

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

**REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 31B
PUBLIC POOLS**

The California Department of Public Health (CDPH) is authorized to establish public pools regulations pursuant to California Health and Safety Code (HSC) Section 131200 and Sections 116025 to 116068. The existing public pool regulations in Chapter 31B, Part 2, Title 24, California Code of Regulations (CCR) in the California Building Standards Code establish minimum construction standards for public pools.

The Administrative Procedures Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The final statement of reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS (ISOR):

CDPH is proposing adoption of new public pool regulations including standards for spray grounds as well as the amendment and repeal of existing public pool regulations. Spray grounds have become extremely popular over the past several years. These facilities could consist of interactive water features such as water fountains, water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons on a sloped pad. Typically, a spray ground has a high bather load and a low volume of water. Spray water from a water feature will rinse any contamination such as diarrhea, vomit, and dirt down into the water holding area. The public health risk associated with this type of use is significant and has been associated with several illness outbreaks around the country. In 1999 an outbreak of diarrheal illness occurred at a newly opened facility in a beachside park in Florida. The illness affected 44 percent of an estimated 4,800 people who used the facility. In the summer of 2005 a massive gastrointestinal illness outbreak occurred at a spray park in New York with over 3,297 cases reported from 33 counties. This outbreak prompted New York health officials to establish regulations for spray grounds. This proposal to add standards in California for spray ground is made upon recommendation of the California Conference of Directors of Environmental Health.

During the adoption process for these proposed public pool regulations a number of public comment periods were held. The initial 45-day public comment period was from May 13 to June 27, 2011. At the end of this initial 45-day public comment period it was determined that a second 45-day public comment period would be needed because of the significant volume of comments received during the initial comment period. The second 45-day public comment period was from July 19 to September 2, 2011. At the end of the second 45-day public comment period it was determined that some nonsubstantive revisions would be made based on the comments received. A 15-day public comment period then was held from September 13 to September 28, 2011 to present those revisions to the public.

On October 19, 2011, the California Building Standards Commission (CBSC) met to consider the adoption of this regulations package. The Commissioners directed CDPH to convene a stakeholder meeting of all interested parties to ensure that all concerns regarding this package have been addressed. A stakeholder meeting that included people and organizations suggested

by the CBSC and the Code Advisory Committee (CAC) was held on November 15, 2011, at the Sacramento County Environmental Management Department, 10590 Armstrong Avenue, Mather, California. The changes agreed upon at this stakeholders' meeting were presented to the CBSC CAC on November 21, 2011. Further changes were agreed upon at that meeting that consisted primarily of reverting to existing Title 24 language. Because the changes to the proposed regulations made as a result of the stakeholders' meeting on November 15, 2011, and the CAC meeting on November 21, 2011, were considered nonsubstantive, a second 15-day public comment period was held from December 5 to December 20, 2011.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CDPH has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S). (Government Code Section 11346.9(a)(3))

The following is a summary of the comments received during the initial and second 45-day public comment periods:

Comments from California Pool and Spa Industry Education Council (SPEC), John Norwood, June 27, 2011:

Section 3102B - Definitions

Add "NRTL" is Nationally Recognized Testing Laboratory to replace Underwriters Laboratories.

CDPH has reviewed the suggestion and accepts it in order to provide consistency with current industry standards.

Remove "NSPF" is National Swimming Pool Foundation.

CDPH has reviewed the suggestion and has accepted it as the term is not used in the code.

Remove "NSPI" is National Spa and Pool Institute.

CDPH has reviewed the suggestion and has accepted it as the term is not used in the code.

Remove "UL" is Underwriters Laboratories.

CDPH has reviewed the suggestion and has accepted it as the term is not used in the code.

Add Static Coefficient of Friction standard for a new high traction definition.

No. CDPH has reviewed the suggestion but does not accept it as the high traction term is not used in code.

Add Architect definition.

CDPH has reviewed the suggestion and accepts it in order to clarify verbiage used in the code.

Revise ASME/ANSI Performance Standard.

CDPH reviewed the suggestion and has deleted the reference to provide consistency.

Revise Backwash definition.

CDPH has reviewed the suggestion and accepts it to clarify verbiage.

Delete Cantilevered Deck definition as it is redundant with Coping.

No. CDPH has reviewed the suggestion but has not accepted it because cantilevered deck is used throughout code. No changes have been made for this request throughout the code.

Add high traction to Coping definition.

No. CDPH has reviewed the suggestion but does not accept the high traction term as it is not used in code.

Revise Corrosion Resistant definition.

CDPH has reviewed the suggestion and accepts it to clarify verbiage.

Add Certified Pool Operator (CPO) definition.
No. CDPH has reviewed the suggestion but does not accept it as CPO is not used in code.

Revise Engineer definition.
CDPH has reviewed the suggestion and accepts it in order to clarify verbiage used in the code.

Revise Equipment Area definition.
CDPH has reviewed the suggestion and accepts it in order to clarify verbiage.

Differentiate between Freeboard (filters) and Freeboard (waterline).
CDPH has reviewed the suggestion and has deleted the freeboard definition as it is not referenced in the code.

Revise Handhold definition to include easily.
No. CDPH has reviewed the suggestion but does not accept it as the term easily is subjective and not enforceable.

Add High Traction definition.
No. CDPH has reviewed the suggestion and does not accept the high traction term as it is not used in code.

Add Latest Edition definition to keep the regulations current with evolving standards rather than the proposed calendar date for standards adoptions.
CDPH has reviewed this suggestion and acknowledges this concern. However, there must be a specific performance standard to provide regulatory authority. Throughout the document no changes have been made for this request. As new standards are adopted, CDPH will review them and propose adoptions through the regulatory process as appropriate.

