
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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 the process of pumping a fluid
13 into or under the surface of the ground in order to create
14 fractures in rock for the purpose of producing or recovering oil
15 or gas.

16 § -2 Hydraulic fracturing; prohibited. (a) It shall be
17 unlawful for any person, corporation, or other business entity



1 to engage in hydraulic fracturing within the State without first
2 obtaining a permit to do so.

3 (b) It shall be unlawful for any person, corporation, or
4 other business entity to collect, transport, store, process, or
5 discharge waste fluid from hydraulic fracturing within the State
6 without first obtaining a permit to do so.

7 § -3 **Application for permit; fee.** (a) Any person,
8 corporation, or other business entity desiring to engage in
9 hydraulic fracturing or collect, transport, store, process, or
10 discharge waste fluid from hydraulic fracturing shall make
11 written application to the board for a permit. Application for
12 the permit shall be made upon forms furnished by the board,
13 which shall require such documentation or information as the
14 board may require. The application shall be accompanied by an
15 annual fee in an amount to be determined by the board.

16 (b) After a public hearing conducted in accordance with
17 chapter 91, the board, in its discretion, may grant an
18 application for a permit with or without conditions or deny an
19 application for a permit. The board may cancel a permit or
20 amend conditions in a permit upon written notice and a public
21 hearing conducted in accordance with chapter 91.



1 (c) The board shall adopt rules pursuant to chapter 91
2 necessary to carry out the purposes of this section. No permit
3 shall be issued to allow hydraulic fracturing or the collection,
4 transportation, storage, processing, or discharge of waste fluid
5 from hydraulic fracturing pending the adoption of rules by the
6 board.

7 § -4 **Penalty; injunction.** Any person, corporation, or
8 other business entity that violates section -2 shall be fined
9 not more than \$ for every violation.

10 Any person, corporation, or other business that entity
11 violates section -2 may also be enjoined by the circuit court
12 from continuing the violation.

13 The penalty and remedy provided by this section shall be in
14 addition to any criminal or civil penalty provided by any other
15 law.

16 § -5 **Enforcement.** The board or its authorized
17 representative is authorized to charge and collect the fines set
18 forth pursuant to section -4 and bring legal action to enjoin
19 conduct prohibited by this chapter."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.


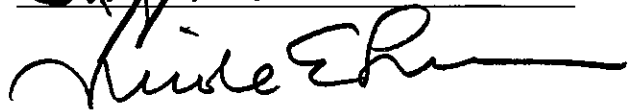


H.B. NO. 93

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

JAN 17 2013



H.B. NO. 93

Report Title:

Conservation; Mining and Materials; Hydraulic Fracturing

Description:

Prohibits hydraulic fracturing for oil or gas recovery and the collection, storage, treatment, or discharge of wastewater from hydraulic fracturing without first obtaining a permit from the board of land and natural resources. Establishes procedures for obtaining a permit. Requires the board to adopt rules. Provides for penalties and enforcement.

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