

JAN 23 2026

S.B. NO. 2689

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# 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 Act 281, Session  
2       Laws of Hawaii 2025, addressed public safety related to  
3       stormwater detention and retention systems. Act 281 established  
4       section 46-11.7, Hawaii Revised Statutes, to protect the health,  
5       safety, and welfare of the citizens of the State by requiring  
6       the counties to regulate the permitting, construction, and  
7       maintenance of retention and detention ponds and to conduct a  
8       survey of existing retention and detention ponds.

9       The legislature further finds, however, that section  
10      46-11.7, Hawaii Revised Statutes, should not apply to  
11      agricultural ponds that may receive stormwater incidental to  
12      their other purposes, or low-risk green stormwater  
13      infrastructure, so that use of these ecologically beneficial  
14      stormwater management features is not discouraged. Accordingly,  
15      the purpose of this Act is to define agricultural ponds and low-  
16      risk green stormwater infrastructure and to exclude them from  
17      the applicability of section 46-11.7, Hawaii Revised Statutes.



1       SECTION 2. Section 46-11.7, Hawaii Revised Statutes, is  
2 amended by amending subsections (c) and (d) to read as follows:

3       "(c) This section shall not apply to [~~retention~~]:

4       (1) Retention ponds and detention ponds built on golf  
5       courses, hotels, resort properties, or other secured  
6       recreational areas; provided that the entities who  
7       own, control, or manage such properties shall provide  
8       the counties with proof of sufficient security  
9       measures for [its] their retention ponds and detention  
10       ponds[+];

11       (2) Agricultural ponds, even if they receive incidental  
12       stormwater runoff; provided that the receipt and  
13       treatment of stormwater is not the primary purpose of  
14       the agricultural pond; or

15       (3) Low-risk green stormwater infrastructure.

16       (d) For the purposes of this section:

17       "Agricultural pond" means a pond, basin, or reservoir  
18       designed, constructed, and operated primarily for agricultural  
19       water storage, irrigation, livestock watering, aquaculture, or  
20       fire protection, and located on land zoned for agricultural use  
21       or used for a farming operation as defined in section 165-2.



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

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

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

7 "Low-risk green stormwater infrastructure" means a system  
8 designed for infiltration, evapotranspiration, filtration, or  
9 water quality treatment of stormwater, including but not limited  
10 to rain gardens, bioretention cells or basins, infiltration  
11 trenches or basins, vegetated biofilters, and enhanced or  
12 vegetated swales, that:

13 (1) Drains standing water within forty-eight hours  
14 following cessation of rainfall; and

15 (2) Has a maximum ponding water depth above the planted or  
16 media surface that does not exceed twelve inches  
17 during the applicable design storm; or

18 (3) Has a maximum ponding water depth above the planted or  
19 media surface that does not exceed eighteen inches  
20 during the applicable design storm if the system's



side slopes do not exceed a ratio of four horizontal  
to one vertical.

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

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2026.

INTRODUCED BY:

Carol Fuhunaga



# S.B. NO. 2689

**Report Title:**

Stormwater Management Systems; Agricultural Ponds; Low-Risk  
Green Stormwater Infrastructure

**Description:**

Exempts agricultural ponds and low-risk green stormwater  
infrastructure from regulations covering retention ponds.  
Defines agricultural ponds and low-risk green stormwater  
infrastructure.

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not legislation or evidence of legislative intent.*