Add Munsell Color Value definition.
The Munsell Color Value has been considered by CDPH and the California Conference of Directors of Environmental Health (CCDEH), Recreational Health Technical Advisory Committee (TAC), but it has not been included in the code as it would be too prescriptive. CCDEH is comprised of all of California's County Directors of Environmental Health. Their Recreational Health TAC is comprised of public health professionals at county and State levels as well as representatives of the pool industry. No changes have been made for this request throughout the code.

Add NSF/ANSI Standard 50 Latest Edition definition.
CDPH has reviewed this suggestion but has not accepted it because there must be a specific performance standard to provide regulatory authority. Throughout the code this standard has been described as the NSF/ANSI 50-2010 performance standard effective August 2010. As new standards are adopted, CDPH will review them and propose adoptions through the regulatory process as appropriate.

Delete Ozone Contact Concentration.
CDPH has reviewed the suggestion and accepts it as the term is not used in the code.

Revise Perimeter Overflow System definition extensively.
No. CDPH has reviewed the suggestion but will keep simpler existing proposed definition for clarity.

Change Maximum User Pool Load to Pool User Capacity and add verbiage.
Actually CDPH changed the term to Occupant Capacity instead and placed it in proper alphabetical order. CDPH accepts the verbiage change for clarity.

Revise Pool User definition.
CDPH has reviewed the suggestion and accepts it in order to clarify verbiage used throughout the code

Add a definition for Qualified Mechanical Designer.
No. CDPH has reviewed the suggestion but has not accepted it because new definitions for Engineer and Architect have been included to provide design expertise.

Revise Recessed Steps definition.

- CDPH has reviewed the suggestion and has accepted the deletion of step holes for clarity but does not accept the ladder rungs as ladder is already defined.
- Revise Recirculation System definition.
No. CDPH has reviewed the suggestion and will keep existing proposed definition for clarity.
- Revise Rim-Flow Gutter term and definition.
CDPH has reviewed the suggestion and has accepted the term name change but has not accepted the reference to freeboard for consistency as that term has been deleted from the definitions.
- Revise Skimmer Equalizer Line definition.
CDPH has reviewed the suggestion and has accepted the revised verbiage for clarity.
- Delete Slip Resistant term and definition due to high traction proposed language..
No. CDPH has reviewed the suggestion but has not accepted it because high traction is not used in the code.
- Revise Spa definition.
CDPH has reviewed the suggestion and has revised the definition for clarity and consistency.
- Revise Special Purpose Pool definition.
No. CDPH has reviewed the suggestion but will keep the existing proposed definition. Section 3109B.1 allows an exemption from construction standards.
- Revise Splash Zone definition.
No. CDPH has reviewed the suggestion but will keep the existing proposed definition for clarity.
- Revise Spray Ground definition.
CDPH has reviewed the suggestion and accepts using the surge basin term. The term water feature is used rather than listing the different types of features because they are listed in the water feature definition.
- Add Standard of Care definition.
No. CDPH has reviewed the suggestion but does not accept the standard of care term as it is not used in code.
- Revise Suction Outlet definition.
No. CDPH has reviewed the suggestion but has not accepted it because directly or indirectly is unclear. The existing proposed definition has been kept for clarity.
- Change Surge Chamber term to Surge Basin. Revise definition.
CDPH has reviewed the suggestion and accepts replacing the term surge chamber with surge basin for consistency. This change has been made throughout the code. The definition has been reworded for clarity.
- Replace Underground Reservoir with Surge Basin throughout the code.
CDPH has reviewed the suggestion and accepts replacing the term underground reservoir with surge basin for consistency. This change has been made throughout the code.
- Delete Treatment of Water as it is redundant with Recirculation System.
CDPH has reviewed the suggestion and accepts it for consistency.
- Revise Turnover Time definition.
CDPH has reviewed the suggestion and accepts it for clarity.
- Delete Underground Reservoir definition as it will no longer be used in the code.
CDPH has reviewed the suggestion and accepts deleting the term underground reservoir for consistency as it has been deleted from the code.
- Revise Water Park definition.
CDPH has reviewed the suggestion and has deleted the term as it is not used in the code.
- Revise Wave Pool definition.
CDPH has reviewed the suggestion and has deleted the term as it is not used in the code.

Add Wet Play Pools definition.

CDPH has reviewed the suggestion but has not created a new definition for Wet Play Pools at this time. This could be a concern to address in future regulatory adoptions.

Section 3103B – Plan Review

3103B.2 Add requirement that plans and specifications shall be signed by an engineer, architect, or qualified mechanical designer.

CDPH has reviewed the suggestion but does not concur. Many plans are submitted by pool service companies.

3103B.3 Add that plans and specifications would be approved if the enforcing agent does not notify applicant within 30 days.

CDPH has reviewed the suggestion but does not concur. Busy jurisdictions may not be able to meet this timeframe due to budget constraints for hiring sufficient personnel to process these plans.

3103B.4 Change from one year to two years the period during which a plan is valid upon approval because the construction permit process can take 12 months or longer so a health permit could expire before construction begins. Extending to two years would address this problem.

CDPH has reviewed this suggestion and has accepted it by changing the time that a construction permit would be valid to two years to address the needs of the pool construction industry.

Section 3105B – Plan Compliance Inspections

Replace operator with contractor because the contractor would arrange for the construction inspections.

CDPH has reviewed this suggestion but does not concur. The contractor would be the designated agent that already is referenced in this section.

