A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1	SECTION 1. The Hawaii Revised Statutes is amended by
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:
8	"Board" means the board of land and natural resources.
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
17	porosity or permeability of the geologic formation to initiate
18	or increase the production of a desired commodity from a well.

- 1 Hydraulic fracturing is also known as "fracking", "hydro-
- 2 fracking", "hydro-fracturing", "hydro-shearing", "hydraulic
- 3 shearing", "hydro-stimulation", or "enhanced geothermal
- 4 drilling".
- 5 § -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 § -4 Enforcement. The board or its authorized
- 22 representative is authorized to charge and collect the fines set

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- 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 on July 1, 2050.

Report Title:

Conservation; Mining and Materials; Hydraulic Fracturing

Description:

Prohibits hydraulic fracturing and the collection, transport, storage, processing, or discharge of wastewater from hydraulic fracturing. Provides for penalties and enforcement. Effective 7/1/2050. (SD1)

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