

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

The Department is proposing adoption of new public swimming pool regulations including standards for water park facilities that include attractions such as spray grounds, water features, or wave pools as well as the amendment and repeal of existing public swimming pool regulations.

Spray grounds have become extremely popular over the past several years. These facilities typically consist of water fountains, water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or other such features on a sloped pad. Typically, a spray ground has a high bather load and a low volume of water. 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. Where these water features are associated with a public pool there does not appear to be a problem with the establishment of standards. However, many of these facilities are not associated with public swimming pools. This proposal is made upon recommendation of the California Conference of Directors of Environmental Health.

Spray water from a water feature will rinse any contamination such as diarrhea, vomit, and dirt down into the water holding area. Because these spray grounds are a recent addition to the recreational water fun scene, health departments may not have specific requirements for how the water is treated. Health departments should ensure that pool codes are updated to include water features that do not have standing water. Spray grounds like any other water attraction should be built with appropriate disinfection and filtration systems. Addition of supplementary disinfection such as ultraviolet light or ozone should be included in regulation as a necessary component of effective

disinfection considering the unique and challenging treatment circumstances. This additional treatment is required in many jurisdictions including New York State.

This proposal also includes provisions necessary to comply with federal regulations and legislation adopted since the promulgation of the existing regulations.

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

General

The units of measurement in the existing regulation are expressed in both the English and metric units. There was the expectation that California would change from the English to the metric form of measurement. While this conversion is no longer expected all metric references are proposed to be remain in this Chapter.

Section 3101B Scope

This section explains the scope of the regulations and is proposed to be amended to improve clarity and describe the extent of the requirements.

Section 3102B Definitions

This section provides a list of terms and a discussion of the meanings and applications in the regulations. A proposed new addition to this section is a list of abbreviations of technical terms and organizations cited in the regulation. New definitions that are considered necessary are proposed to be added to assist the user in understanding the meaning of the word in the context of the regulation. Outdated or unnecessary definitions are proposed for repeal. Some definitions proposed for repeal are proposed to be relocated in CCR, Title 22, Section 65501 as they are maintenance rather than building standards. In addition, some existing definitions are proposed for amendment to improve clarity.

Section 3103B Special Pool Classifications

The existing requirements for Special Pool Classifications are proposed for repeal because the requirements will be relocated in other sections of this code.

This section title and content will be replaced with a new section entitled, **Plan Review**. A review of construction plans is very important to determine if a public pool meets the requirements of the law or regulations. The requirements for submission of public pool construction plans are being moved from Title 22 to Title 24. In addition several new requirements are proposed for the review of public pool plans.

Section 3103B.1 This subsection is proposed as a readoption of a similar section proposed for repeal from Title 22 because it is a construction standard rather than an administrative requirement. This will be a new subsection in this regulation that addresses the requirements for submitting plans and specifications to the enforcing agent prior to building permit issuance on any new construction, renovation, or

alteration of a pool, ancillary facility or equipment and their appurtenances. This is necessary because occasionally building departments will issue permits for the construction or renovation of pools, equipment, etc. without the enforcing agent approval. This can cause problems for the pool builder because building departments do not review plans for the enforcing agent's requirements, and the pool builder may incorrectly construct a pool thereby having to make costly changes.

Section 3103B.2 This subsection is proposed as a readoption of a similar section proposed for repeal in Title 22 because it is a building rather than an administrative standard. This will be a new section in this regulation that will specify the scale to be used on plans submitted to the enforcing agent.

Section 3103B.3 This subsection is proposed as a readoption of a similar section proposed for repeal from Title 22 because it is a building rather than an administrative standard. This will be a new section in this regulation that will specify the time period allowed for review by the enforcing agent to insure acceptable processing time.

Section 3103B.4 This subsection is proposed as a readoption of a similar section proposed for repeal from Title 22 because it is a building rather than an administrative standard. This will be a new section in this regulation that will require the enforcing agent to retain copies of the approved plans and specifications as well as any subsequent changes or modifications. It will also specify the time period for which approved plans are valid. Because construction codes are subject to change it is necessary to put a one year limit on the length of time plans are deemed to be in compliance and approved. Otherwise one could use an approved set of plans that did not meet the current codes or regulations because they had been approved in the past. Placing time limits on the validity of plans is a common practice for construction projects.

Section 3104B Accessibility to the Physically Handicapped Person

This section title and content is proposed for repeal since access requirements and standards are developed by the State Architect's Office. The section is proposed to be renamed as **Construction** adding new language requiring the actual construction of a pool be consistent with the approved plan.

Section 3105B.1 Plan Compliance Inspections

The language of this section is a new adoption into this Chapter. It is being relocated from Title 22 because its placement in this Chapter is more appropriate. This Section is necessary to insure the construction of the pool is in compliance with the approved plans.

Section 3106B Pool Construction Special Requirements for Water Park Facilities

The current requirements of this section are proposed to be relocated to Section 3108B. This section title and content will be replaced with a new section entitled **Special Requirements for Water Parks**. The term water park will be used to identify facilities

such as spray grounds, water features, and wave pools which do not fit into the existing definition of swimming pool. They are facilities that consist of recreational interaction between the user and water features. This category is deemed necessary as it is expected that new types of recreational water facilities will continue to be developed and the Department needs the ability to implement regulations in a timely manner when these facilities are developed. The risk of acquiring waterborne disease from contact with recreational water is an ongoing concern, and it is necessary to insure that new types of facilities have effective disinfection as part of the design, construction, and operation.

Section 3106B is a new set of regulations for recreational water park pool facilities which have not been previously regulated. There are approximately 24 such facilities existing in the state today. These facilities are very expensive to construct and the proposed standards are to provide regulation to the possible recreational parks in the future so as to insure public health and safety in their construction.

A spray ground is a relatively new concept in recreational water facilities. These facilities have unique design and construction features which are not covered by the existing public swimming pool regulations. The proposed standards are based on enforcement agency experience in responding to citizen concerns for this currently unregulated type of pool. Local recreational park districts and municipalities also desire standards so that their public can safely use these features. The standards proposed are to provide health and safety protection for the users of this type of public pool.

This proposal seeks to establish new requirements for spray grounds that have become extremely popular over the past several years. The water features associated with spray grounds typically consist of water fountains, water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or other such features on a sloped pad that does not allow ponding of water. Typically, a spray ground has a high bather load and a low volume of water. 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 diarrhea occurred at a newly opened spray ground facility in a beachside park in Florida. The illness affected 44 percent of an estimated 4,800 people who used the fountain.

