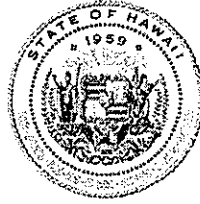
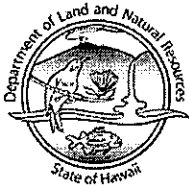


SB 375

RELATING TO THE ENVIRONMENT.

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.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committees on
ENERGY AND ENVIRONMENT
and
WATER AND LAND**

**Tuesday, January 29, 2013
2:45 P.M.
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 375
RELATING TO THE ENVIRONMENT**

Senate Bill 375 proposes to establish a new statutory chapter delegating authority to the Board of Land and Natural Resources for the regulation of hydraulic fracturing used for the purpose of producing or recovering oil or gas. The Department of Land and Natural Resources (Department) opposes this measure due to the following:

The Department respectfully notes that this measure is not necessary, as it is unlikely that production or recovery of oil or gas will take place in Hawaii. Hydraulic fracturing, if such operations were to take place in Hawaii, would require the use of an injection well for the introduction of fluids into the targeted formation. This activity is already regulated by the Department of Health (DOH) under Hawaii Administrative Rules, Chapter 11-23, to protect underground sources of drinking water from pollution by the subsurface disposal of fluid.

The Department believes that the creation of an additional statutory authority and promulgation of administrative rules is not necessary. The Department, along with the DOH, is already provided the authority to ensure appropriate management and protection of our State's mineral resources and the public's health and safety.

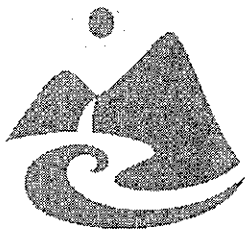
Thank you for the opportunity to provide testimony on this measure.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



MACZAC

Marine and Coastal Zone Advocacy Council *Ke Kahu O Na Kumu Wai*

MACZAC Members:

Lanai

Robin Kaye

Maui

Donna L. Brown

James E. Coon

Henry T.S. Lau

Molokai

Michael Sabas

Oahu

Susan A. Sakai (chair)

Kimbal Thompson

Hawaii Island

Mike Gleason

Roy R. Takemoto

Kauai

Rhoda Makanani Libre

Bryan Mamaclay

Staff

Jessica C. Stabile

COMMITTEE ON WATER AND LAND

Senator Malama Solomon, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

DATE: Tuesday, January 29, 2013

TIME: 2:45 p.m.

PLACE: Conference Room 225

In consideration of **SB 375**

RELATING TO Environment
James E. Coon Councilmember

Speaking in Support of SB 375

My name is James E. Coon, charter member of MACZAC. I speak in **Support of SB 375**

MACZAC Ke Kahu O Na Kumu Wai is very concerned about hydraulic fracturing and supports this minimum requirement of having permits issued through DLNR should this technology every be contemplated in Hawaii.

Thank you for the opportunity to submit testimony. If you have any questions, please contact me at 808-870-9115.

Sincerely,

James E. Coon,
808-870-9115 captcoon@gmail.com



LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai`i 96817

Phone: 533-3454 henry.lifeoftheland@gmail.com

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Malama Solomon, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

DATE: Tuesday, January 29, 2013

TIME: 2:45 p.m.

PLACE: Conference Room 225

SB 375 RELATING TO THE ENVIRONMENT.

SUPPORT & Proposed Amendment

Aloha Chairs Gabbard and Solomon, Vice Chairs Ruderman and Shimabukuro, and Members of the Committees

Life of the Land is Hawai`i's own community action group advocating for the people and the land since 1970. Our mission is to preserve and protect the life of the land by promoting sustainable land use, promote open government through research, education, advocacy, and when necessary, litigation.

In the 1970s Life of the Land protested a Hawai`i exemption clause on a national law banning certain pesticides.

Pesticide proponents argued that the pesticides would never travel thru our rock structure. When they did, information was withheld for a few years

about the contaminated drinking wells and the community served by the wells.