1. Add pressure test to exposed plumbing.

No. CDPH has reviewed this suggestion but has not accepted it as the pressure test is done by the building department rather than the environmental health agency which reviews the pool plans for this code.

2. Delete the term gunite.

CDPH has reviewed this suggestion and has accepted it by replacing the term gunite with pneumatically placed concrete to reflect construction terms and practices.

4. Change ...opened to the public... to ...placed into operation...

CDPH has reviewed this suggestion and accepts it for clarity and to reflect standard construction practices.

Section 3106B - Special Requirements for Spray Grounds

Add requirements for Wet Play Pools in section title.

No. CDPH has reviewed this suggestion but has not created a new definition for Wet Play Pools at this time. This could be a concern to address in future regulatory adoptions. However, CDPH has revised the section title to be Special Requirements for Spray Grounds and has deleted reference to Water Parks and Wave Pools for clarity and consistency.

3106B.1.3 Replace pump with system.

CDPH has reviewed this suggestion and has accepted it for clarity.

3106B.1.5 Delete the first sentence referring to safety hazard as it is redundant with 3106B1.1.

CDPH has reviewed this suggestion and has accepted it for consistency.

3106B.1.9 Add high-density polyethylene to surge basin construction materials.

CDPH has reviewed this suggestion and has accepted it and has added ...or other materials as approved by the enforcing agent to reflect emerging industry technologies.

3106B.1.9 Delete ...as determined by an engineer.

No. CDPH has reviewed this suggestion but has not accepted it because the engineer requirement was added to determine the loads. CDPH also has added or architect for consistency.

3106B.1.10 Change and to or regarding the surge basin volume and flow rate and add whichever is higher.

CDPH has reviewed this suggestion and has accepted both requests for clarity.

3106B.1.10 Change total volume of surge basin from 4000 to 4500.

No. CDPH has reviewed this suggestion but has not accepted it because the reason for the proposed change is unclear. Many surge basins are 4000 gallons.

3106B.1.12 and 3106B.1.13 Delete these sections regarding the location of the suction outlet intakes as they would not bring any additional water-quality protections.

No. CDPH has reviewed these suggestions but has not accepted them because the proposed location of the suction intakes ensures that water supplied to the water features has been treated and also prevents short-circuiting in the surge basin.

3106B.1.12 and 3106B.1.13 Replace suction intake with suction outlet.

No. CDPH has reviewed this suggestion but has not accepted it because it would require a drain cover per the Section 3162 anti-entrapment requirements.

3106B.1.14 Delete for every six feet of reservoir length.

CDPH has reviewed this suggestion and has accepted it to reflect construction practices. Note the 3 feet by 3 feet opening requirement is not for confined space concerns but rather to insert a pole for cleaning.

3106B.1.16 Add or ozone.

No, CDPH has reviewed this suggestion but has not accepted it because this section already allows alternative treatment that could include ozone.

3106B.1.17 Replace tube or tubes with light source.

CDPH has reviewed this suggestion and has accepted it for verbiage clarity.

3106B.1.18 Change the location of the ultraviolet light unit from between the spray ground pump and the spray features to on the recirculation system.

No. CDPH has reviewed this suggestion but has not accepted it because ultraviolet light does not provide residual disinfection of water. It is imperative that the spray features emit disinfected water.

3106B.1.20 Delete A minimum of three foot candles of light shall be provided for the spray ground.

CDPH has reviewed this suggestion and has not accepted it due to safety concerns.

3106B.1.21 Delete this section requiring a diverter valve on the spray ground drainage piping...to divert rain water.

No. CDPH has reviewed this suggestion and has not accepted it because the rain diversion valve is commonly used in storm water management practices to prevent rain water from causing excessive flows into the sewer system and to prevent ponding in the spray ground which could create a drowning hazard.

3106B.1.22 Change drainage pipe to system and insert gutter surge basin and self-cleaning basket strainers.

CDPH has reviewed this suggestion and has accepted changing drainage pipe to system for consistency. However, CDPH did not accept the other suggestion regarding the gutter and basket strainer because of the need to physically remove debris.

Section 3107B - Alternative Equipment...

3107B.2 Add from a NRTL.

CDPH has reviewed this suggestion and has accepted it for consistency and to reflect industry standards.

3107B.3 Replace ANSI-accredited certification program with NRTL.

CDPH has reviewed this suggestion and has accepted it for consistency and to reflect industry standards.

Section 3108B – Pool Construction

3108B.1 Add stainless steel, demonstrably, dead loads, and live loads.

No. CDPH has reviewed this suggestion and has not accepted it because the section already allows materials equivalent in strength. Additionally, the term demonstrably is subjective and not enforceable.

3108B.3 4. Replace design water level with waterline.

CDPH has reviewed this suggestion and has accepted it for clarity of verbiage.

3108B.3 5. Add Tiles installed at the 4 1/2 foot depth line.

CDPH has reviewed this suggestion and has accepted it to reflect construction practices.

3108B.4 Exception. Replace recessed treads with recessed steps.

CDPH has reviewed this suggestion and has accepted it for consistency.

Section 3109B – Pool Geometry

3109B.2 Delete the requirement that a pool shall be completely drainable through a main drain.

CDPH has reviewed the suggestion and has accepted it to reflect emerging technology. The Drainable section has been deleted.

3109B.4-4 [actually now is 3109B.3] Delete the last sentence that states that there shall be a uniform water depth along the entire base of the stairs.

No. CDPH has reviewed this suggestion but has not accepted it because it is a safety issue.

Section 3110B – Permanent Markings

Provide more detailed specifications for position location of depth markers.

