

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 1004

By: Allen

AS INTRODUCED

An Act relating to Corporation Commission; amending 17 O.S. 2011, Section 160.14, which relates to decommissioning of wind energy facility; decreasing time period for decommissioning; requiring certain materials be removed from state; establishing fine for violation of act; 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. Removal of wind turbines, towers, buildings, cabling, electrical components, foundations and any other associated facilities, to a depth of thirty (30) inches below grade; and

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

6 C. The decommissioning of the wind energy facility, or
7 individual pieces of commercial wind energy equipment, shall be
8 completed as follows:

9 1. By the owner of the wind energy facility within ~~twelve (12)~~
10 ~~months~~ ninety (90) days after abandonment or the end of the useful
11 life of the commercial wind energy equipment in the wind energy
12 facility; and

13 2. Any material removed pursuant to this subsection that cannot
14 be recycled shall be removed from the state within 90 days; and

15 3. If the owner of the wind energy facility fails to complete
16 the decommissioning within the period prescribed in ~~paragraph 1~~
17 paragraphs 1 and 2 of this subsection, the Corporation Commission
18 shall take such measures as are necessary to complete the
19 decommissioning and shall impose a fine of no more than Five Hundred
20 Dollars (\$500.00) per day for each day the decommissioning is not
21 completed, to be deposited into the Corporation Commission Revolving
22 Fund created by Section 180.7 of this title.

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

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

57-1-17 CB 4/1/2019 8:16:16 AM