
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" Schaefers, a
17 five-year-old girl who drowned at a Pearl City naval housing
18 complex while trying to save the life of her friend.

19 SECTION 2. The Hawaii Revised Statutes is amended by
20 adding a new chapter to title 12 to be appropriately designated
21 and to read as follows:



1 **"CHAPTER**

2 **RAINWATER RETENTION POND AND DETENTION POND SAFETY**

3 § **-1 Short title.** This chapter may be cited as the
4 "Charlotte 'Sharkey' Schaefers Inspection Law".

5 § **-2 Definitions.** As used in this chapter:
6 "Department" means the department of land and natural
7 resources.

8 "Detention pond" means an area that is designed to:

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

14 "Retention pond" means a permanent or semi-permanent
15 aquatic system that acts as a trap where pollutants picked up by
16 the initial surge of stormwater settle out before leaving the
17 retention pond.

18 § **-3 Retention pond and detention pond; safety**
19 **requirements.** (a) Each retention pond and detention pond shall
20 comply with the following safety requirements:



- 1 (1) Fencing that is at least four feet high and that
2 encloses the pond and allows access by one or more
3 locked gates;
- 4 (2) Safety signage that is placed at the entry to the
5 secured and locked gate, including signage that
6 indicates "No Swimming" and that water levels may rise
7 suddenly in the event of rain;
- 8 (3) Life buoys installed at the entry to the secured and
9 locked gate to allow for ease of rescue if someone is
10 struggling in the pond;
- 11 (4) Regular mowing and weed control to maintain adequate
12 ground cover to ensure that any vegetation does not
13 interfere with proper infiltration and runoff and
14 effective filtering of pollutants;
- 15 (5) The minimal use of pesticides and fertilizers to
16 minimize entry into the pond and subsequent downstream
17 waters;
- 18 (6) Proper removal of trash, debris, and litter;
- 19 (7) Installation of a landscaped buffer to discourage
20 people and pets from entering the pond;
- 21 (8) Appropriate accumulated sediment levels;



- 1 (9) Unless building codes or stormwater regulations
2 require otherwise, a side slope ratio of five-to-one
3 or flatter;
- 4 (10) A buffer of at least one hundred feet surrounding the
5 pond to separate the pond from schools, child care
6 facilities, homes, parks, athletic fields, or housing
7 projects; provided that a buffer of no less than
8 twenty-five feet shall apply for trails and sidewalks;
- 9 (11) The presence of shelves or shallow areas around the
10 banks that allow people and animals to climb out of
11 the water;
- 12 (12) Inclusion of emergency spillways to allow for safe
13 overflow in cases where the storage capacity of water
14 is exceeded;
- 15 (13) Design and building features that allow for regular
16 maintenance, access for inspections, removal of
17 debris, and vegetation management;
- 18 (14) 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 (15) Other requirements as determined by the department.

8 (b) The following shall be exempt from the safety
9 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 § -4 Retention pond and detention pond; maintenance;
18 inspection. (a) The department shall establish a retention
19 pond and detention pond monitoring and inspection program to
20 perform an annual safety inspection of each retention pond and
21 detention pond in the State built after , , to



1 ensure that the operation of each retention pond and detention
2 pond complies with the requirements of this chapter and rules
3 adopted by the department.

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

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

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

11 (2) Proper removal of trash, debris, and litter;

12 (3) Appropriate ground cover to ensure proper infiltration
13 and runoff and effective filtering of pollutants;

14 (4) Appropriate accumulated sediment levels;

15 (5) Appropriate fencing, signage, and ring buoys;

16 (6) Proper gradual sloping that is not eroding and causing
17 destabilization at the embankments;

18 (7) The presence of shelves or shallow areas around the
19 banks that allow people and animals to climb out of
20 the water;



1 (8) Design and building features that allow for regular
2 maintenance, access for inspections, removal of
3 debris, and vegetation management;

4 (9) A maintenance plan on file by the owners or operators
5 of the retention pond or detention pond that includes
6 design drawings and operational records and addresses
7 vegetation management, bank erosion and stabilization,
8 and removal of trash, debris, litter, and sediment.

9 The maintenance plan shall also address life
10 expectancy and a replacement timeline for outlet and
11 inlet structures, orifices, trash racks, and emergency
12 spillways and comply with federal, state, and county
13 requirements; and

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

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

17 (1) Existing retention ponds and detention ponds built
18 before , ; and

19 (2) Golf courses, hotels, resort properties, or other
20 secured recreational areas; provided that the entities
21 who own, control, or manage these properties shall



1 provide the department with proof of security for its
2 retention ponds or detention ponds.

3 § -5 Rules; fines. The department shall adopt rules in
4 accordance with chapter 91 to carry out the purposes of this
5 chapter. Violations of this chapter shall be subject to
6 administrative fines as determined by the department in
7 accordance with rules."

8 SECTION 3. Chapter 46, Hawaii Revised Statutes, is amended
9 by adding a new section to be appropriately designated and to
10 read as follows:

11 "§46- Retention ponds and detention ponds; county;
12 prohibited; maintenance. Beginning , , no county
13 shall permit or allow any retention pond or detention pond, as
14 those terms are defined in section 340E-B, to be constructed
15 within that county, unless the developer or responsible person
16 proposing the construction and maintenance of the pond follows
17 the safety requirements under section 340E-C and files an
18 affidavit with the department of land and natural resources
19 agreeing to annual and other warranted rain-related inspections
20 by the department of land and natural resources."



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. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on May 13, 2040.



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

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 moneys. Effective 5/13/2040. (SD2)

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