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February 14, 2019

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1004

By: Allen

[ Corporation Commission - wind energy facilities -  
decommissioned materials be removed from the state -  
fine - Corporation Commission Revolving Fund -  
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 after abandonment or the end of the useful life of the  
11 commercial wind energy equipment in the wind energy facility; ~~and~~

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

15        3. If the owner of the wind energy facility fails to complete  
16 the decommissioning within the period prescribed in ~~paragraph~~  
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 in Section 180.7 of this title.

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
6 February 14, 2019 - DO PASS AS AMENDED  
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