
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 requiring the
5 counties to:

- 6 (1) Regulate the permitting, construction, and maintenance
7 of retention and detention ponds, including
8 establishing safety standards for retention and
9 detention ponds; and
10 (2) Conduct a survey of existing retention and detention
11 ponds statewide and provide a report to the
12 legislature.

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

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

19 "§46- Retention ponds and detention ponds; safety
20 requirements. (a) Beginning _____, _____, each county
21 shall adopt ordinances for the regulation of all retention and



1 detention ponds located within the county's jurisdiction. The
2 ordinances adopted pursuant to this subsection shall include but
3 not be limited to:

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

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

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

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

14 (C) Installation of life buoys at entry points for
15 emergency rescue;

16 (D) Proper maintenance of ground cover surrounding
17 the retention or detention pond, including
18 mowing, weed control, and debris removal;

19 (E) Minimal use of pesticides and fertilizers on
20 ground cover surrounding the retention or



- 1 detention pond to prevent contamination of
2 downstream waters;
- 3 (F) Installation of landscaped buffers to discourage
4 entry by unauthorized individuals;
- 5 (G) Incorporation of emergency spillways to handle
6 overflow situations; and
- 7 (H) Submission of maintenance plans by property
8 owners or managers to ensure ongoing safety and
9 compliance;
- 10 (3) Conducting inspections to ensure compliance with
11 safety and maintenance regulations; and
- 12 (4) Maintaining a registry of all retention and detention
13 ponds within the county and conducting periodic
14 surveys to assess their condition.
- 15 (b) For the purposes of this section:
- 16 "Detention pond" or "dry-retention system" means an area
17 that is designed to:
- 18 (1) Hold stormwater until the effects of percolation,
19 evapotranspiration, or controlled release return the
20 area to its normally dry state; and



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

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

7 SECTION 3. Each county shall conduct a survey of all
8 existing retention and detention ponds located within its
9 jurisdiction and submit a report of its findings and
10 recommendations, including any proposed legislation, to the
11 legislature no later than twenty days prior to the convening of
12 the regular session of 2026.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2025.



Report Title:

Retention Ponds; Detention Ponds; Regulation; Counties

Description:

Requires the counties to adopt ordinances for the regulation of retention and detention ponds. Requires the counties to conduct a survey of existing retention and detention ponds and make a report to the Legislature. (HD1)

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