What a legacy!

Now the new mantra is, no need worry about tons of chemicals poured into the ground. Can't see them. Can't be harming us.

Bloomberg News (November 30, 2012)

Flaming Faucets:

"The 2010 documentary film "Gasland" showed homeowners near fracked wells igniting the water that flowed from their faucets. A year later, the EPA linked fracking to contaminated drinking water in Pavillion, Wyoming. The agency is retesting the Wyoming wells. A separate report from the U.S. Geological Survey this year confirmed the environmental agency's initial finding; it detected levels of methane, ethane, diesel compounds and phenol, which the EPA had identified in 2011."¹

Scientific American:

"Over the past several decades, U.S. industries have injected more than 30 trillion gallons of toxic liquid deep into the earth, using broad expanses of the nation's geology as an invisible dumping ground."²

Proposed Amendment

A final sentence should be added to §3(b) to read as follows:

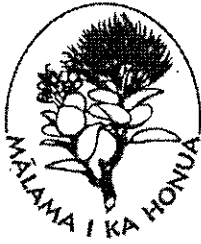
The board shall send letters of inquiry to existing permittees asking them if they are engaged in hydraulic fracturing.

Mahalo

Henry Curtis
Executive Director

¹ <http://www.businessweek.com/news/2012-11-30/frack-secrets-by-thousands-keep-u-dot-s-dot-clueless-on-wells>

² <http://www.scientificamerican.com/article.cfm?id=are-fracking-wastewater-wells-poisoning-ground-beneath-our-feeth>



Sierra Club

Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT SENATE COMMITTEE ON WATER AND LAND

January 29, 2013, 2:45 P.M.
(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF SB 375 WITH PROPOSED AMENDMENTS

Aloha Chair Gabbard, Chair Solomon, and Members of the Committees:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, respectfully *supports* SB 375. This measure prohibits hydraulic fracturing for oil or gas recovery without a permit.

Hydraulic Fracturing or “fracking” is a violent process the natural gas industry uses to extract natural gas from shale rock. It involves pumping millions of gallons of water, sand and an unknown chemical cocktail into the ground to create cracks in the deep shale formations and release the natural gas trapped inside.

Fracking for natural gas damages landscapes, pollutes water and air sources, and can have serious health consequences on local communities. Some of the many problems associated with inadequate safeguards in natural gas development include:

- Water contamination from substandard drill casings;
- Water treatment facilities that are unable to process dirty water from drilling operations;
- Harmful air emissions that pollute communities surrounding drilling operations, compressor stations and pipelines;
- Lack of environmental assessments, monitoring and regulatory enforcement to gauge damages to landscapes and wildlife; and
- Few safeguards to protect surrounding communities from accidents and leaks.

We support this measure and suggest including a prohibition against importing gas or oil produced from hydraulic fracturing without a permit ensuring reasonable safety and mitigation measures have been followed.

Proposed Amendments:

Page 1, Line 17, remove "business" from the phrase "business entity."

Page 2, Line 4, remove "business" from the phrase "business entity."

Page 2, Line 7 (New Section)

(c) It shall be unlawful for any person, corporation, or other entity to collect, transport, store, process, or discharge gas or oil produced from hydraulic fracturing within the State without first obtaining a permit to do so.

Page 2, Lines 7-15

Application for permit; fee. Any person, corporation, or other [~~business~~] entity desiring to engage in hydraulic fracturing or collect, transport, store, process, or discharge gas, oil, or waste fluid from hydraulic fracturing shall make written application to the board for a permit. Application for the permit shall be made upon forms furnished by the board, which shall require such documentation or information as the board may require. The application shall be accompanied by an annual fee in an amount to be determined by the board.

