

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1004

By: Allen

COMMITTEE SUBSTITUTE

An Act relating to the Corporation Commission;  
amending 17 O.S. 2011, Section 160.14, which relates  
to decommissioning of wind energy facilities;  
requiring decommissioned materials be removed from  
the state; establishing fine for violation of act;  
directing certain monies into Corporation Commission  
Revolving Fund; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 17 O.S. 2011, Section 160.14, is  
amended to read as follows:

Section 160.14. A. The owner of a wind energy facility shall  
be responsible, at its expense, for the proper decommissioning of  
the facility upon abandonment or the end of the useful life of the  
commercial wind energy equipment in the wind energy facility.

B. Proper decommissioning of a wind energy facility shall  
include:

1        1. Removal of wind turbines, towers, buildings, cabling,  
2 electrical components, foundations and any other associated  
3 facilities, to a depth of thirty (30) inches below grade; and

4        2. Disturbed earth being graded and reseeded or otherwise  
5 restored to substantially the same physical condition as existed  
6 prior to the construction of the wind energy facility by the owner,  
7 excluding roads, unless the landowner specifically requests in  
8 writing that the roads or other land surface areas be restored.

9        C. The decommissioning of the wind energy facility, or  
10 individual pieces of commercial wind energy equipment, shall be  
11 completed as follows:

12        1. By the owner of the wind energy facility within twelve (12)  
13 months after abandonment or the end of the useful life of the  
14 commercial wind energy equipment in the wind energy facility; ~~and~~

15        2. Any material removed pursuant to this subsection that cannot  
16 be recycled shall be removed from the state within ninety (90) days  
17 after the completion of decommissioning; and

18        3. If the owner of the wind energy facility fails to complete  
19 the decommissioning within the period prescribed in ~~paragraph~~  
20 paragraphs 1 and 2 of this subsection, the Corporation Commission  
21 shall take such measures as are necessary to complete the  
22 decommissioning and shall impose a fine of no more than Five Hundred  
23 Dollars (\$500.00) per day for each day the decommissioning is not  
24

1 completed, to be deposited into the Corporation Commission Revolving  
2 Fund created in Section 180.7 of this title.

3 D. A lease or other agreement between a landowner and an owner  
4 of a wind energy facility may contain provisions for decommissioning  
5 that are more restrictive than provided for in this section.

6 SECTION 2. This act shall become effective November 1, 2019.

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