Utah experienced one of the largest cryptosporidiosis outbreaks in United States history. The Utah State Department of Health confirmed more than 1,902 cases, nearly 100 of which involved hospitalization. In previous years, Utah had reported an average of 14.8 cases per year. A large amount of the evidence associated the outbreak with people swimming in contaminated pools. Eighty percent of the patients reported swimming exposure at a total of 450 different pools. Twenty percent of the patients reported they had swum in a public pool while ill with diarrhea.

In the summer of 2005, a massive gastrointestinal illness outbreak occurred at a spray ground 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.

Where these spray ground water features are associated with a public pool, there does not appear to be a problem with the establishment of standards. However, many of these spray grounds are not associated with public swimming pools. Because of recent illnesses associated with spray ground facilities here in California and elsewhere, the California Conference of Directors of Environmental Health has asked that the public swimming pool regulations apply to these facilities whether or not they are associated with a public swimming pool. The Office of Legal Services has been asked to review this issue.

This proposal also seeks to include reference to wave pools as another relatively new concept of recreational bathing. Specific criteria have been established for these facilities in HSC 115952. This section will be referenced here to alert pool operators and users of the specific requirements.

Section 3106B.1.1 This requirement is to ensure that the design and construction of the facility mitigates against slip, trip, and fall hazards. The very nature of a spray ground invites active movement by users, and special consideration must be given to design and construction details to reduce safety hazards. Water features must be evaluated to ensure user safety and to avoid the possibility of physical injury.

Section 3106B.1.2 This requirement provides a minimum width of the walking surface outside of the splash zone to allow for safe movement of participants. It reduces the risk of users slipping in the spray ground.

Section 3106B.1.3 This requirement is to ensure that water that may be contaminated is removed from the spray pad thereby reducing the risk of contact with contaminated water by users. This requirement will help to insure that the water in the storage reservoir has been adequately filtered and disinfected prior to opening the facility for use. The requirement helps to reduce the risk from regrowth of pathogens that may occur while the recirculation system has been idle.

Section 3106B.1.4 This requirement eliminates the risk of users, especially young children, of drinking or contacting standing water that can be contaminated from bather use. It eliminates the accumulation of water that can be depleted of chlorine due to organic load and sunlight. This can contribute to contamination and algal growth.

Section 3106B.1.5 The ground level requirement provides user safety by eliminating a tripping hazard. The one-half inch requirement provides an opening less than the size of fingers and toes eliminating entrapment risk. This also complies with Title 24, Chapter 11B and compliments the American Disabilities Act requirements.

Section 3106B.1.6 This requirement eliminates debris, dirt, and extraneous material from being washed into the recirculation reservoir. This prevents nonpoint discharges from entering the surge chamber. The requirement helps to reduce the treatment load placed on the system by limiting the introduction of additional contaminants that may be introduced from the surrounding area.

Section 3106B.1.7 The water treatment required in spray parks does not reach the level for potable water. Because of the risk from Legionnaires Disease from atomized water produced by foggers and misters, a requirement for potable water is needed for these features to insure protecting the users from this particular health risk. Atomized water can enter the lungs thereby introducing any contaminants that may be present. Similarly, potable water has always been a requirement for public swimming pools¹.

Section 3106B.1.8 The recirculation system needs to be interconnected to the pump that operates the spray ground water feature so that the water feature will not operate when the recirculation pump is off. This allows the recirculation of the water in the underground reservoir when the water features are activated. This requirement provides insurance that the water treatment system will be on and has time to provide treatment when the spray ground feature is opened for use and prevents exposure of users to untreated water.

Section 3106B.1.9 This requirement for the underground reservoir or treatment tank is to ensure that it is capable of withstanding the anticipated physical and chemical stresses anticipated in the spray ground environment.

Section 3106B.1.10 This requirement is to provide a minimum water contact time with the disinfectant chemicals providing safe contact water to users and minimizes high concentration of contamination.

Section 3106B.1.11 This requirement is to guarantee adequate disinfection and filtration turnover time for the total volume of the recirculating water and is similar to the requirement for a spa.

Section 3106B.1.12 This is requirement is to indicate the best location in the recirculation tank for the suction intake in order to obtain water that has had sufficient contact time for disinfection. This ensures that the water being discharged at the feature is the treated water.

Section 3106B.1.13 This requirement provides insurance that the water laden with insoluble contaminants such as hair, dirt, and lint are removed from the surge tank and collected in the filter.

¹ Richard S. Kebabjian Interactive Water Fountains: The Potential for Disaster Journal; Journal of Environmental Health, Vol. 66, 2003

Section 3106B.1.14 This section requires adequate access which is needed to repair plumbing components, remove debris, and maintain the unit in good repair. Access that is lockable or requires a tool to open is needed to insure that no unauthorized persons can access the underground reservoir.

Section 3106B.1.15 This requirement ensures constant water replacement for water lost to evaporation, splashing, and bather dragout.

Section 3106B.1.16 Supplemental ultraviolet light (UV) disinfection is needed to ensure the destruction of microorganisms such as cryptosporidium that are not readily eliminated by chlorination.² An alternative treatment process to UV disinfection technology may be used after approval by the Department.

Section 3106B.1.17 A calibrated UV light meter is needed to ensure that the UV light is delivering an effective dose to treat the water. The UV sensors ensure that the required dose of UV light is being met. The sensors can be used to confirm and adjust the dose as required and indicate when to change lamps or clean the quartz sleeves.

Section 3106B.1.18 This requirement designates the most effective location to place the UV light to achieve disinfection.

Section 3106B.1.19 This automatic jet spray pump shutdown requirement is needed to ensure that users are not exposed to water that has not been adequately disinfected.

Section 3106B.1.20 This artificial lighting requirement is needed to ensure the safety of users by providing adequate lighting to see the features and any obstacles.

² Outbreak of Cryptosporidiosis Associated with a Splash Park --- Idaho, 2007
MMR June 12, 2009 / 58(22);615-618

Cryptosporidium, a chlorine-resistant parasite, can cause illness after ingestion of as few as 10 oocysts, and can remain infectious for up to 6 months in moist environments (8). In this outbreak investigation, detection of identical subtypes of *C. hominis*, a species primarily restricted to humans (9), in the stool specimens of patients and in water samples from the sand filters and drinking fountain implicated ingestion of fecally contaminated splash-feature and drinking fountain water as the cause of the illnesses. Because reported exposures occurred during July 23--August 10 and splash park water collected on August 20 tested positive for Cryptosporidium, initial contamination of splash park water by an ill visitor likely caused persistent contamination of the splash park system and resulted in ongoing transmission. Similar outbreaks have occurred at other splash parks that lacked ultraviolet or ozone treatment systems that can inactivate Cryptosporidium. Splash park operators cannot rely solely upon high-flow sand filtration and chlorine disinfection to protect patrons from Cryptosporidium.

