Notwithstanding any other provision of law, the Commission shall have the authority to regulate the*  
11 *safety of landfill gas transmission or distribution facilities of any company transmitting or distributing*  
12 *landfill gas off premises from a solid waste management facility permitted by the Department of*  
13 *Environmental Quality.*

14 § 56-265.1. Definitions.

15 In this chapter the following terms shall have the following meanings:

16 (a) "Company" means a corporation, an individual, a partnership, an association, a joint-stock  
17 company, a business trust, a cooperative, or an organized group of persons, whether incorporated or not;  
18 or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; but not  
19 a municipal corporation or a county.

20 (b) "Public utility" means any company which owns or operates facilities within the Commonwealth  
21 of Virginia for the generation, transmission or distribution of electric energy for sale, for the production,  
22 storage, transmission, or distribution, otherwise than in enclosed portable containers, of natural or  
23 manufactured gas or geothermal resources for sale for heat, light or power, or for the furnishing of  
24 telephone service, sewerage facilities or water; however, the term "public utility" shall not include any  
25 of the following:

26 (1) Except as otherwise provided in § 56-265.3:1, any company furnishing sewerage facilities,  
27 geothermal resources or water to less than fifty customers. Any company furnishing water or sewer  
28 services to ten or more customers and excluded by this subdivision from the definition of "public utility"  
29 for purposes of this chapter nevertheless shall not abandon the water or sewer services unless and until  
30 approval is granted by the Commission or all the customers receiving such services agree to accept  
31 ownership of the company.

32 (2) Any company generating and distributing electric energy exclusively for its own consumption.

33 (3) Any company (A) which furnishes electric service together with heating and cooling services,  
34 generated at a central plant installed on the premises to be served, to the tenants of a building or  
35 buildings located on a single tract of land undivided by any publicly maintained highway, street or road  
36 at the time of installation of the central plant, and (B) which does not charge separately or by meter for  
37 electric energy used by any tenant except as part of a rental charge. Any company excluded by this  
38 subdivision from the definition of "public utility" for the purposes of this chapter nevertheless shall,  
39 within thirty days following the issuance of a building permit, notify the State Corporation Commission  
40 in writing of the ownership, capacity and location of such central plant, and it shall be subject, with  
41 regard to the quality of electric service furnished, to the provisions of Chapters 10 (§ 56-232 et seq.) and  
42 17 (§ 56-509 et seq.) of this title and regulations thereunder and be deemed a public utility for such  
43 purposes, if such company furnishes such service to 100 or more lessees.

44 (4) Any company, or affiliate thereof, making a first or direct sale, or ancillary transmission or  
45 delivery service, of natural or manufactured gas to fewer than ten commercial or industrial customers,  
46 which are not themselves "public utilities" as defined in this chapter, for use solely by such purchasing  
47 customers at facilities which are not located in a territory for which a certificate to provide gas service  
48 has been issued by the Commission under this chapter and which, at the time of the Commission's  
49 receipt of the notice provided under § 56-265.4:5, are not located within any area, territory, or  
50 jurisdiction served by a municipal corporation that provided gas distribution service as of January 1,  
51 1992, provided that such company shall comply with the provisions of § 56-265.4:5.

52 (5) Any company which is not a public service corporation and which provides compressed natural  
53 gas service at retail for the public.

54 (6) *Any company selling landfill gas from a solid waste management facility permitted by the*  
55 *Department of Environment Quality to a public utility certificated by the Commission to provide gas*  
56 *distribution service to the public in the area in which the solid waste management facility is located. If*

57 *such company submits to the public utility a written offer for sale of such gas and the public utility does*  
58 *not agree within sixty days to purchase such gas on mutually satisfactory terms, then the company may*  
59 *sell such gas to (i) any facility owned and operated by the Commonwealth which is located within three*  
60 *miles of the solid waste management facility or (ii) any purchaser after such landfill gas has been*  
61 *liquefied. The provisions of this subdivision shall not apply to any city with a population of at least*  
62 *64,000 but no more than 69,000 or any county with a population of at least 500,000.*

63 (c) "Commission" means the State Corporation Commission.

64 (d) "Geothermal resources" means those resources as defined in § 45.1-179.2.