

JAN 23 2026

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



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

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

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 Statutory material to be repealed is bracketed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

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

10

INTRODUCED BY: *Carol Johnson*



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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