
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 to
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 Hawaii 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 ensure the health, safety,
4 and welfare of the citizens of the State by:

- 5 (1) Prohibiting counties from permitting or allowing
6 retention and detention ponds to be constructed except
7 under certain conditions;
- 8 (2) Creating safety requirements for Hawaii's rainwater
9 retention and detention ponds;
- 10 (3) Creating a program for the monitoring and inspection
11 of detention and retention ponds to increase safety
12 and prevent drownings; and
- 13 (4) Requiring the department of land and natural resources
14 to conduct a survey of existing retention and
15 detention ponds statewide.

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

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



1 "§46- Retention ponds and detention ponds; county;
2 prohibited; maintenance. Beginning _____ , _____ , no county
3 shall permit or allow any retention pond or detention pond, as
4 those terms are defined in section 340E-B, to be constructed
5 within that county, unless the developer or responsible person
6 proposing the construction and maintenance of the pond follows
7 the safety requirements under section 340E-C and files an
8 affidavit with the department of land and natural resources
9 agreeing to annual and other warranted rain-related inspections
10 by the department of land and natural resources."

11 SECTION 3. Chapter 340E, Hawaii Revised Statutes, is
12 amended by adding a new part to be appropriately designated and
13 to read as follows:

14 "**PART . RAINWATER RETENTION POND AND DETENTION POND SAFETY**

15 **§340E-A Short title.** This part may be cited as the
16 "Charlotte 'Sharkey' Schaefers Inspection Law".

17 **§340E-B Definitions.** As used in this part:

18 "Detention pond" or "dry-retention system" means an area
19 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 "Department" means the department of land and natural
7 resources.

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

12 **§340E-C Retention pond and detention pond; safety**

13 **requirements.** (a) Each retention pond and detention pond shall
14 comply with the following safety requirements:

15 (1) Fencing that is at least four feet high and that
16 encloses the pond and allows access by one or more
17 locked gates;

18 (2) Safety signage that is placed at the entry to the
19 secured and locked gate, including signage that
20 indicates "No Swimming" and that water levels may rise
21 suddenly in the event of rain;



- 1 (3) Life buoys installed at the entry to the secured and
2 locked gate to allow for ease of rescue if someone is
3 struggling in the pond;
- 4 (4) Regular mowing and weed control to maintain adequate
5 ground cover to ensure that any vegetation does not
6 interfere with proper infiltration and runoff and
7 effective filtering of pollutants;
- 8 (5) The minimal use of pesticides and fertilizers to
9 minimize entry into the pond and subsequent downstream
10 waters;
- 11 (6) Proper removal of trash, debris, and litter;
- 12 (7) Installation of a landscaped buffer to discourage
13 people and pets from entering the pond;
- 14 (8) Appropriate accumulated sediment levels;
- 15 (9) Unless building codes or stormwater regulations
16 require otherwise, a side slope ratio of five-to-one
17 or flatter;
- 18 (10) A buffer of at least one hundred feet surrounding the
19 pond to separate the pond from schools, child care
20 facilities, homes, parks, athletic fields, or housing



- 1 projects; provided that a buffer of no less than
2 twenty-five feet shall apply for trails and sidewalks;
- 3 (11) The presence of shelves or shallow areas around the
4 banks that allow people and animals to climb out of
5 the water;
- 6 (12) Inclusion of emergency spillways to allow for safe
7 overflow in cases where the storage capacity of water
8 is exceeded;
- 9 (13) Design and building features that allow for regular
10 maintenance, access for inspections, removal of
11 debris, and vegetation management;
- 12 (14) A maintenance plan on file by the owners or operators
13 of the retention pond or detention pond that includes
14 design drawings and operational records and addresses
15 vegetation management, bank erosion and stabilization,
16 and removal of trash, debris, litter, and sediment.
17 The maintenance plan shall also address life
18 expectancy and a replacement timeline for outlet and
19 inlet structures, orifices, trash racks, and emergency
20 spillways and comply with federal, state, and county
21 requirements; and



1 (15) Other requirements as determined by the department.

