
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.



SECTION 2. Section 46-11.7, Hawaii Revised Statutes, is amended to read as follows:

"[§46-11.7] Retention ponds and detention ponds; safety requirements. (a) This section shall be known and may be cited as "Sharkey's Law".

(b) Beginning January 1, 2027, each county shall adopt ordinances for the regulation of all retention ponds and detention ponds located within the county's jurisdiction. The ordinances adopted pursuant to this subsection shall include but not be limited to:

(1) Establishing a permitting process for the construction of new retention ponds or detention ponds; and

(2) Establishing safety requirements, which shall include but not be limited to:

(A) Fencing that is at least four feet high that fully encloses the retention pond or detention pond and allows access through one or more secured, locked gates;

(B) Safety signage indicating "No Swimming" and warning of sudden water level changes;



- 1 (C) Installation of life buoys at entry points for
 - 2 emergency rescue;
 - 3 (D) Proper maintenance of ground cover surrounding
 - 4 the retention pond or detention pond, including
 - 5 mowing, weed control, and debris removal; and
 - 6 (E) Submission of maintenance plans by property
 - 7 owners or managers to ensure ongoing safety and
 - 8 compliance.
- 9 (c) This section shall not apply to ~~[retention]~~:
- 10 (1) Retention ponds and detention ponds built on golf
- 11 courses, hotels, resort properties, or other secured
- 12 recreational areas; provided that the entities who
- 13 own, control, or manage such properties shall provide
- 14 the counties with proof of sufficient security
- 15 measures for ~~its~~ their retention ponds and detention
- 16 ponds~~[-]~~;
- 17 (2) Agricultural ponds, even if they receive incidental
- 18 stormwater runoff; provided that the receipt and
- 19 treatment of stormwater is not the primary purpose of
- 20 the agricultural pond; or
- 21 (3) Low-risk green stormwater infrastructure.



(d) For the purposes of this section:

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

"Detention pond" 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.

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

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



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

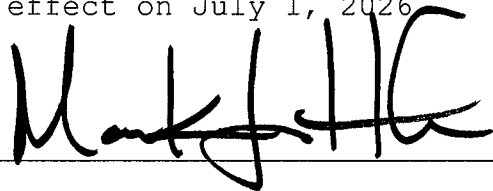
(3) Has a maximum ponding water depth above the plated or media surface that does not exceed eighteen inches during the applicable design storm if the system's side slopes do not exceed a ratio of four horizontal to one vertical.

"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:



JAN 20 2026



H.B. NO. 1652

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.*