Page 3, Lines 1-6

(c) The board shall adopt rules pursuant to chapter 91 necessary to carry out the purposes of this section, including addressing water contamination, wastewater handling, reducing air emissions, ensuring appropriate environmental review, and protecting communities from accidents and leaks. No permit shall be issued to allow hydraulic fracturing or the collection, transportation, storage, processing, or discharge of waste fluid from hydraulic fracturing pending the adoption of rules by the board.

Mahalo for the opportunity to testify.



Indigenous Consultants, LLC

Mililani B. Trask, Principal
P.O.Box 6377 ❖ Hilo, HI 96720

Mililani.trask@gmail.com



IC Testimony SB 375 on letterhead

Re: SB 375

Hearing Date: 1-29-13

Room: 225

Committees: ENE & WTL

Aloha Legislators: Testimony in Opposition

Indigenous Consultants does not support this measure and does not think it applies in Hawaii for the following reasons:

#1) Hydraulic fracturing for oil & gas is being pursued on the U.S. Continent, but has never been utilized in Hawaii. Hawaii has no oil or gas reserves.

#2) Hydrofracking is a technology used in areas where there is little or no fluid; Hawaii's geophysical characteristics demonstrate that there is significant fluid underlying our islands as well as permeable soils. Consequently this type of technology would not be appropriate in Hawaii.

#3) SB 375 prohibits hydrofracking without a permit from the Board of the DLNR. In reality there is no permit process on line for fracking in Hawaii. There are no state standards in place for this technology and there is no rulemaking effort being contemplated for permitting such technology. This legislation doesn't make any sense and appears to be based on unfounded fears relating to oil & gas exploration which is not going on in Hawaii.

Regards,

Mililani B. Trask – Indigenous Consultants LLC

SB375

Submitted on: 1/27/2013

Testimony for ENE/WTL on Jan 29, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

Carlton Saito

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 24, 2013 4:05 PM
To: ENETestimony
Cc: coreen.williams@gmail.com
Subject: Submitted testimony for SB375 on Jan 29, 2013 14:45PM

SB375

Submitted on: 1/24/2013

Testimony for ENEWTL on Jan 29, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
COREEN WILLIAMS	Individual	Support	No

Comments: I support this bill so long as this does not create more government or a new office. If a new permitting office must be created to support this bill then it becomes a burden on the citizens of Hawai'i. If you will be heaping new permitting procedures onto an existing office then I hope they are ready.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Carlton Saito

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 25, 2013 2:35 PM
To: ENETestimony
Cc: panther_dave@yahoo.com
Subject: Submitted testimony for SB375 on Jan 29, 2013 14:45PM

SB375

Submitted on: 1/25/2013

Testimony for ENE/WTL on Jan 29, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Support	No

Comments: So far to date, no hydro fracking has been just pressure steam, but mixed with a small but potent amount of toxic chemicals the industry considers proprietary and will not release. If you are familiar with the hydrologic cycle, will know that no matter how it enters the cycle will always seek its own level and prepare for evaporation to be returned as precipitation. When the steam is injected with toxic chemicals, that is what will seek its level and return to the ocean, large lake or inland sea and will be evaporated, only to precipitate once again. Fracking is being banned in Europe and there is considerable resistance against it all throughout the mainland where tapwater has caught fire.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

SB375

Submitted on: 1/28/2013

Testimony for ENE/WTL on Jan 29, 2013 14:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Petricci		Support	No

Comments: Aloha My name is Robert Petricci, I am testifying in support of SB375 for the Puna Pono Alliance. With the environmental damage we are seeing across the United States related to fracking industries, Puna Pono Alliance supports a process that requires a thorough permit and environmental review process "before" any industry is allowed to engage in fracturing activities in Hawaii. We have one of the most geologically unstable places on the planet in Hawaii county. Fracking essentially induces mini earthquakes to fracture the rock. We already have a high likelihood for earthquakes and volcanic activity in Hawaii county. Any technology that induces further stress through earthquakes mini or otherwise should be very closely scrutinized and regulated. Thank you for your consideration. Robert Petricci President of Puna Pono Alliance