Section 3106B.1.21 This diverter valve requirement is necessary to reduce the potential for surface contaminants to enter the reservoir.

Section 3106B.1.22 This strainer requirement is necessary to reduce the potential for objects to become lodged in fixtures or to damage mechanical parts and will help to maintain design recirculation rates. The strainer removes any debris from the water that might clog or damage the impeller of the pump limiting the flow of water through the system. This also keeps the water volume stable by preventing water displacement by foreign objects.

Section 3106B.2 This wave pool reference is necessary to ensure that people proposing to install a wave pool are aware of the special requirements specified in HSC Section 115950.

Section 3107B Additional Requirements for a Temporary Training Pool

This existing section is proposed for repeal. This section was intended for temporary training pools constructed for swimming instruction that must be disassembled readily and are limited to a maximum use of three months at any one geographic location. No temporary training pools have ever been constructed because they are unable to meet building requirements; therefore, there is no need to keep reference to this type of pool in the regulation.

Section 3107B Alternative Equipment, Materials, and Methods of Construction

This section has been renumbered from Section 3105B. The amendments proposed are to make the term enforcing agent consistent with the proposed definition.

Section 3107B.1 This requirement is necessary to ensure that new technology that has been demonstrated to be safe and reliable can be incorporated in a timely manner.

Section 3107B.2 This third party documentation requirement ensures that new technology is safe and reliable and tested by a recognized third party organization. Most local enforcing agents do not have the resources to provide the testing and verification of proposals and recognized third party entities can provide that resource. This allows for a method of timely evaluation and approval of proposals.

Section 3107B.3 This testing requirement is to provide the enforcement agent a means to verify safety and reliability of proposed equipment. Most local enforcing agents do not have the resources to provide the testing and verification of proposals and recognized third party entities can provide that resource. This allows for a method of timely evaluation and approval of proposals.

Section 3108B Pool Construction

This section has been renumbered from Section 3106B.

Section 3108B.1 Minor amendments are proposed to improve clarity of this subsection. Public pools are constructed of durable materials capable of withstanding high bather use and must be constructed to consider climatic and other conditions that may affect the facility such as high ground water and freezing temperatures.

Section 3108B.2 Minor amendments are proposed to improve clarity of this subsection regarding the finished pool interior shell.

Section 3108B.3 Finish Color

This subsection specifies the color requirements for the pool shell finish color and is proposed for amendment to permit contrasting color for certain features on the pool for safety purposes. Contrasting is defined in a standard dictionary. The existing requirement that coping be of a nonwhite color has been found to have no safety benefit by the local enforcement agencies' experience and is proposed for repeal. The proposed tile line requirement will make it easy to determine the pool water level for skimming maintenance.

Section 3108B.4 Projections and Recessed Areas

The proposed amendments to this subsection are to eliminate ambiguity and add items that would be accepted as projections and recessed areas. The proposed amendments clarify the requirements for the construction of projections and recessed areas of the pool shell.

Section 3109B Pool Geometry

This section and subsequent subsections are renumbered from Section 3108B. The section establishes the critical limits related to the shape and size of pools. These pool geometry standards are essential in providing safe pools for all pool users.

Section 3109B.1 General

This subsection is proposed for amendment to permit special purpose pools to be exempted from specific construction standards. There are too many types of special purpose pools to develop specific construction standards for this class of pool. Special purpose pools remain subject to all basic requirements of this Chapter, and this exception only permits modification to accommodate specific needs. Specific requirements for two types of special purpose pools, wading pools and wave pools, have been enacted into law.

Section 3109B.3 Drainable

The main drain should be located at the deepest point of the pool so that contaminants are more easily and completely removed with the assistance of gravity.

Section 3109B.3 Dimensional Tolerances

This subsection is renumbered from 3108.B.3.

Section 3109B.4 Bottom Slope Break

This subsection is renumbered from 3108B.4. The proposal for this subsection is to repeal the requirement for mounting devices for safety ropes or buoys because this is no longer needed since water depth markers are now used to clearly identify water depth, and safety ropes or buoys are no longer used. The proposed amendments will require a uniform slope in shallow pools used primarily by children that will provide a safe and consistent drop in pool depth. The proposed subsection will reference the bottom slope requirements for pools exceeding 4½ feet in depth found in the pool diagrams of the regulation. This will improve clarity.

Section 3110B Permanent Markings

This section is renumbered from Section 3109B. The section sets the requirements for safety markings on the pool and deck. The subsections are proposed to be reorganized and revised for clarity.

Section 3110B.1 General

This is a new subsection that relocates the current requirement in existing Section 3109.B.3 which is proposed for repeal to this location. This section is also revised for clarity.

Section 3110B.4 Water Depth Markers

This section has proposed language changes to improve clarity of meaning.

Section 3111B Steps, Recessed Steps, Ladders and Stairs

This section is proposed to be renumbered from Section 3110B.

Section 3111B.6 Steps for a Spa Pool

This subsection has been amended for clarity.

Section 3112B Handholds

This section is renumbered from 3111B with minor editorial amendments.

Section 3113B Diving Boards and Platforms

The section is renumbered from Section 3112B to Section 3113B and expanded to include diving platforms.

Section 3113B.1 This subsection provides the standards for the safe construction of diving boards and platforms. The proposed amendment adds a requirement that the diving board and platform be anchored to the pool deck. Clarifying this is necessary for their safe use. Performance specifications for the surface of the boards and platforms are proposed to provide standards for a safe surface to prevent slips, trips, and falls. The proposed standards are identified as applying to both the design and construction for clarity purposes. These amendments are necessary to provide for safe diving.

Section 3113B.2 Railings and Steps

This subsection specifies when handrails, guardrails, ladders, and steps associated with diving boards and platforms are required. The proposed amendment simplifies the regulation by deleting the 15-degree exemption making a safer construction option. The proposed addition of the 18-inch threshold for ladders and stairs corrects an omission in the existing regulation. It has been determined that 18 inches represents the comfortable limit to mounting a diving board for the youngest pool user without the assistance of a ladder or steps. The proposed rewording of the guardrail requirement provides better sentence structure improving clarity.

Section 3113B.3 Dimensions

The new subsection provides the specifications for clearances around a diving board and pool dimensions when a diving board is used by clearly referencing the standards of Figures 31B 1 and 2. The subsection also adopts diving board and platform standards of a national organization that were developed by individuals and groups devoted specifically to diving.

