

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 925

An Act to amend and reenact § 15.2-5102 of the Code of Virginia, relating to Virginia Water and Waste Authorities Act; exemption from Utility Facilities Act.

[H 2455]

Approved March 29, 1999

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-5102 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-5102. One or more localities may create authority.

A. The governing body of a locality may by ordinance or resolution, or the governing bodies of two or more localities may by concurrent ordinances or resolutions or by agreement, create a water authority, a sewer authority, a sewage disposal authority, a stormwater control authority, ~~or~~ a refuse collection and disposal authority, or any combination or parts thereof. The name of the authority shall contain the word "authority." The authority shall be a public body politic and corporate. The ordinance, resolution or agreement creating the authority shall not be adopted or approved until a public hearing has been held on the question of its adoption or approval, and after approval at a referendum if one has been ordered pursuant to this chapter.

B. Any authority, or any subsidiary thereof, organized pursuant to this section to operate a refuse collection and disposal system that, pursuant to statute, is specifically authorized to include in the system (i) facilities for processing solid waste as a fuel and (ii) facilities for generating steam and electricity for sale, shall not be subject to regulation under the Utilities Facilities Act (§ 56-265.1 *et seq.*), provided that sales of electricity generated at such facilities are made only to a federal agency whose primary responsibility is national defense and the energy is delivered directly from the generator to the customer's facilities or to a public utility.