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**HOUSE BILL 1173**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Connors, Klicker, and Rude

AN ACT Relating to reducing light pollution associated with certain energy infrastructure; adding a new section to chapter 80.50 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.01 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 80.50 RCW to read as follows:

(1) This section applies to:

(a) Applicants for site certification under this chapter proposing a wind energy alternative energy resource facility; and

(b) The owners and operators of wind energy alternative energy resource facilities that have received site certification under this chapter prior to the effective date of rules adopted by the department under section 2 of this act.

(2)(a) An applicant described in subsection (1) of this section must, as a condition of site certification under this chapter, comply with the light mitigation requirements of this section upon the completion of construction of the facility.

(b) An owner or operator described in subsection (1) of this section must ensure that the wind energy alternative energy resource facility complies with the light mitigation requirements of this chapter by January 1, 2026.

(3) A wind energy alternative energy resource facility must be equipped with a functioning light mitigation technology system that meets the requirements of the rules adopted pursuant to section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

(1)By January 1, 2025, the department must adopt rules to establish light mitigation requirements applicable to new and existing wind energy alternative energy resource facilities, consistent with sections 1, 3, 4, and 5 of this act. In adopting rules under this section, the department must consult with the department of transportation and the energy facility site evaluation council and solicit input from counties and cities.

(2) The rules adopted by the department under this section must:

(a) Be consistent with federal aviation administration regulations, guidelines, circulars, and standards, including 14 C.F.R. Part 77 as it existed as of January 1, 2023, except as provided in (b) of this subsection;

(b) Apply to all obstructions associated with the wind energy alternative energy resource facility, including meteorological towers, regardless of height;

(c) Include service and maintenance requirements and safety standards; and

(d) Require aircraft detection lighting systems.

(3) For the purposes of this section, "aircraft detection lighting system" means a sensor-based system designed to detect aircraft as they approach an obstruction or group of obstructions and that automatically activate the appropriate obstruction lights until the lights are no longer needed by the aircraft.

NEW SECTION. **Sec.**  A new section is added to chapter 35.63 RCW to read as follows:

(1) This section applies to:

(a) Applicants for permits to site a wind energy alternative energy resource facility; and

(b) The owners and operators of wind energy alternative energy resource facilities that have received permits prior to the effective date of rules adopted by the department of ecology under section 2 of this act.

(2)(a) An applicant described in subsection (1) of this section must comply with the light mitigation requirements of this section upon the completion of construction of the facility.

(b) An owner or operator described in subsection (1) of this section must ensure that the wind energy alternative energy resource facility complies with the light mitigation requirements of this chapter by January 1, 2026.

(3) A wind energy alternative energy resource facility must be equipped with a functioning light mitigation technology system that meets the requirements of the rules adopted pursuant to section 2 of this act.

(4) For the purposes of this section, "alternative energy resource" has the same meaning as defined in RCW 80.50.020.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.63 RCW to read as follows:

(1) This section applies to:

(a) Applicants for permits to site a wind energy alternative energy resource facility; and

(b) The owners and operators of wind energy alternative energy resource facilities that have received permits prior to the effective date of rules adopted by the department of ecology under section 2 of this act.

(2)(a) An applicant described in subsection (1) of this section must comply with the light mitigation requirements of this section upon the completion of construction of the facility.

(b) An owner or operator described in subsection (1) of this section must ensure that the wind energy alternative energy resource facility complies with the light mitigation requirements of this chapter by January 1, 2026.

(3) A wind energy alternative energy resource facility must be equipped with a functioning light mitigation technology system that meets the requirements of the rules adopted pursuant to section 2 of this act.

(4) For the purposes of this section, "alternative energy resource" has the same meaning as defined in RCW 80.50.020.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

(1) This section applies to:

(a) Applicants for permits to site a wind energy alternative energy resource facility; and

(b) The owners and operators of wind energy alternative energy resource facilities that have received permits prior to the effective date of rules adopted by the department of ecology under section 2 of this act.

(2)(a) An applicant described in subsection (1) of this section must comply with the light mitigation requirements of this section upon the completion of construction of the facility.

(b) An owner or operator described in subsection (1) of this section must ensure that the wind energy alternative energy resource facility complies with the light mitigation requirements of this chapter by January 1, 2026.

(3) A wind energy alternative energy resource facility must be equipped with a functioning light mitigation technology system that meets the requirements of the rules adopted pursuant to section 2 of this act.

(4) For the purposes of this section, "alternative energy resource" has the same meaning as defined in RCW 80.50.020.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**