Section 3114B Pool Decks

This section is renumbered from Section 3113B. The section provides the requirements for decking construction, sizing, and use limitations around pools. This section is proposed for amendment to repeal the requirements no longer necessary or those requirements that are proposed to be relocated to other sections of this Chapter. The section is also proposed to be amended for clarity. The proposed standards that have been relocated from existing requirements are proposed to be modified to improve the health and safety for pool users.

Section 3114B.1 This subsection defines the criteria to provide for safe pool decking. The material specifications for the decking are necessary to meet health and safety standards. The subsection is proposed to be amended to require a cleanable, well-draining deck because this will minimize algal and bacterial growth, both of which can cause health hazards to pool users. In addition, algae contributes to slipping hazards. The words proposed for deletions are proposed to be replaced with language that is clearer and more specific.

Section 3114B.2- Deck Drainage

This subsection is proposed for repeal with its requirements readopted in 3114B.3 of this section. This subsection number is proposed to be named. "Deck between pools and/or spas" specifying the requirement for safe decking footage between adjacent pools so as to clearly apply the requirements of subsection 3114.B.1. This will provide a safety standard that minimizes the dangers of a bather falling into an adjacent pool while exiting.

Section 3114B.3 Pool Coping

The requirement previously was 3113B.3 and is proposed for repeal because it will be covered by the requirements of subsection 3114B.4.

Section 3114B.3 Deck Slope

This requirement was transferred from subsection 3113B.2 which is proposed to be repealed. The requirement is reworded for clarity, and the slope requirement changed to a 1% slope away from the pool to be in line with standard construction practices.

Section 3114B.4 Deck Covering

Subsection 3113B.4 is proposed for repeal and its requirements are proposed to be moved to this subsection. The revised subsection clarifies deck covering criteria to ensure the use of materials that prevent slipping hazards as well as materials that prevent the growth of bacteria and algae, both of which can cause health and safety hazards.

Section 3114B.5 Handrails

This subsection previously was Section 3113B.5 and is proposed for repeal because temporary training pools as classified in the existing Section 3107B are proposed for repeal making this subsection unnecessary.

Section 3114B.5 Unpaved Areas

This subsection is proposed to be renumbered from 3113B.6.

Section 3115B Pool Lighting

This section requires pool lighting under specified conditions and has been renumbered from Section 3114B. This section is being proposed to be amended to include a requirement to secure a pool, prohibit use, and post a sign that the pool is closed after dark when pool lighting is inoperable.

Section 3116B Toilet, Shower and Dressing Facilities

This section is renamed and renumbered from Section 3115B. The section provides the requirements for sanitary facilities at pools. The proposed amendments to this section and subsections are primarily for clarity purposes and to eliminate unnecessary provisions.

Section 3116B.2.1

The proposed amendment to add “or less” provides clarity.

Section 3116B.2.2

The proposal adds “or less” to provide clarity.

Section 3116B.2.3

The proposed amendment to add “or less” provides clarity.

Section 3116B.2.4

This is a new proposal to this Chapter that has been transferred from Title 22, Section 65551 which requires soap dispensers in order to eliminate or reduce the pathogenic

bacteria level in pool water from user hands. The transfer is made because the soap dispenser requirement is a building standard.

Section 3116B.2.5

This is a new proposal to this Chapter that has been transferred from Title 22, Section 65551 clarifying a generally understood practice to a clearly required one. The proposal requires providing hand drying facilities and toilet tissue. The transfer is made because this requirement is a building standard.

Section 3116B.3.1

The subsection proposes a requirement for a specific coving radius to provide improved clarity to the coving requirement. Additional minor amendments are proposed to improve clarity. The subsection is proposed to be amended for clarity purposes.

Section 3116B.3.2

The material and finish requirements for sanitary facilities are proposed to be expanded beyond the current limited requirement. The proposal would cover color, finish, and cleanability of surfaces. The proposed requirement for keeping surfaces free of cracks and open joints is added because in a moist environment like a locker room, fungus and algae may grow and cause health problems to pool users.

Section 3116B.3.3

This subsection is proposed for amendment to ensure privacy of the pool user.

Section 3116B.4 Water Supply

This subsection is renumbered from 3115.B.4. Subsection 3115B.2 is proposed for repeal and the renumbered subsection 3116B.4.1 is amended to incorporate requirements providing better clarity to the subsection. 3116B4.2 is proposed to be amended to provide better clarity and improved safety. This subsection is proposed for amendment to improve its clarity of purpose for the appropriate water supply to showers and lavatories.

Section 3117B Drinking Fountains

This section is renumbered from Section 3116B. The section sets the requirement for drinking fountains at pool sites. The proposal is to edit the section for clarity and to provide a specific location for the drinking fountain.

Section 3118B Hose Bibbs

This section is renumbered from Section 3117B. The section deals with hose bibb requirements and is proposed for amendment to provide improved clarity and protection against backflow with devices established by the California Department of Public Health under Health and Safety Code Sections 116800 to 116880. An additional hose bibb is proposed to be required in the equipment area to improve the ability for maintenance personnel to clean this area.

Section 3119B Pool Enclosure

This section is renumbered from Section 3118B. The section provides the requirements to separate pools from general public access for safety reasons. The proposal to require enclosure installation over a hard surface is to eliminate soil erosion as a factor under the enclosure, insuring that the openings under the enclosure are less than 4 inches. In addition amendments are proposed to improve the clarity of the section.

Section 3119B.2 Gates

This section is renumbered from Section 3118B.2. Minor editorial changes are made for clarity.

Section 3119B.3 Retroactivity

This section is renumbered from Section 3118B.3 Minor editorial changes are made for clarity.

Section 3119B.4 Enclosure of Pools Constructed Prior to July 1, 1994

This section is renumbered from Section 3118B.4. Minor editorial changes are made for clarity.

Section 3120B - Required Signs

The existing Section 3119B entitled Signs is proposed for repeal. The contents are moved and expanded in new Section 3120B. The contents of the existing 3120b titled 'Indoor Pool Ventilation' are moved and renumbered to become Section 3121B. This is necessary to better organize the regulation of required signs. This new Section specifies all signs to be used at public pools. The word "required" has been added to the section title to ensure the understanding that all signs specified are required thereby eliminating the need of restating this requirement for each sign. This will reduce redundancy.

Section 3120B.1 This new subsection is proposed to give specific direction to the pool operator that all required signs are to be uniformly constructed and maintained so that they are clearly visible and readable by persons in the pool area.

Section 3120B.2 This subsection is proposed for amendment to improve clarity.

Section 3120B.3 This subsection is proposed for amendment to improve clarity. The existing standards of this subsection have been moved to subsection 3120B.12. This subsection is proposed for amendment to clarify which pools must be posted with a no diving sign. The proposal is to add the words "with a water depth of 6 feet or less" and repeal redundant wording. This amendment will then clearly identify the minimum depth of a pool where diving is allowed. A pool user diving in a pool of less than 6 feet can hit the bottom of a pool and be injured.

