

JAN 23 2025

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 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; and

8 (2) Creating a program for monitoring and inspection of
9 detention and retention ponds to increase safety and
10 prevent drownings.

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

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

17 **"§46- Retention ponds and detention ponds;**
18 **construction; maintenance; requirements.**

19 Beginning , , no county shall permit or allow any
20 retention pond or detention pond, as those terms are defined in
21 section 340E-B, to be constructed within that county unless the



developer or responsible person proposing the construction and
maintenance of the pond has a maintenance plan on file and files
an affidavit with the department of health agreeing to annual
inspections by the department of health."

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

"PART . RAINWATER RETENTION POND AND DETENTION POND
MONITORING AND INSPECTION PROGRAM

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

§340E-B Definitions. As used in this part, unless the
context otherwise requires:

"Detention pond" or "dry-retention system" means an area
that is designed to:

- (1) Hold stormwater until the effects of percolation,
evapotranspiration, or controlled release return the
area to its normally dry state; and
- (2) Dissipate inflowing stormwater within seventy-two
hours to accommodate a new volume of water.



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

5 **§340E-C Retention pond and detention pond; maintenance;**
6 **inspection.** (a) The department shall establish a retention
7 pond and detention pond monitoring and inspection program to
8 perform an annual safety inspection of each retention pond and
9 detention pond in the State built after , , to ensure
10 that the operation of each retention pond and detention pond
11 complies with the requirements of this part and rules adopted by
12 the department.

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

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

18 (1) Proper vegetation management that acts as a stabilizer
19 and safety buffer for the structure;

20 (2) Proper trash, debris, and litter removal;



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



1 spillways and comply with federal, state, and county
2 requirements; and

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

4 (d) The following shall be exempt from the maintenance
5 plan and inspection requirements pursuant to this part:

6 (1) Existing retention ponds and detention ponds built
7 before , ; and

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

13 **§340E-D Rules; fines.** The department shall adopt rules in
14 accordance with chapter 91 to carry out the purposes of this
15 part. Violations of this part shall be subject to
16 administrative fines as determined by the department in
17 accordance with rules."

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2025-2026 and
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2026-2027 to establish four full-time equivalent (4.0 FTE)
2 inspector positions to inspect retention ponds and detention
3 ponds across the State pursuant to this Act; provided that one
4 inspector position shall be designated for each of the islands
5 of Oahu, Hawaii, and Kauai, and one inspector position shall be
6 designated for the islands of Maui, Molokai, and Lanai.

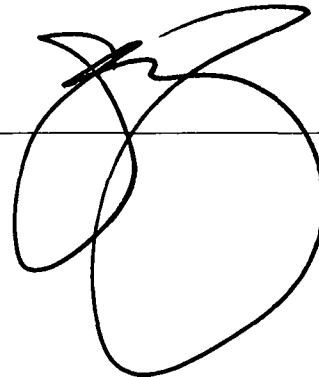
7 The sums appropriated shall be expended by the department
8 of health for the purposes of this Act.

9 SECTION 5. In codifying the new sections added by section
10 3 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 6. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2025.

15
INTRODUCED BY: _____

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S.B. NO. 1221

Report Title:

Retention Ponds; Detention Ponds; Counties; Department of Health; Inspection; Appropriation

Description:

Prohibits counties from permitting or allowing retention and detention ponds to be constructed except under certain conditions. Requires the Department of Health to inspect retention and detention ponds statewide. Establishes certain safety requirements. Appropriates funds.

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