CDPH has reviewed the suggestions and has accepted them to reflect the proposed national Centers for Disease Control and Prevention (CDC) Model Aquatic Health Code (MAHC) standards. The MAHC currently is being developed by nationally recognized pool stakeholders including experts representing local, State, and federal health professionals as well as pool industry and water park venues. The focus of the MAHC will be on preventing injuries and reducing the spread of recreational water illnesses at aquatic facilities.

Section 3111B – Steps, Recessed Steps, Ladders, and Stairs

3111B.1 Insert language regarding stairs at the deep portion of a pool.

CDPH has reviewed this suggestion but has not made any changes as this already is allowed.

3111B.3 Change the upper surface of a safety railing to extend 34 to 38 inches above the deck as compared to the 28 to 36 inches that is proposed.

No. CDPH has reviewed this suggestion but has not accepted it because 28 to 36 inches is the industry standard.

Section 3112B – Handholds

3112B.1 Maintain the current specification that handholds run no more than 12" above the waterline.

CDPH has reviewed this suggestion. However, the current specification is 9" as is stated rather than 12". The 9" specification will remain.

3112B.3 Change the specification for the thickness of coping from 2 ½ inches to 4 ½ inches.

CDPH has reviewed this suggestion but has not accepted it at this time. However, this concern could be addressed in future adoptions.

Section 3113B – Diving Boards and Platforms

3113B.3 Require that platforms and diving boards one-meter or more rather than the proposed 3 meters above the water should conform to the USA Diving Rules and Codes.

CDPH has reviewed this suggestion but has not accepted it at this time. However, this concern could be addressed in future adoptions.

3113B.3 Utilize "latest edition" of the USA Diving Rules and Codes in the code.
CDPH has reviewed this suggestion but has not accepted it at this time. There must be a specific adoption date to provide regulatory authority. Future code adoptions could adopt future editions of the Diving Rules.

Section 3114B – Pool Decks

3114B.1 Reduce the deck from 100% of the area surrounding a pool include a deck area to 75%.
No. CDPH has reviewed this suggestion but has not accepted it. 100% decking is necessary for the safety of pool users.

3114B.1 Exception Change specified by the enforcing agency to approved in writing by the enforcing agent.

CDPH has reviewed this suggestion and has accepted it for clarity of verbiage.

3114B.3 Require a deck surface to slope away from the pool at not less than a 1:96 ratio and not more than a 1:48 ratio.

CDPH has reviewed this suggestion and has changed the language to conform to industry standards to have a slope no less than 1% but no more than 2%. Decks must be finished to prevent standing water.

Section 3115B – Pool Lighting

3115B.2 (1) Replace the illumination standard of a bather lying on the bottom of the pool the visibility of suction outlets and/or return inlets on the pool floor.

No. CDPH has reviewed this suggestion but has not accepted it. For safety visibility must include the ability to see a bather at the bottom of a pool.

3115B.3 Add...and emergency egress paths.

CDPH has reviewed this suggestion and has accepted it for clarity, consistency, and safety.

3115B.3 Remove the three foot candle lighting requirement for deck areas.

CDPH has reviewed this suggestion and has accepted it due to industry concerns that the existing standard be retained.

Section 3116B – Ancillary Facilities

3116B.1 Change living quarters to units.

CDPH accepts has reviewed this suggestion and has accepted the change throughout code for clarity and consistency.

3116B.1 Change access to ancillary facilities the proposed 100 feet to 300 feet.

No. CDPH has reviewed this suggestion but has not accepted it because for health and safety reasons the distance to restrooms from the pool must be reduced. Note that language in this section has been changed to conform to the California Plumbing Code.

3116B.3.1 Floors Change the slope requirement for floors to that proposed in section 3114B.3.

CDPH has reviewed this suggestion and has used the slope requirements as suggested to conform to industry standards. Note that language in this section has been changed to conform to the California Plumbing Code.

Section 3117B – Drinking Fountains

Exception Do not require drinking fountains if living units are within 300 feet from the pool.

No. CDPH has reviewed this suggestion but has not accepted it. Drinking fountains are not required if drinking water is available in adjacent living units. Note that language in this section has been changed to conform to the California Plumbing Code.

Section 3118B – Hose Bibbs

Keep the current standard of a 75 foot hose be specifically authorized.

CDPH has reviewed this suggestion and has accepted it. Note that language in this section has been changed to conform to the California Plumbing Code.

Section 3119B – Pool Enclosure

- 3119B.1 Allow windows that open four inches or less to comprise part of a pool enclosure.
No. CDPH has reviewed this suggestion but has not accepted it for safety reasons.
Allowing windows to open onto the pool enclosure area is a safety concern for small children.
- 3119B.2 (1) Set the maximum height of gate opening hardware to be no more than 44 inches above a deck or walkway.
CDPH has reviewed this suggestion and has accepted it for safety reasons.
- 3119B.2 (2) Delete the Exception.
CDPH has reviewed this suggestion and has accepted it for clarity and consistency.
- 3119B.2 (3) Require a second emergency exist at pools with a user capacity greater than 30.
CDPH has reviewed this suggestion but has not accepted it at this time. This could be considered for a future adoption.
- 3119B.2 (4) Specify that all pool enclosure egresses comply with federal American Disabilities Act (ADA) requirements.
No. CDPH has reviewed this suggestion but has not accepted it because State ADA requirements are established by the State Architect and not this code.