Section 3120B.4 This is a new subsection to this Chapter, transferred existing language from Section 65539 of Title 22, so as to consolidate all signs in one code location for ease of use.

Section 3120B.5 This is a new requirement to this Chapter, transferring the requirement of Section 65539 of Title 22, and making it into a sign requirement improving the safety of pool users.

Section 3120B.6 This requirement is to post the emergency phone number sign.

Section 3120B.7 This subsection provides clear warning to spa users of potential injury if use is undertaken without due care and is proposed for amendment to remove and replace language for clarity purposes. In addition, the word hyperthermia is added to #5 to provide the user with a better knowledge of the medical impact from immersion in hot water for extended periods.

Section 3120B.8 This is a new subsection in this Chapter relocating the requirement from CCR, Title 24 Part 3 (California Electrical Code) to better facilitate the organization of public pool sign requirements to one location for ease of use to public pool builders, owners and operators.

Section 3120B.9 This is a new subsection that will require signage informing pool users a pool is closed after dark when no lighting is provided, improving user safety.

Section 3120B.10 This is a proposed new subsection to require pool operators and users to keep pool area access openings closed after ingress and egress for safety purposes. This regulation is necessary to provide the pool operator and user direction for the proper position of gates and doors around the pool area. Simply requiring the doors and gates to self-close and self-latch does not ensure operator or user action on the access door or gate.

Section 3120B.11 This is a proposed new subsection to notify pool users of restrictions for persons with diarrhea.

Section 3120B.12 This proposed new subsection advises pool users of wave pool requirements.

Section 3120B.13 This proposed new subsection advises pool users of spray ground to not drink the water from the water features at the facility. This signage is needed to reduce the risk of transmission of disease.

Section 3120B.14 This is a new subsection that will require posting a sign that describes safe exiting procedures when gaseous chlorine is used for pool water disinfection.

Section 3120B.15 This subsection readopts current subsection 3119B.3 requirements dealing with gas chlorine with amendments. The readopted subsection is proposed to expand sign language applicability to any potentially useable gaseous oxidizers. The change is necessary to accommodate the changing uses of gaseous materials for pool maintenance.

Section 3120B.16 This is a proposed new subsection to require warning signs at ozone producing rooms. This proposed subsection is necessary to provide easy to read warning signs regarding the dangers of ozone production for pool operators and users. This subsection advises to turn on ventilation equipment to ensure safety of pool users and operators.

Section 3120B.17 This is a proposed new subsection to assist pool operators in maintaining an understanding of system analysis where the presence of multiple recirculation systems can lead to confusion. This subsection is necessary because pool operators often change during the lifetime of a pool. Correctly understanding the appropriate circulation system equipment and its operation is critical to successful pool operation.

Section 3121B Foundations for Pool Equipment

This existing section and language is proposed for repeal with the requirements relocated to the proposed Section 3122B.2

Section 3122B Pool Equipment Enclosures

The contents of the original section have been repealed and moved to Section 3135B. This is proposed because the standards for gas chlorination rooms are proposed for major revision and repealing the existing standard is simpler than amending the existing requirements. This section number is now used for proposed new requirements for pool equipment enclosures. The title of the section is proposed to be expanded identifying other issues occurring in the pool equipment operating areas.

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This is a proposed new section will protect equipment from access for persons other than the owner/operator. It is necessary to provide access control to equipment so that operation of the pool and maintenance thereof is totally controlled by the pool owner/operator. This also eliminates pool user access to this equipment. Such access can result in injury to a pool user.

This is a proposed new section will establish construction standards for the foundation used to secure and support equipment. The foundation needs to be sloped for drainage to reduce slip hazard and allow for hosing off the area for cleaning. The foundation needs to be constructed of a material that can provide adequate anchoring and support for the equipment

Section 3123B Recirculation and Treatment System Components

Section 3123B.1 System Description

This subsection provides the general requirement to have recirculation and treatment systems. The subsection is proposed for amendment to repeal the exception because water quality standards are not easily controlled in such pools. The exception is proposed for repeal because there is no control of water standards from such sources without water treatment. Notes #1 and 2 will be repealed, as these requirements will be covered by subsection 3127B.1 of this Chapter.

Section 3123B.2 Equipment

This is a proposed new subsection requiring these systems to meet the national standard, NSF/ANSI 50-2010 effective August 2010. This standard is developed for national use by representatives of the pool industry and local/state governmental agencies. These include pool contractors, pool designers, pool equipment manufacturers, health agencies, federal communicable disease groups, laboratories, and industry professional associations such as the National Spa and Pool Industry. The standards committee consists of approximately 33 representatives. The standards are performance not design standards. There is no other such nationally recognized body that provides such standards that are recognized by the pool industry and local/state regulators. The standards developed and published in NSF/ANSI 50-2010 effective August 2010 will be used by the enforcing agent to measure the performance of equipment that will be proposed for public pools in California. These new requirements provide reasonable standards to the pool industry and improve the protection of the pool user.

Section 3123B.3 Installation

This subsection requires equipment to be maintained and the amendments proposed are for clarification.

Section 3123B.4 Accessibility

This subsection specifies equipment be accessible for repair and maintenance. The amendment proposal is for clarification. The proposal also deletes the note, which is proposed to be relocated to the definition section.

Section 3124B Turnover Time

This section stipulates the turnover time for different types of pools. The turnover time is the amount of time it takes for all the water in the pool to pass through the recirculation system. The proposal deletes the term purification because the action of purification implies a higher level of treatment than is attainable. The goal of the pool treatment system is to make the pool water safe for the user through recirculation, filtration and disinfection. Temporary training pools are proposed to be deleted because they are no longer allowed to be constructed. Medical pools are proposed to be added because they require a different turnover time than the standard public pool. Medical pools have elevated water temperatures and are typically used by the infirm including those who are incontinent. A turnover time less than six hours is needed in these pools to afford a greater degree of water treatment. Turnover time for spray grounds is

proposed to be added to complete the list of turnover time requirements for the various types of pools.

Section 3125B Recirculation Piping System and Components

Section 3125B.1 Line Sizes

This subsection prescribes the maximum water velocity through pipe systems including backwash piping and lists other required components of the piping system, such as filter gauges, flow meters, pump strainers, and valves. This subsection also prescribes the location and accuracy range of these components. The subsection is proposed to be amended to decrease the flow velocity in any suction or copper piping from 8 feet per second to 6 feet per second, and in any portion of the return system from 10 feet per second to 8 feet per second. These standards were established by the Legislature (Health & Safety Code Section 116604) for wading pools and are appropriate standards for all pools. These flow reductions will decrease the suction hazard in the system without affecting pool water quality while improving pool user safety.

