

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;
- 8 (2) Creating safety requirements for Hawaii's rainwater
9 retention and detention ponds; and
- 10 (3) Require the department of health to conduct a survey
11 of existing retention and detention ponds statewide.

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

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

18 "§46- Retention ponds and detention ponds; safety
19 requirements. Beginning , , no county shall
20 permit or allow any retention pond or detention pond, as those
21 terms are defined in section 340E-B, to be constructed within



1 that county, unless the developer or responsible person
2 proposing the construction and maintenance of the pond follows
3 the safety requirements pursuant to part of chapter 340E,
4 has a maintenance plan on file, and files an affidavit with the
5 department of health agreeing to annual and other warranted
6 rain-related inspections by the department of health."

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

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

11 **§340E-A Short title.** This part may be cited as the
12 "Charlotte 'Sharkey' Schaefers Inspection Law".

13 **§340E-B Definitions.** As used in this part, unless the
14 context otherwise requires:

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

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

20 (2) Dissipate inflowing stormwater within seventy-two
21 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; safety**
6 **requirements.** (a) Each retention pond and detention pond shall
7 comply with the following safety requirements:

- 8 (1) Fencing that is at least four feet high and that
9 encloses the pond and allows access by one or more
10 locked gates;
- 11 (2) Safety signage that is placed at the entry to the
12 secured and locked gate, including signage that
13 indicates "No Swimming" and that water levels may rise
14 suddenly in the event of rain;
- 15 (3) Life buoys installed at the entry to the secured and
16 locked gate to allow for ease of rescue if someone is
17 struggling in the pond;
- 18 (4) Regular mowing and weed control to maintain adequate
19 ground cover to ensure that it does not interfere with
20 proper infiltration and runoff and effective filtering
21 of pollutants;



- 1 (5) The minimal use of pesticides and fertilizers to
2 minimize entry into the pond and subsequent downstream
3 waters;
- 4 (6) Proper trash, debris, and litter removal;
- 5 (7) Installation of a landscaped buffer to discourage
6 people and pets from entering the pond;
- 7 (8) Appropriate accumulated sediment levels;
- 8 (9) Unless building codes or stormwater regulations
9 require otherwise, a side slope ratio of five-to-one
10 or flatter;
- 11 (10) A buffer of at least one hundred feet surrounding the
12 pond to separate the pond from schools, child care
13 facilities, homes, parks, athletic fields, or housing
14 projects; provided that a buffer of no less than
15 twenty-five feet shall apply for trails and sidewalks;
- 16 (11) The presence of shelves or shallow areas around the
17 banks that allow people and animals to climb out of
18 the water;
- 19 (12) Inclusion of emergency spillways to allow for safe
20 overflow in cases where the storage capacity of water
21 is exceeded;



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

4 (14) 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 trash, debris, litter, and sediment removal. The
9 maintenance plan shall also address life expectancy
10 and a replacement timeline for outlet and inlet
11 structures, orifices, trash racks, and emergency
12 spillways and comply with federal, state, and county
13 requirements; and

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

15 (b) The following shall be exempt from the safety
16 requirements pursuant to this part:

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 shall be exempt from the
21 safety requirements pursuant to this part; provided



1 that the entities who own, control, or manage such
2 properties shall provide the department with proof of
3 security for its retention ponds or detention ponds.

4 **§340E-D Rules; fines.** The department shall adopt rules in
5 accordance with chapter 91 to carry out the purposes of this
6 part. Violations of this part shall be subject to
7 administrative fines as determined by the department in
8 accordance with rules."

9 SECTION 4. The department of health shall conduct a survey
10 of all existing retention and detention ponds statewide and
11 submit a report of its findings and recommendations, including
12 any proposed legislation, to the legislature no later than
13 twenty days prior to the convening of the regular session of
14 2026.

15 SECTION 5. In codifying the new sections added by section
16 3 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

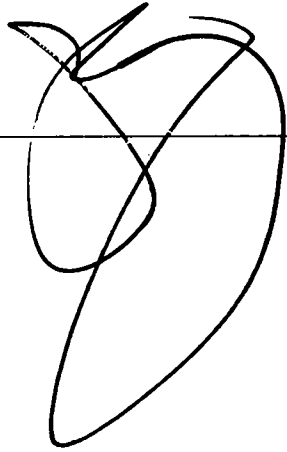
19 SECTION 6. New statutory material is underscored.

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



S.B. NO. 1222

INTRODUCED BY:

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S.B. NO. 1222

Report Title:

Retention Ponds; Detention Ponds; Safety Requirements;
Department of Health; Counties

Description:

Prohibits counties from permitting or allowing retention or detention ponds to be constructed except under certain conditions. Establishes safety requirements for retention and detention ponds statewide. Requires the department of health to conduct a survey of existing retention and detention ponds statewide.

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

