
A BILL FOR AN ACT

RELATING TO STORMWATER MANAGEMENT SYSTEMS.

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

1 SECTION 1. The legislature finds that detention and
2 retention ponds are meant to hold stormwater. However, while
3 detention and retention ponds help manage stormwater and control
4 flooding, mitigating risk for these systems is critical in
5 minimizing threats to public health and safety. Hawaii's high
6 drowning rate, the second worst in the nation for residents and
7 the highest for visitors, necessitates joining other
8 jurisdictions across the United States in developing retention
9 and detention pond safety programs. The urgency is made even
10 greater by climate change, which has created more frequent and
11 intense rainfall resulting in increased use of retention ponds,
12 which are designed to hold water year-round, and detention
13 ponds, which remain dry until a major rain.

14 The legislature further finds that the Hawai'i Water Safety
15 Plan, which was published by the Hawaii Water Safety Coalition
16 in 2025, provides several recommendations to reduce drowning by



1 improving safety regarding detention and retention ponds in the
2 State.

3 The purpose of this Act is to:

4 (1) Ensure the health, safety, and welfare of the citizens
5 of the State by requiring the counties to:

6 (A) Regulate the permitting, construction, and
7 maintenance of retention and detention ponds,
8 including establishing safety standards for
9 retention and detention ponds; and

10 (B) Conduct a survey of existing retention and
11 detention ponds statewide and provide a report to
12 the legislature; and

13 (2) Appropriate funds as a grant-in-aid to the counties
14 for these purposes.

15 This Act also recognizes Charlotte "Sharkey" Schaefer, the
16 five-year-old girl who drowned at a Pearl City naval housing
17 complex while trying to save the life of her childhood friend.

18 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
19 by adding a new section to be appropriately designated and to
20 read as follows:



1 "§46- Retention ponds and detention ponds; safety
2 requirements. (a) Beginning _____, each county shall
3 adopt ordinances for the regulation of all retention ponds and
4 detention ponds located within the county's jurisdiction. The
5 ordinances adopted pursuant to this subsection shall include but
6 not be limited to:

7 (1) Establishing a permitting process for the construction
8 of new retention ponds or detention ponds;

9 (2) Establishing safety requirements, which shall include
10 but not be limited to:

11 (A) Fencing that is at least four feet high that
12 fully encloses the retention pond or detention
13 pond and allows access through one or more
14 secured, locked gates;

15 (B) Safety signage indicating "No Swimming" and
16 warning of sudden water level changes;

17 (C) Installation of life buoys at entry points for
18 emergency rescue;

19 (D) Proper maintenance of ground cover surrounding
20 the retention pond or detention pond, including
21 mowing, weed control, and debris removal;



- 1 (E) Minimal use of pesticides and fertilizers on
- 2 ground cover surrounding the retention pond or
- 3 detention pond to prevent contamination of
- 4 downstream waters;
- 5 (F) Installation of landscaped buffers to discourage
- 6 entry by unauthorized individuals;
- 7 (G) Incorporation of emergency spillways to handle
- 8 overflow situations; and
- 9 (H) Submission of maintenance plans by property
- 10 owners or managers to ensure ongoing safety and
- 11 compliance;
- 12 (3) Conducting inspections to ensure compliance with
- 13 safety and maintenance regulations; and
- 14 (4) Maintaining a registry of all retention ponds and
- 15 detention ponds within the county and conducting
- 16 periodic surveys to assess the conditions of the
- 17 ponds.
- 18 (b) For the purposes of this section:
- 19 "Detention pond" means an area that is designed to:



1 (1) Hold stormwater until the effects of percolation,
2 evapotranspiration, or controlled release return the
3 area to its normally dry state; and

4 (2) Dissipate inflowing stormwater within seventy-two
5 hours to accommodate a new volume of water.

6 "Retention pond" means a permanent or semi-permanent
7 aquatic system that acts as a trap where pollutants picked up by
8 the initial surge of stormwater settle out before leaving the
9 system."

10 SECTION 3. Each county shall conduct a survey of all
11 existing retention and detention ponds located within its
12 jurisdiction and submit a report of its findings and
13 recommendations, including any proposed legislation, to the
14 legislature no later than twenty days prior to the convening of
15 the regular session of 2026.

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2025-2026 and
19 the same sum or so much thereof as may be necessary for fiscal
20 year 2026-2027 for a grant-in-aid to the city and county of
21 Honolulu and the counties of Hawaii, Kauai, and Maui, to conduct



1 a survey of all existing retention and detention ponds located
2 within its jurisdiction, adopt ordinances, and for the
3 regulation of retention ponds and detention ponds located within
4 its jurisdiction.

5 The sums appropriated shall be expended by the counties for
6 the purposes of this Act.

7 SECTION 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 3000.



S.B. NO. 1221
S.D. 2
H.D. 2

Report Title:

Retention Ponds; Detention Ponds; Regulation; Counties; Grant-in-Aid; Appropriation

Description:

Requires the counties to adopt ordinances for the regulation of retention and detention ponds. Requires the counties to conduct a survey of existing retention and detention ponds and make a report to the Legislature. Appropriates funds as a grant-in-aid to the counties. Effective 7/1/3000. (HD2)

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