Section 3125B.2 Gauges

This subsection requires the provision of gauges for pump systems to evaluate the degree of waste accumulation in the filter. The subsection is proposed to repeal the current language with replacement language to identify gauges as a pressure and vacuum gauge, rather than simply a gauge because there are many other types of gauges that may not be appropriate for measuring pressure. Vacuum gauges are proposed to provide the same operation and accuracy as pressure gauges. These changes will give a more accurate measurement of the filter operation when either clean or dirty.

Section 3125B.3 Flow Meter

This subsection requires a meter for the determination of the rate of flow through the recirculation piping and other components of the filtration system. This measurement of flow is required to verify the proper rate of the filtration cycle as well as in the backwash cycle. The flow meter also verifies the velocity limits set for the piping system. The subsection is proposed for amendment to require flow meters for each water circulation system rather than just recirculation systems. The word "to" was added to clarify the degree of accuracy of the flow meter. The changes are proposed so that the jet systems on spa pools, which would measure the velocity limitation of the jet piping, as well as on the filtration systems are included in this regulation. This area is not addressed in the existing Chapter.

Section 3125B.4 Hair and Lint Strainers

This subsection requires a strainer to be provided before the suction intake of the pump. The strainer removes any debris from the water that might clog or damage the impeller of the pump limiting the flow of water through the system. An amendment is proposed to require the hair and lint strainer if the pump takes suction prior to filtration because in such a case it would do no good to have such devices between the vacuum type filter

and the pump. In addition, the proposed amendment provides easier to read language with minor changes to content providing for improved clarity.

Section 3125B.5 Backwash Piping

This subsection requires the provision of pipe and valves for the backwash cycle of each filter or filter element that requires this type of cleaning. The language is modified for clarity.

Section 3125B.6 Valves

This subsection prohibits the location of the valves from any portion of the required deck area thus preventing the unauthorized access to the valves by anyone other than the pool owner/operator. The proposed amendments are to simplify and clarify the wording.

Section 3126B Recirculation Pump Capacity

This section sets the flow rate/pump output or pump design capacity. This is the volume of water flow generated by the pump and is affected by the resistance of flow. This resistance is measured as total dynamic head and is a term understood by the regulation users. The addition of cartridge filters is proposed to be included as the filtration process provided by this type of filter meets the requirements of this regulation and is a satisfactory option for the public pool industry. There are only minor wording amendments to this section for clarity purposes.

Section 3127B Water Supply Inlets

This section provides the requirements for water supply inlets used in public pools. The majority of the proposed amendments are being made to improve the clarity and reduce vagueness of the section's wording. The repeal of the exception in subsection 3127B.1 is proposed to eliminate using a non-permanent filling device, usually a hose, because of the potential tripping hazards. In addition such devices have the potential of creating backflow into the potable water system.

Section 3128B Filters (All Types)

Section 3128B.1 The subsection establishes general performance standards for all types of pool water filtration equipment. The standards referenced are nationally recognized and accepted by industry. The remainder of the subsection is proposed for repeal because it is unnecessary, as it is repetitive with the rest of the sections requirements.

Section 3128B.2 The current subsection establishes a performance standard for the allowable filter backpressure, which is proposed for repeal and the revised subsection is proposed to deal with installation requirements. The reason for the proposed repeal is that pressure drop is addressed in the application rate and turnover rate requirements. The repeal removes duplication. The revised section renumbers subsection 3128B.3 to 3128B.1 and provides the valving requirements for recirculation filters. This proposal

replaces the standards located in the current subsection 3128B.3 and moves them to this subsection with only minor wording changes for clarity.

Section 3128B.3 This subsection is renumbered to a new 3128B.1. The subsection provides the valving requirements for releasing trapped air in a recirculation filter. The proposed amendments are for clarity.

Section 3128B.4 This subsection is proposed for repeal. This requirement is covered in the NSF International standards proposed for adoption and in Section 3128B.1 and is no longer necessary.

Section 3128B.5 This subsection is proposed for repeal. The proposed amendments repeal the corrosion-resistant requirement and deletes unnecessary wording. The corrosion-resistant standard is now proposed to be placed in subsection 3128B.1 and this removes a redundancy. The remaining amendments are for clarity.

Section 3128B.6 This subsection is proposed for repeal. The current subsection establishes a minimum distance between the filter sand and the exit openings during backwashing, so excessive filter sand is not released to waste. This requirement is covered in the NSF International standards proposed for adoption and in Section 3128B.1 and is no longer necessary.

Section 3129B Rapid Sand Pressure Filters

This section provides the standards for rapid sand filters and the proposed amendments are primarily grammatical and for clarity purposes. Subsection 3129B.2.1 amends the filter sand requirements to provide better standardization of size. Subsection 3129B.3 is proposed for repeal as it is no longer necessary with the adoption of the NSF/ANSI 50-2010 standard effective August 2010.

Section 3130B Diatomaceous Earth Filters

Section 3130B.1 This subsection specifies the maximum flow rate for this type of filter. The subsection is proposed to be amended to simplify the language and repeal the requirement for continuous feeding in pools over 2000 square feet because it has been demonstrated by experience to be unnecessary and pool technology has advanced making this unneeded. It also proposes to repeal flow rates of up to 2 ½ gallons per minute when diatomaceous earth was continuously fed. The reason for the repeal is that continuous diatomaceous earth feeding was a difficult task for most pool operators and often caused other maintenance problems in the filtering system.

Section 3131B High Rate Sand Filters

This subsection provides the requirements for high rate sand filters and is proposed for major amendment. The proposal repeals vague and confusing language readopting more specific and clearer requirements. The proposed additions also include meeting a

specific national standard, NSF/ANSI 50-2010 effective August 2010, providing better standardization and improving the health and safety protection to pool users.

Section 3132B Cartridge Filters

This is a proposed new section to add installation and operation requirements for cartridge filters used in public swimming pools. The existing Chapter does not address cartridge filters and were not an approved method of filtration for public pools. Now the technology of this method has improved to be equivalent with other types of filtration permitted in the Chapter. The addition of this subsection will provide criteria for cartridge filters and allow these filters to be used for public swimming pool water filtration. The cleaning of cartridge filters produces a waste product that requires proper handling and disposal. Subsection 3132B.2 is proposed to provide procedures for proper handling and disposal.

Section 3133B Chemical Feeders

This section has been renumbered from Section 3132 to Section 3133. The section establishes the requirements for equipment that feeds various chemicals into pool water. The opening portion of the section is proposed to be amended to cite specific uses to improve clarity of the section.