Section 3120B – Required Signs

- 3120B.2 Change occupant to pool user.
CDPH has reviewed this suggestion and has accepted it for consistency.
- 3120B.2 Insert the word maximum.
CDPH has reviewed this suggestion and has accepted it for clarity.
- 3120B.3 Remove allowed from the no diving sign.
CDPH has reviewed this suggestion and has accepted it for consistency.
- 3120B.5 Add with text at least ¼ inch (6 mm) high.
CDPH has reviewed this suggestion and has accepted it for safety and industry practices.
- 3120B.9 Add on the outside of the gate(s).
CDPH has reviewed this suggestion and has accepted it for clarity and safety.
- 3120B.13 Add an exception that a do not drink sign is not required at spray grounds for 100% potable water.
CDPH has reviewed this suggestion but has not accepted it. No exception has been added.
- 3120B.15 Add or as otherwise required by the California Fire Code.
CDPH has reviewed this suggestion and has accepted it for clarity and safety.
- 3120B.16 Add or as otherwise required by the California Fire Code.
CDPH has reviewed this suggestion and has accepted it for clarity and safety.
- 3120B.17.3 Add this new section to label the source of destination of valves and plumbing lines.
CDPH has reviewed this suggestion and has accepted it for clarity, safety, and industry practices.

Section 3123B – Indoor Pool Ventilation

- Add area.
CDPH reviewed this suggestion and initially accepted it. However, in response to another public comment the wording in the section was changed so this suggestion was no longer needed.

Section 3123B – General Requirements

- 3123B.1 Remove and water treatment from the title and the section verbiage. CDPH accepts.
CDPH has reviewed this suggestion and has accepted it for clarity and consistency.

Section 3125B – Recirculation Piping System and Components

- 3125B.1 Establish a maximum suction side velocity.

No. CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

3125B.2 Use gage rather than gauge.

No. CDPH has reviewed this suggestion but has not accepted it because gauge is the correct spelling.

3125B.4 Replace basket strainers for hair and lint strainers.

CDPH has reviewed this suggestion and has accepted it for clarity and consistency.

3125B.5 Remove including necessary valves conforming to Section 3125B.1.

No. CDPH has reviewed this suggestion but has not accepted it because the piping needs valves that need to conform.

Section 3126B – Recirculation Pump Capacity

3126B.2 Require an engineer, architect, or qualified mechanical designer to evaluate pumps to determine turnover times.

No. CDPH has reviewed this suggestion but has not accepted it because these specialists are not required.

Section 3127B – Water Supply Inlets

Change title to Pool Domestic Water Supply.

No. CDPH has reviewed this suggestion but has not accepted it because the title is Water Supply Inlets.

Section 3131B – High-Rate Sand Filters

3131B.1 Add a new section with a flow-rate standard for sand filters.

CDPH has reviewed this suggestion and has accepted it because the new section states the flow rates must comply with NSF/ANSI 50-2010. Subsection numbers have been adjusted.

Section 3132B – Cartridge Filters

3132B.2 Remove language to require that an approved wash down area be identified.

No. CDPH has reviewed this suggestion but has not accepted it because filters have captured contaminants that must be discharged appropriately.

Section 3133B – Chemical Feeders

3133B.1 (2) Add or adjusted by an automatic chemical monitoring and control system.

CDPH has reviewed this suggestion and has accepted it to reflect emerging industry technologies. Additional language requested can be considered for a future adoption.

3133B.3 Add ancillary facilities.

CDPH has reviewed this suggestion and has accepted it for consistency. Additional language requested can be considered for a future adoption.

Section 3135B – Gas Chlorination Equipment Room

Add the California Fire Code and.

CDPH has reviewed this suggestion and has accepted it for consistency and safety.

Section 3136B – Pool Skimming Systems

Require that the skimming system continually withdraw 100% of the flow rate.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

3136B.1 (2) Remove the requirement that all skimmers not connected with the main drain be equipped with an equalizer line. Also consider banning skimmer equalizer lines in the construction of new public pools.

No. CDPH has reviewed this suggestion but has not accepted it because the main purpose of the skimmer equalizer line is to equalize the system when the skimmer baskets are full. This happens much more frequently than low water conditions.

3136B.1 (6) Remove skimmer air lock equipment requirement

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

3136B.2 Perimeter Overflow Systems Retain the existing 5,000 square feet of pool surface area found in the existing 3134B.1 Exception rather than the proposed 3,000 square feet.

CDPH has reviewed this suggestion and has accepted it due to industry concerns that the existing standard be retained. The language will read, A perimeter overflow system shall be required in pools whose water surface area equals or exceeds 5,000 square feet (464.52 m²).

3136B.2 (1) Add integrated with the pool structure.

CDPH has reviewed this suggestion and has accepted it for clarity of verbiage.

3136B.2 (1) Change extend completely to extend 75% around pool.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

3136B.2 (2) Delete specific channel details.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

3136B.2 (3) Change channel lip to overflow edge.

No. CDPH has reviewed this suggestion but has not accepted it for clarity and consistency because the title of the subsection is channel lip.

3136B.2 (5) Change mechanical engineer to engineer, architect, or qualified mechanical designer.

CDPH has reviewed this suggestion and has accept it except for qualified mechanical designer which is not defined in this code.

3136B.2 (6) Change shall not exceed ½ inch to shall not pass a ½ inch sphere.

CDPH has reviewed this suggestion and has accepted it for clarity and consistency with other standards.

3136B.2 (8) Change mechanical engineer to engineer, architect, or qualified mechanical designer.

CDPH has reviewed this suggestion and accepts it except for qualified mechanical designer which is not defined in this code.

Section 3137B – Pool Fittings

Recommended changing a number of requirements for suction outlets and inlets.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

Section 3139B – Solar Heating Installations

Revise wording for clarity.

CDPH has reviewed this suggestion and has accepted it for clarity.

