## A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Hawaii Revised Statutes is amended by 1 adding a new chapter to be appropriately designated and to read 2 3 as follows: 4 "CHAPTER 5 HYDRAULIC FRACTURING -1 Definitions. As used in this chapter, unless the 6 7 context otherwise requires: "Board" means the board of land and natural resources. 8 9 "Fluid" means any material or substance which flows or moves whether in semi-solid, liquid, sludge, gas, or any other 10 11 form or state. 12 "Hydraulic fracturing" means a drilling operation into an 13 underground geologic formation and the injection of fluids, gases, chemicals, sand, or any other substance with the 14 15 intention to cause or enhance fractures in the geologic formation for the purpose of instigating or increasing the 16 17 porosity or permeability of the geologic formation to initiate 18 or increase the production of a desired commodity from a well.

2014-0103 HB SMA-1.doc

- 1 Hydraulic fracturing is also known as "fracking", "hydro-
- fracking", "hydro-fracturing", "hydro-shearing", "hydraulic"
- 3 shearing", "hydro-stimulation", or "enhanced geothermal
- 4 drilling".
- 5 S -2 Hydraulic fracturing; prohibited. (a) It shall be
- 6 unlawful for any person, corporation, or other business entity
- 7 to engage in hydraulic fracturing within the State.
- 8 (b) It shall be unlawful for any person, corporation, or
- 9 other business entity to collect, transport, store, process, or
- 10 discharge waste fluid from hydraulic fracturing within the State
- 11 without first obtaining a permit to do so.
- 12 § -3 Penalty; injunction. Any person, corporation, or
- 13 other business entity that violates section -2 shall be fined
- 14 not more than \$100,000 for every violation.
- 15 Any person, corporation, or other business entity that
- 16 violates section -2 may also be enjoined by the circuit court
- 17 from continuing the violation.
- 18 The penalty and remedy provided by this section shall be in
- 19 addition to any criminal or civil penalty provided by any other
- 20 law.
- 21 **S** -4 Enforcement. The board or its authorized
- 22 representative is authorized to charge and collect the fines set

2014-0103 HB SMA-1.doc

7

- 1 forth pursuant to section -3 and bring legal action to enjoin
- 2 conduct prohibited by this chapter."
- 3 SECTION 2. This Act does not affect rights and duties that
- 4 matured, penalties that were incurred, and proceedings that were
- 5 begun before its effective date.
- 6 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

JAN 2 2 2014

# H.B. NO. 2359

#### Report Title:

Conservation; Mining and Materials; Hydraulic Fracturing

### Description:

Prohibits hydraulic fracturing and the collection, storage, treatment, or discharge of wastewater from hydraulic fracturing. Provides for penalties and enforcement.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.