Section 3133B.1 General Design Requirements

This subsection describes the design requirements for chemical feeders and is proposed for amendment to improve clarity. In addition, a requirement is proposed that chemical feeders meet NSF/ANSI 50-2010 effective August 2010 which provides standardization, resulting in safer and more reliable equipment being used.

Section 3133B.2 Piping This subsection deals with feeder piping and is proposed for amendment to improve clarity.

Section 3133B.3 Installation This subsection controls inappropriate discharge and is proposed for amendment to improve clarity.

Section 3134B Disinfectant Feeders

This section provides standards for the disinfectant feeder system in public pools. The section is proposed for amendment to repeal specific requirements and adopt NSF/ANSI 50-2010 standard effective August 2010 for construction of disinfectant feeders. This change is necessary to conform to new and changing disinfectant methodologies within the industry.

Section 3134B.1 The subsection specifies the minimum quantity of chlorine to be dispensed by an automatic chlorinator into a pool per day. The subsection is proposed to be amended to improve clarity and establish the dispensing rate requirements at an appropriate level consistent to maintain the required residual.

Section 3134B.2 This subsection requires that disinfectant feeders be equipped with accurate controls and adjustments so that varying rates may be provided for various pool sizes and uses. It also requires there be a visible means of determining the level of adjustment. The subsection is proposed to be amended to simplify and clarify the regulation.

Section 3134B.3 This subsection is simply a cross-reference to other sections on chlorine gas disinfection and causes confusion to code users. The subsection is proposed for amendment to describe how chlorine gas may be dispensed into a pool water system. This amendment is necessary to ensure the subsection is clearly understood and followed, not ignored due to its confusing lack of direction within the existing subsection wording.

Section 3134B.3.1 This subsection requires that each pressurized gas chlorine cylinder be safely secured with industry protection devices. The subsection is proposed to be amended to clarify that the gas cylinder is a pressurized gas cylinder and that the safety valve cap must be in place when the cylinder is not in use.

Section 3134B.3.2 This subsection provides that the gas cylinder be on a scale for measuring volume by weight when it is connected to the system. The subsection is proposed to be amended to give specific directions to keep the gas cylinders on a scale when in use. Existing wording is not adequate. This amendment is necessary to ensure that the tanks are under constant weight measurement when connected to the system.

Section 3134B.3.3 This subsection requires all chlorination systems include protection measures that prevent contact with the chlorine by persons and equipment other than intended. The subsection is proposed to be amended to repeal an unnecessary cross section referral, to improve the language to be more explicit for immediate understanding by the code user and expand the requirement to all chlorination systems. This amendment will also improve clarity.

Section 3134B.3.4 This subsection requires gas chlorine piping be contained within the equipment room. The subsection is proposed for amendment to add the word “gas” before the chlorine equipment room. This amendment will provide clarity that the room of concern is the gas chlorine equipment room and not another room containing other forms of chlorine.

Section 3135B Gas Chlorination Equipment Room

The general requirement is a readoption of the original requirement found in current Section 3122B with the amendment to require, rather than permit, the equipment to be installed indoors. This amendment is to ensure safety of pool users by restricting access. The proposed new section provides standards for the control of chlorination equipment rooms.

Section 3135B.1 Location

This subsection is proposed to clearly identify where the equipment can be placed. This is necessary to ensure chlorine is not located in any area that may present hazards to the public.

Section 3135B Exit

This subsection is a readoption and renaming of the requirement currently in the existing Section 3122B.

Section 3135B.3 Ventilation

This subsection is a readoption of the requirement currently in the existing Section 3122B with minor amendments to improve the clarity of the requirement, which improves safety for the pool users and maintenance personnel of the pool.

Section 3135B.4 Gaseous chlorine can be lethal if inhaled. An alarm system procedure is proposed that will provide safety to both pool personnel and pool users that may be in the vicinity of or in the gas chlorine equipment room at the time a gas chlorine leak occurs.

Section 3135B.5 When working around gas chlorine equipment, it is imperative that good illumination be provided to assist in preventing accidental damage to equipment that might result in causing gas chlorine leaks.

Section 3135B.6 In case of gas chlorine leaks, lighting and ventilation control switches must be outside of the room containing the gas chlorine equipment. This allows illumination and ventilation facilities to be turned on without exposing personnel to chlorine gas.

Section 3135B.7 Limiting what can be stored in a gas chlorine equipment room reduces items that might damage this equipment as well as limiting the need of pool personnel to enter the room looking for items. This reduces the risk of gas chlorine exposure should a leak occur while in the room.

Section 3136B Pool Skimmers

This section is being renumbered from Section 3134B to Section 3136B. This section provides the standards for skimming methods used in pools. Changes proposed to the general requirements are for clarification.

Section 3136B.1 Surface Skimmers

1. The proposed amendments are to improve clarity.
2. The proposed addition is to require an equalizer valve, which will insure that the equalizer line suction can be turned off in order to prevent a suction hazard emergency.
3. This is a proposed new provision to require equalizer lines to be split with the two grate openings, separated by a minimum distance of three feet, and the openings to

be covered with tamper proof, anti-hair entrapment covers that meet the ASME/ANSI A112.19.8 standard, which will prevent suction hazards and subsequent drowning.

4. (renumbered 3)
5. (renumbered 4)
6. (renumbered 5)
7. (renumbered 6) The proposed amendment is for clarity.
8. (renumbered 7) This subsection is proposed for amendment for clarity. The Exception is proposed for repeal in this location and rewritten and readopted in subsection
9. The proposed addition is to create more accurate specifications to the parameters of an approved skimmer system.

Section 3136B.2 Perimeter Overflow Systems

The general requirement is proposed for amendment to require such systems in pools of 3,000 square feet of surface area or greater. This amendment is necessary because it has been found that pools this size or greater have the higher levels of bacteria growth on the surface and a perimeter overflow system is the only effective method to control this problem.

1. The proposed amendments provide necessary direction as to the placement of overflow systems.
4. The proposed amendment is to provide a specific and measurable opening size, which clarifies the requirement. This requirement currently exists in Section 3134B.3 and is being relocated here.
EXCEPTION: The proposed amendments are editorial and clarify the requirement.
6. The proposed amendments repeal an unneeded internal regulation cross-reference and add a measurable opening requirement for safety purposes. The screen or basket must be accessible through the deck to provide a method to remove the debris trapped in the basket. Blockage at this point adversely affects pool water flow.
7. The proposed amendments are editorial in nature and improve clarity.
8. The proposed amendment allows a professional engineer to evaluate and certify a surge chamber as an alternative to the specific requirement of the regulation.
9. The proposed amendments are to clarify the requirement of this section regarding location of the water line.