2 (b) The following shall be exempt from the safety
3 requirements pursuant to this section:

4 (1) Existing retention ponds and detention ponds built
5 before , ; and

6 (2) Golf courses, hotels, resort properties, or other
7 secured recreational areas; provided that the entities
8 who own, control, or manage these properties shall
9 provide the department with proof of security for its
10 retention ponds or detention ponds.

11 **§340E-D Retention pond and detention pond; maintenance;**

12 **inspection.** (a) The department shall establish a retention
13 pond and detention pond monitoring and inspection program to
14 perform an annual safety inspection of each retention pond and
15 detention pond in the State built after , , to
16 ensure that the operation of each retention pond and detention
17 pond complies with the requirements of this part and rules
18 adopted by the department.

19 (b) The department shall strive to inspect retention ponds
20 and detention ponds, to the greatest extent possible, before and
21 after major rain events.



1 (c) Inspections shall ensure that retention ponds and
2 detention ponds meet the following safety requirements:

- 3 (1) Proper vegetation management that acts as a stabilizer
4 and safety buffer for the structure;
- 5 (2) Proper removal of trash, debris, and litter;
- 6 (3) Appropriate ground cover to ensure proper infiltration
7 and runoff and effective filtering of pollutants;
- 8 (4) Appropriate accumulated sediment levels;
- 9 (5) Appropriate fencing, signage, and ring buoys;
- 10 (6) Proper gradual sloping that is not eroding and causing
11 destabilization at the embankments;
- 12 (7) The presence of shelves or shallow areas around the
13 banks that allow people and animals to climb out of
14 the water;
- 15 (8) Design and building features that allow for regular
16 maintenance, access for inspections, removal of
17 debris, and vegetation management;
- 18 (9) A maintenance plan on file by the owners or operators
19 of the retention pond or detention pond that includes
20 design drawings and operational records and addresses
21 vegetation management, bank erosion and stabilization,



1 and removal of trash, debris, litter, and sediment.
2 The maintenance plan shall also address life
3 expectancy and a replacement timeline for outlet and
4 inlet structures, orifices, trash racks, and emergency
5 spillways and comply with federal, state, and county
6 requirements; and

7 (10) Other requirements as determined by the department.

8 (d) The following shall be exempt from the maintenance
9 plan and inspection requirements pursuant to this section:

10 (1) Existing retention ponds and detention ponds built
11 before , ; and

12 (2) Golf courses, hotels, resort properties, or other
13 secured recreational areas; provided that the entities
14 who own, control, or manage these properties shall
15 provide the department with proof of security for its
16 retention ponds or detention ponds.

17 **§340E-E Rules; fines.** The department shall adopt rules in
18 accordance with chapter 91 to carry out the purposes of this
19 part. Violations of this part shall be subject to
20 administrative fines as determined by the department in
21 accordance with rules."



1 SECTION 4. The department of land and natural resources
2 shall conduct a survey of all existing retention and detention
3 ponds statewide and submit a report of its findings and
4 recommendations, including any proposed legislation, to the
5 legislature no later than twenty days prior to the convening of
6 the regular session of 2026.

7 SECTION 5. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2025-2026 and
10 the same sum or so much thereof as may be necessary for fiscal
11 year 2026-2027 to establish two full-time equivalent (2.0 FTE)
12 positions within the department of land and natural resources
13 for the purposes of this Act.

14 The sums appropriated shall be expended by the department
15 of land and natural resources for the purposes of this Act.

16 SECTION 6. In codifying the new sections added by
17 section 3 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 7. New statutory material is underscored.

21 SECTION 8. This Act shall take effect on May 13, 2040.



Report Title:

DLNR; Counties; Retention Ponds; Detention Ponds; Safety Requirements; Inspection; Report; Positions; Appropriations

Description:

Prohibits counties from permitting or allowing retention and detention ponds to be constructed except under certain conditions. Establishes safety requirements for retention and detention ponds statewide. Requires the Department of Land and Natural Resources to inspect retention and detention ponds statewide. Requires a report to the Legislature. Establishes positions. Appropriates funds. Effective 5/13/2040. (SD1)

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