Note: The proposals for new sections regarding starting blocks and ADA accessible design standards are covered by other entities and are not in the purview of this code. Ozone is not addressed in this code. Additionally, no changes can be made to the Division II section at the end of this proposal package as these building standards already have been adopted statutorily in the Health and Safety Code.

Comments from Gregg Kollross, Inlays Inc, May 26, 2011:

3110B.4.2 Delete the 20' width requirement for depth markers.

CDPH has reviewed this suggestion and has accepted it for consistency.

- 3110B.4.3 Depth markers should be accurate to nearest 3 inches.
No. CDPH has reviewed this suggestion but has not accepted it because the code reflects the proposed CDC MAHC language of 6 inches.
- 3110B.4.4 Change the size of markers to 4 inches.
CDPH has reviewed this suggestion and has accepted it. The code language has been changed to reflect the proposed CDC MAHC language of 4 inches.
- 3110B.4.4 Indicate unit of measure for depth markers. Allow abbreviations of FT and IN for feet and inches.
CDPH has reviewed this suggestion and has accepted it for consistency and construction practices.
- Need No Diving permanent markers.
CDPH has reviewed this suggestion and has accepted it. A new section, 3110B.5 No diving markers has been added that reflects the proposed MAHC language.
Note: 3110B.4.1 (3) CDPH has added both sides and at each end to reflect the proposed CDC MAHC.

Comment from Inyo County Environmental Health, Marvin Moskowitz, May 31, 2011:

Section 3102B Pool definition: Delete "wholly."

CDPH has reviewed this suggestion and has accepted the request to retain existing language.

Comments received from Dan Kaiser, Access Services Plus, June 18, 2011:

- 3111B.3 Change the term safety railings to hand rails for consistency throughout the code.
CDPH has reviewed this suggestion and has accepted it for consistency.
- 3111B.3 Require two hand rails between 20 and 24 inches apart.
No. CDPH has reviewed this suggestion but has not accepted it because ADA requirements are determined by the State Architect and are not the responsibility of this code.
- 3114B.1 Change handicap to disabled access assistance.
CDPH has reviewed this suggestion and has accepted it for consistency throughout the code and with other standards.
- Figure 31B-7 Revise diagrams.
No. CDPH has reviewed this suggestion but has not accepted it as the numbers did not change.

Comment from Plumas County Environmental Health, Gerald Sipe, mailed June 30, 2011:

3123B.1 Retain the existing Exception regarding fresh water equivalent and the first Note regarding fresh makeup pool water.

CDPH has reviewed this suggestion and has accepted the request to retain the existing language. Physical and bacteriological have been changed to water quality.

Comments received from Catherine Rucker, July 26 and 31 and August 6, 2011:

Section 3102B Definitions

Add AED and AHA.

No. CDPH has reviewed these suggestions but has not accepted them because these are not used in the code. NSF International is the name of the organization.

3116B Include a requirement for diaper changing areas in restrooms.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

3120B.5 Include instructions for compressions-only CPR.

CDPH has reviewed this suggestion but has not accepted it because the American Red Cross still recommends artificial respiration at pools. The automated external defibrillator is not required now at pools but could be discussed for future adoptions.

3120B.6 Include the address of the pool facility as well as the phone number of the nearest emergency services and 911 on the emergency sign.

CDPH has reviewed this suggestion and has accepted it for safety.

Comments from Napa County Environmental Health, Steve Lederer, August 24, 2011:

Amend to include activity pools with water features such as waterfalls.

CDPH has reviewed this suggestion. The proposed regulations include new definitions for spray ground, water feature, splash zone, and surge basin. Waterfall is listed within the definition of water feature. Additionally, Section 3106B is a new section entitled Special Requirements for Spray Grounds that has 22 subsections of new requirements for spray grounds. Further requirements for these new water activities will be explored in future code adoptions.

Comments received from Steve Dunn, Commercial Pool Systems, August 29, 2011:

Section 3102B Definitions

Clean Pool Water: Use a different word for sully.

CDPH has reviewed this suggestion and has accepted it for clarity. Pollute will replace sully.

Permissible Exposure Limit: Reference the acronyms for OSHA and CalOSHA.

CDPH has reviewed this suggestion and has accepted it for consistency.

Pool User: Include instructors.

CDPH has reviewed this suggestion and has accepted it because instructors are pool users as well. Also, spa is a pool by definition.

Readily Accessible: Include first aid and lifesaving equipment.

CDPH has reviewed this suggestion and has accepted it for safety.

3103B.4 One year is best for plan approval.

CDPH has reviewed this suggestion. However, another public comment asked for 2 years due to the time required to get permits which CDPH has accepted.

3106B.7 Allow foggers and misters to be supplied from the surge basin.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

3108B.4 Would pools needing benches be submitted for approval as Special Use Pools?

Yes.

3120B.14 If the gaseous chemical feeder exit sign requirement refers to chlorine, it should be worded accordingly.

CDPH has reviewed this suggestion and has accepted it because the danger is for gaseous chlorine.

3136B.1 Skimmer equalizers should be allowed to be eliminated.

CDPH has reviewed this suggestion. They are not required.

3136B.2 Change the requirement for perimeter overflow systems from 3000 square feet to 3500.

CDPH has reviewed this suggestion. A previous comment wanted the size to revert to the existing 5000 square foot requirement which we have accepted.

3141B.3 Provide a minimum pipe size for the waste pipe feeding into the sump.

CDPH has reviewed this suggestion and has included a reference in this section to meeting the requirements of the California Plumbing Code. If this is not sufficient, this matter can be discussed for future adoption cycles.