Section 3137B Pool Fittings

Section 3137B.1 Outlets

This subsection requires that all pools have a main drain typically located at the bottom of the pool. HSC Section 116064.2 addresses suction hazards in public pools. The California standards are based on the national Consumer Product Safety Commission (CPSC) antientrapment device or system requirements. These standards are necessary to prevent drowning situations caused by pool user hair or bodies being held underwater by the suction created by the water recirculation system

1. This suction grate antientrapment device or system that meets the ASME/ANSI A112.19.8 standard requirement is proposed because although dual drains help prevent body or swimsuit entrapment, they may not entirely prevent it. The subsection requires a “T” connection for suction plumbing because if the grate is missing or broken and a person gets a part of their body or swimsuit caught in the suction pipe, the lower velocity created by this requirement will be less likely to hold the person underwater.
2. This is the standard nationally accepted to comply with the CPSC requirements referred to as the Virginia Graeme Baker Act and provides for drain covering to be designed to greatly reduce the potential for entrapment.
3. This subsection sets the velocity in pump suction hydraulic systems so that if a grate is missing or broken and the person gets a part of their body or swimsuit caught in the suction pipe, the proposed lower velocity will be less likely to hold them under water.
4. This subsection requires a hydrostatic relief device to help prevent the pool shell from popping up if it is empty and it is installed in an area of high ground water. It is proposed for amendment to notify installers of specific provisions that need to be followed if the device is used in conjunction with a safety vacuum release system (SVRS) that meets the ASME/ANSI A112.19.17 or ATSM F2387 standards to insure that the SVRS will function properly.

Section 3137B.2 Inlet Fittings.

This subsection is proposed to specify the location of inlets in larger pools, to provide uniform circulation and to specify the method of installation. The reasons are to maximize recirculation, filtration, and chlorination in these pools and to avoid pool users stubbing their toes on the inlets. Wall inlets influence water circulation for a distance of up to 20 feet and in pools over 40 feet in width it is necessary to specify the maximum distance between inlets to insure adequate mixing and recirculation.

Section 3138B Spa Pool Special Requirements

This section has been renumbered from Section 3135B. The proposed amendments consolidate the operating requirements for spa pools into one specific section. Existing regulation of spa pool operating requirements are scattered throughout the chapter. Consolidating these requirements and making minor language amendments clarify the regulation.

Section 3139B Solar Heating Installations

This is a proposed new section to provide standards and requirements for the installation of pool water solar heating systems. This is necessary as the existing Chapter does not address this subject and more of these systems are being installed for energy conservation. These requirements will provide that such systems do not disrupt/interfere with the recirculation of pool water for disinfection or turnover rates and from the creation of potentially dangerous suction hazards. The solar system can also increase the total dynamic head resulting in decreased water flow.

Section 3139B.1.1 This requirement is to minimize the potential for suction hazards.

Section 3139B.1.2 The recirculation patterns in a pool may be affected by the solar returns given the solar pump operates intermittently based on solar gain. This requirement will control this problem.

Section 3140B Cleaning Systems

This section is being renumbered from Section 3136B. This section requires providing vacuum cleaning systems. The proposed amendments are primarily editorial. No cleaning system may be left in a pool when in use as this may cause a safety hazard. Built-in vacuum suction lines located in the pool wall shall not be allowed as they can cause suction entrapment hazards to pool users.

Section 3141B Wastewater Disposal

This Section is renumbered from Section 3137B.

Section 3141B.1 General Requirements

This subsection requires that swimming pool waste water be disposed in a manner that does not create a nuisance or contamination of the pool water. The subsection is proposed for amendment to require waste disposal be done in accordance with local agencies authorized to regulate liquid waste. In addition, the proposed amendments would prohibit returning backwash water to a pool. This prohibition primarily affects the diatomaceous earth filter systems that had previously allowed backwash water to be returned to the pool. This change will ensure that any waste and other debris not properly removed by the filter does not re-enter the pool.

Section 3141B.1.1 Sand Filters

This subsection is proposed for repeal, as subsection 3141B.1 would cover its content.

Section 3141B.2 Diatomaceous Earth Filters

This subsection requires the proper handling of the diatomaceous earth filter material. Diatomaceous earth filter material is not to be disposed in a manner to adversely affect the sanitary sewer system or create a solid waste nuisance. The subsection is proposed for amendment to change the terminology from “receiving tank” to “separation tank” which more accurately describes the commonly used pool equipment that removes the diatomaceous earth from the backwash water. Additional language is proposed to be added to specify the disposal of the diatomaceous earth material so as not to create a public nuisance. These amendments will improve clarity and provide control of a potential public nuisance that had not previously been addressed.

Section 3141B.3 Piping

This subsection specifies the required size of sumps and drain piping. The previous subsection 3137B.1.3 is proposed for amendment to require the size and design of the sump to ensure that in the event of a sewer backup, the sewage does not enter the

surge chamber or pool. The word “pool” is proposed to be changed to “recirculation” to eliminate redundancy. The proposed amendment is to provide for public health protection from contamination with pollution, sources of pathogens, and disease transmitting organisms from sewage.

Section 3141B.4 Visual Indicator

This subsection requires the observation of the clarity of the backwash water to determine when the filter cleaning process has been completed. The previous subsection 3137B.1.4 is proposed to be repealed and replaced with new language that simplifies the requirement.

Section 3141B.5 Prohibited Connections

This subsection protects public swimming pools and spa pools from contamination with pollution and sources of pathogens and disease transmitting organisms by prohibiting direct connections to sanitary sewers, storm drains, or other drainage systems. This amendment will ensure adequate health and safety protection from dangerous cross connections.

Section 3142B Diagrams

The diagrams are visual representations of the regulations. They are provided to help the regulation user to understand the narrative requirements. The existing diagrams are proposed to be repealed and replaced with new diagrams representing the regulation as revised in this proposal.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

NSF International Standard/American National Standards Institute 50-2010 standard effective August 2010.

USA Diving Rules and Codes, Part 1, Subpart A and Appendix B, effective January 1, 2010.

Richard S. Kebabjian Interactive Water Fountains: The Potential for Disaster Journal; Journal of Environmental Health, Vol. 66, 2003.

Outbreak of Cryptosporidiosis Associated with a Splash Park --- Idaho, 2007
MMR June 12, 2009 / 58(22);615-618.

CONSIDERATION OF REASONABLE ALTERNATIVES.

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

**REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD
LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.**

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 impact on business from these changes.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are no federal regulations related to this proposed action.