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## Environment & Energy Committee

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### HB 1173

**Brief Description:** Reducing light pollution associated with certain energy infrastructure.

**Sponsors:** Representatives Connors, Klicker and Rude.

#### Brief Summary of Bill

- Requires new wind energy facilities that go through the Energy Facility Site Evaluation Council (EFSEC) siting process or local government siting processes to comply with rules adopted by the Department of Ecology (Ecology) to establish light mitigation requirements when the facility is constructed.
- Requires existing wind energy facilities that went through the EFSEC siting process or local siting processes to meet Ecology's light mitigation requirements by January 1, 2026.
- Requires Ecology to adopt light pollution mitigation rules by January 1, 2025, in consultation with the department of transportation and EFSEC.

**Hearing Date:** 1/16/23

**Staff:** Jacob Lipson (786-7196).

#### **Background:**

##### Energy Facility Siting.

The Energy Facility Site Evaluation Council (EFSEC) was established in 1970 to provide a single siting process for major energy facilities located in the state. The EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities, as well as specifies the conditions of construction and operation. After evaluating an application, the EFSEC submits a

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recommendation either approving or rejecting an application to the Governor, who makes the final decision on site certification. This recommendation must be reported to the Governor within 12 months of application receipt, or at a later time if agreed to by the applicant and EFSEC. The recommendation must include a draft certification agreement, which must include various conditions including conditions to protect state, local, and community interests affected by the construction or operation of the energy facility. If approved by the Governor, a site certification agreement is issued in lieu of any other individual state or local agency permits.

The laws that require or allow a facility to seek certification through the EFSEC process apply to the construction, reconstruction, and enlargement of energy facilities, biorefineries, and electrical transmission facilities, with many specifications. Energy facilities of any size that exclusively use alternative energy resources such as wind or solar energy may opt into the EFSEC review and certification process. Energy facilities that exclusively use alternative energy resources that choose not to opt in to the EFSEC review and certification process must instead receive applicable state and local agency development and environmental permits for their projects directly from each agency.

#### Light Pollution and Mitigation.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. Projects and government decisions undergoing environmental review under SEPA must evaluate associated potential impacts to light and glare, aesthetics, and scenic resources, among other elements of the environment covered by SEPA review.

Some cities and counties have adopted ordinances that regulate aspects of outdoor lighting. Ordinances adopted by local governments in Washington to limit outdoor lighting include measures that:

- limit the illuminating power of outdoor lights;
- specifically restrict certain uses of lighting, such as illuminated athletic fields or industrial sources of light; or
- require that outdoor lights be positioned or shaded so as to limit illumination of neighboring properties or other features.

#### Federal Aviation Administration Requirements.

The Federal Aviation Administration (FAA) has adopted rules and advisory standards that apply to obstructions that have been deemed a hazard to air navigation, including structures that reach at least 500 feet above the ground. Specific FAA standards apply to the lighting of wind turbines, and also establish performance specifications for aircraft lighting detection systems (ALDS), which are sensor-based systems designed to detect aircraft as they approach an obstruction or group of obstructions.

#### **Summary of Bill:**

By January 1, 2025, the Department of Ecology (Ecology) must adopt rules, in consultation with the Department of Transportation and the Energy Facility Site Evaluation Council (EFSEC) that establish light mitigation requirements for new and existing wind energy facilities. The rules adopted by Ecology must:

- be consistent with FAA regulations, guidelines, and standards in effect as of January 1, 2023;
- apply to all obstructions associated with a wind energy facility;
- include service and maintenance requirements; and
- require aircraft detection lighting systems (ALDS).

New applicants to EFSEC for site certification of a wind energy facility or to a city or county for permits for a wind energy facility must comply with the light mitigation requirements established in Ecology's rule upon the completion of the construction of the facility. Owners and operators of wind alternative energy resource facilities that have received EFSEC site certification or city or county permits prior to the effective date of Ecology's rules must comply with light mitigation requirements by January 1, 2026.

A severability clause is included.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.