3160B.2 Include GFCI or GFI after ground fault circuit interrupter.

No. CDPH has reviewed this suggestion but has not accepted it because the Division II codes are not subject to revision as they already are in statute.

Table 31B-1 and -2 Add the main drain reference found in Table 31B-3.
CDPH has reviewed this suggestion and has accepted it for consistency.

California Building Standards Commission, Michael Nearman, August 31, 2011

Ensure code reflects language in the California Electrical Code (CEC) regarding gas chlorine.

CDPH has reviewed this request and made minor wording changes for the 15-day comment period as well as the insertion of 2 new sections as follows:

3114B.1 Deck Between Pools and/or Spas.

CDPH has reinstated the Division of the State Architect requirement regarding disabled entry that had been deleted from the existing code.

3135B.7 Equipment interlocks.

CDPH has added a new section to reflect CEC Section 680.13.

3138B.5 Emergency shut off switch.

CDPH has added a new spa section to reflect CEC Section 680.14.

Comments from Lynne Simnick, The IAPMO Group, September 2, 2011

Make adjustments throughout the code for consistency with the California Plumbing and Mechanical Codes.

CDPH has reviewed the suggestions from IAPMO and has accepted all of them to provide consistency with the California Plumbing and Mechanical Codes.

Comments received from Kevin Spence, VORTEX, June 21, 2011

CDPH has reviewed this submittal. However, code numbers were not provided and specific references to the existing codified code could not be determined.

The following is a summary of the comments received during first 15-day public comment period from September 13 to September 28, 2011:

Comments received from Dan Kaiser, Access Services Plus, September 16, 2011

3117B Drinking fountains. Require Hi/Lo drinking fountains for disabled access.

3120B Required signs. Signs should reference disabled access needs.

3138B Spa pool special requirements.

CDPH has reviewed these suggestions but has not accepted them. As is mentioned in the suggestions all references regarding the need for disabled access already exist in Title 24, Chapter 11A or 11B. Reference to existing requirements in this code can be considered for future Chapter 31B adoptions.

Comment received from Joe Loyer, California Energy Commission, September 19, 2011

3115B [3115B.3 Deck area lighting.] Supports removal of the 3 foot candle requirement but suggests it would result in subjective evaluations. Recommends referencing the recommended lighting requirements in the Illuminating Engineering Society of North America, Lighting Handbook, 10th Edition.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

The following are the statements of reason for the changes agreed upon at the stakeholders' meeting on November 15, 2011 and the CBSC CAC meeting on November 21, 2011.

Section 3102B – Definitions

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to eliminate all of the proposed abbreviations and the following proposed definitions: Accessible, Air Gap Drainage, Air Gap Distribution, Architect, Corrosion Resistant, Cross-Connection, Engineer, Hose Bibb, Hot Water, Pool Area, Pool User or User, Pool User Capacity, Step Riser or Riser and Step Tread or Tread. Further discussion with interested stakeholders will be conducted for future adoptions. The definition of "Handhold" has been revised slightly to provide clarity. The definition of "Performance Standard" has been revised to spell out the NRTL abbreviation that has been deleted from the proposed code text.

Section 3103B.3 – Plan Review

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to eliminate the proposed 20-day notification requirement for plan approval or disapproval because there is no authority to propose such a time frame.

Section 3105B - Plan Compliance Inspections

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to eliminate the proposed two working days notification requirement for inspections because there is no authority to propose such a time frame.

Section 3106B.5 Special Requirements For Spray Grounds

Stricken and proposed new language was agreed by the stakeholders during the stakeholder meeting on November 15, 2011. The words "clearly visible" were added to provide clarity.

Section 3106B.8

Stricken and proposed new language was agreed by the stakeholders during the stakeholder meeting on November 15, 2011. The words "When multiple pumps are used" were added to provide accuracy with regard to pump configurations typically installed at spray grounds.

Section 3106B.16

The words represented by "NRTL" have been added by CDPH because the abbreviation was deleted from the proposed code text at the CBSC CAC meeting on November 21, 2011.

Section 3106B.20

The proposed lighting requirement was removed as agreed by the stakeholders during the stakeholder meeting on November 15, 2011. The three foot candle lighting requirement could conflict with the California Electrical Code.

Section 3106 B.21

The word "rain" and the phrase "closed for the season" were removed as agreed by the stakeholders during the stakeholder meeting on November 15, 2011. Rain is not the only source of water that can drain into a spray ground during periods of nonoperation. The phrase "not in operation" was added for clarity.

Section 3108B.2 Finish

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to eliminate the proposed language for 3108B.2 Finish. The text from the existing code for subsection 3106B.2 Finish has been inserted. It is double underlined because the codification is now 3108B.2. Further discussion with interested stakeholders will be conducted for future adoptions.

Section 3110B.4.2 – Position

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to make minor editorial changes to replace the “%” sign with the word “percent” for consistency with other Title 24 chapters.

Section 311B.3- Stairs

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to eliminate the phrase “shall be uniform and” from the proposed language because there is no clear definition of tolerances for uniformity.

Section 3113.3 – Dimensions

The words “greater than 3 meters above the water” were removed as agreed by the stakeholders during the stakeholder meeting on November 15, 2011. All platforms and diving boards should comply with the referenced national standard, not just those greater than 3 meters above the water.

Section 3114B.3 – Deck slope

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to make minor editorial changes to replace the “%” sign with the word “percent” for consistency with other Title 24 chapters.

Section 3116B- Ancillary Areas And Facilities

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to eliminate the entire newly proposed language for 3116 B. Language is existing unchanged codified text. The text from the existing code for Section 3115B Bathhouse, Dressing, Shower, and Toilet Facilities has been inserted. It is double underlined because the codification is now 3116B. Further discussion with interested stakeholders will be conducted for future adoptions.

