## A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

HB2359 HD1 HMS 2014-2010

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

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

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

- 1 § -4 Enforcement. The board or its authorized
- 2 representative is authorized to charge and collect the fines set
- 3 forth pursuant to section -3 and bring legal action to enjoin
- 4 conduct prohibited by this chapter."
- 5 SECTION 2. This Act does not affect rights and duties that
- 6 matured, penalties that were incurred, and proceedings that were
- 7 begun before its effective date.
- 8 SECTION 3. This Act shall take effect on January 28, 2878,
- 9 and shall be repealed on July 1, 2017.

## Report Title:

Conservation; Mining and Materials; Hydraulic Fracturing

## Description:

Prohibits hydraulic fracturing and the collection, storage, treatment, or discharge in the State of wastewater from hydraulic fracturing. Provides for penalties and enforcement. Sunset date of July 1, 2017. Effective January 28, 2878. (HB2359 HD1)

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