Section 3117B- Drinking Fountains

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to eliminate the proposed language for 3117B Drinking Fountains. The text from the existing code for section 3116B Drinking Fountains has been inserted into 3117B with the exception of changing the reference to Section 3116B.2 which has been recodified from 3115B.2. The existing text is double underlined because the codification has changed. Further discussion with interested stakeholders will be conducted for future adoptions.

Section 3120B.14 – Exit

“Gaseous” has been added by CDPH to specify that a sign is needed for gaseous chlorine as opposed to all chlorine chemical feeders. Application of a signage requirement for all public swimming pools that are equipped with chlorine chemical feeders is unnecessary and burdensome to the regulated community.

Section 3123B.4 Equipment Access

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to make a minor editorial revision by changing the title of this section to “Equipment Access” for clarity.

Section 3133 – General design requirements

The word “or” has been replaced with the word “and” as agreed by the interested stakeholders during the stakeholder meeting on November 15, 2011.

Section 3134B.1 – Minimum capacity

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to make minor editorial changes to replace the “%” sign with the word “percent” for consistency with other Title 24 chapters.

3136B.1 Surface skimmers

The proposed language that new construction pools with skimmer equalizer lines needed to be plumbed to the main drain was removed as agreed by the interested stakeholders during the stakeholder meeting on November 15, 2011. The words “If used,” have been added to the following subsection that now will be 3136B.1.3 for clarity. The remaining numerical changes were made to preserve sequencing within this subsection.

For the recodified subsection 3136B.7 as a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to make minor editorial changes to replace the “%” sign with the word “percent” for consistency with other Title 24 chapters.

Section 3137B.1.4 Hydrostatic Relief Devices

The words represented by “SVRS” have been added by CDPH because the abbreviation was deleted from the proposed code text at the CBSC CAC meeting on November 21, 2011.

Section 3161B Wading Pools

As a result of discussions at the CBSC CAC meeting on November 21, 2011, it was agreed to make a minor editorial change to correct the spelling of the word “existing.”

The following is a summary of the comments received during second 15-day public comment period from December 5 to 20, 2011:

Comments received from Kerwin Lee, December 15, 2011:

As a member of the CBSC Ad Hoc CAC Mr. Lee wants to ensure that duplications do not occur in this chapter that are already addressed in other sections of Title 24 or other codes. He lists the following sections as examples: 3103B.3 Plan review, 3105B Plan compliance inspections, 3116B Ancillary facilities, and 3117B Drinking fountains.

CDPH has reviewed these suggestions but has not accepted them at this time. These suggestions can be considered for future adoptions.

3106B.20 Define “adequate natural lighting” and “lighting levels” for spray grounds used at night.

CDPH has reviewed these suggestions but has not accepted them at this time. These suggestions can be considered for future adoptions.

Comment received from Catherine Rucker, December 19, 2011:

3120B.5 Artificial respiration and CPR sign. Sign would cause confusion. Instead should use a visual graphic sign that could be understood by anyone, regardless of the language spoken.

CDPH has reviewed this suggestion but has not accepted it at this time. This suggestion can be considered for future adoptions.

The following are letters of support for the adoption of the Title 24 public pool regulations:

- **Nevada County Environmental Health, Wesley Nicks, May 23, 2011**
- **Ventura County Environmental Health, Robert Gallagher, June 17, 2011**

- **Santa Barbara County Environmental Health, Jennifer Bernstein, June 20, 2011:** "The California Conference of Directors of Environmental Health have expended years of staff time to participate in the writing and review of these regulations...the review process has been both thoughtful and thorough...these proposed regulations have evolved to include the most current issues in a dynamic field...I urge the California Building Standards Commission to adopt the regulations."
- **Commercial Pool Systems, Steve Dunn, August 29, 2011:** "Title...24 has been very well written...very clear and concise...compliments to those who have worked so hard to bring the codes current...We look forward to the new codes."
- **Napa County Environmental Health, Steve Lederer, August 24, 2011:** "We support the long overdue effort to update existing pool regulations and appreciate that the proposed pool regulations include many necessary changes..." Note: see above for Napa County's concern regarding their wish to have activity pools with water features such as water falls included.
- **National Swimming Pool Foundation (NSPF), Thomas Lachocki/Tracynda Davis, September 6, 2011:** "We are writing to support the...Title 24 Rule revision...NSPF...applauds your efforts to update your rules...pools designed and constructed with the best information from the industry will help the swimming public have greater piece of mind."
- **Plumas County Environmental Health, Gerald Sipe, September 12, 2011**
- **California Conference of Directors of Environmental Health (CCDEH), Justin Malan, Executive Director, September 27, 2011:** "...strongly urges the California Building Standards Commission to adopt this sorely needed and overdue update of the current regulations."

The following are letters in opposition to the adoption of the Title 24 public pool regulations:

- **California Sa and Pool Industry Education Council, John Norwood, August 10, 2011:** Requests CDPH to withdraw proposed amendments to Title 24 from the October 19 agenda for further review.
- **Bob Raymer email, September 14, 2011:** Recommends delaying the adoption for further review.
- **California Building Officials State Code Committee, Stephan Kiefer, Chair, September 26, 2011:** Recommends that the package be returned for further study.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

CDPH has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES: (Government Code Section 11346.9(a)(5))

No alternatives were identified to lessen the adverse impact on small businesses since no adverse impact is anticipated from these changes.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impacts business from these changes.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are no federal regulations related to this proposed action.