

2014 Public Swimming Pool Rule Review – August 26, 2014

List of Attendees

Paul Scaglione	Barry Griscz
Michael Vartorella	Amanda Sines
Ann Hollingsworth	Mary Clifton
Joe Harrod	Corey Schwab
Tim Flury	Robert Romayne
Kelly Thiel	Chip Hanawalt
Chuck Kunsman	Elissa James
Tim Patterson	Mark Kasper
Tyler Pigman	Eric Zgodzinski
Steven Truax	Zack Skinner
Mark Stump	Bill Plessinger
Dustin Ratliff	Laura Swanson
Duane Stansbury	Art Daniels - (phone)
Dennis Elliott	Eric Roberts (phone)

Meeting called to order by Corey Schwab at 9:07a.m.

Rule Review Process explained by Mary Clifton.

I. 3701-31-01 – Q/“Private residential swimming pool”

Propose to change definition to reflect the true definition in the ORC - “Private residential swimming pool” means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their non-paying guests. **Propose to remove “For the purposes of this paragraph, “dwelling” includes an individual room or individual suite of rooms at a hotel, motel, or other establishment providing temporary lodging.**

a. **Concerns:**

- They are not bath tubs but are hot tubs, jacuzzi’s, etc. There is no oversight so ODH cannot be sure they are properly being disinfected after each use. Propose to incorporate into the rules and is open for discussion.

b. **Suggestions:**

- Include a separate section that lists what ODH covers and does not cover.
- Put in a separate definition for a jetted tub.

II. 3701-31-01 – T1-T3 /Proposed Changes

- "Diving" does not include professional stunt diving, theatrical diving performances and similar attractions if the body of water used for the stunt diving, theatrical performance, or other attraction is used exclusively for that purpose.
- "Bathing" means any activity with a body of water, except for personal cleansing, religious ceremonies, ~~medical purposes under the care of a professional certified by the~~

~~Ohio state medical board pursuant to section 4731.053 (D) (1) of the Revised Code or~~ participation in aquarium shows, professional stunt diving, theatrical performances, dunking tanks, and similar attractions if the body of water is used exclusively for that purpose.

- i. **Concerns/suggestions:**
 - Medical therapeutic pools will need to be licensed.
 - Could there be a separate section in the rules for medical pools?
 - “Bathing” definition is confusing.
 - Cite the ORC information into the rules for terms. EX: “Bathing”
 - Use another term in place of “Bathing”.
 - Once licensed will that add restrictions?
 - Gene Phillips will consult with legal on proposed suggestions.

- c. "Structure, chamber or tank" means any container that does not possess both of the following characteristics:
 - i. The container is easily portable when empty; and
 - ii. The container is not capable of holding more than one hundred fifty gallons of water.
 - iii. **Concerns/Comments**
 - Fresh air replacement
 - Researching how to license these.
 - Outbreaks surrounding these tanks. What have other states done?
 - Committee will think about and discuss at next meeting.

- d. **Other Concerns/Suggestions**
 - The definition of a swimming pool needs to clearly be defined. What is a swimming pool versus what is a ride?
 - Areas that are licensed by Agriculture but should be licensed by ODH.

III. 3701-31-02 – Responsibilities of the director of Health

Proposed Changes – (b) (1) & (2)

- a. Individual license. An annual license fee established under the rule shall include an additional amount of ~~seventy two dollars for each license issued on or after April 1, 2011 and~~ *(to be removed from rule)* eighty dollars for each license issued. ~~on or after April 1, 2012. (to be removed from rule)~~

- b. Additional license(s). If multiple public swimming pools are located at the same address, each additional license shall be assessed an amount of ~~forty seven dollars for each license issued on or after April 1, 2011 and~~ fifty-five dollars. ~~for each license issued on or after April 1, 2012. (scored to be removed)~~

Proposed Changes – (c) (3) (b)

- a. The director may grant one extension for a period not to exceed ~~two~~ **one** year from the date the approved plans expire...
- b. A request for an extension shall be filed with the director in writing before the expiration of the initial two year period.

(c) (4) Plan Disapproval process explained by Mary Clifton.**Proposed Changes**

- a. Break down into 3 subcategories.
- b. Add “if the applicant fails to respond to additional information within 45 days...”
- c. Legal will review proposed change.

Concerns/Questions

- What requires an ERN? When is it required? ERN and review period process explained by Corey Schwab.

IV. 3701-31-03 - Licensor Responsibilities**a. Pre-licensure requirements (A) – Proposed changes**

Prior to issuing a license to operate a newly constructed, substantially altered public swimming pool, (add to rule) or existing unlicensed pool...

b. License Fee Categories (D) – Proposed Changes

i. (Eliminate from rule) shall be specified in accordance with the following categories:

- *Individual public swimming pools,*
- *Individual public spas; and*
- *Individual special use pools.*
- (d) (4) each individual public swimming pool shall be issued and individual license ~~based on the categories listed above.~~ (remove from rule)
- (d) (4) Facilities where multiple public swimming pools are located at the same address; the licensor may establish a reduced fee for ~~each~~ any additional license.

ii. Numbers 4, 5, and 6 will change to 1, 2, and 3.

c. Turnover Rates (G) – Proposed Changes

a. Turnover rates. The licensor may allow a longer turnover rate at an existing public swimming pool ~~under the following conditions:~~ (remove from rule)

- i. (G)(1) will be added into (G)
- ii. (G)(2) will either stay one separate paragraph or be broken into segments. Committee will discuss and work out.
- iii. No other comments

V. **3701-31-03 – Responsibilities of the Licensee**

- a. (A) (1) (b) - “New” changed to “initial” licenses. **Initial** is the first time a licensed is issued for a new or an existing unlicensed pool. **Renewal** is required each year to operate or maintain an existing pool.
- b. (A) (1) (c) - *“Any person proposing to operate or maintain a new or otherwise unlicensed public swimming pool shall apply to the licenser having jurisdiction at least thirty days prior to the intended start of operation of the public swimming pool”*. Remove from rule because it does not apply to a renewal.
- c. Add #2 to (A) (1) (b). This will be up for discussion.
- d. **(B) (1) (m) – When a perimeter is unable to meet paragraph (B) (6) (s) or this rule**
 - i. Thoughts/Concerns
 - “Good repair” is too vague. Take out and include specific language. Committee will discuss and decide.
 - Add “refer to (B) (6) (l)”. Committee will work out.
- e. **Record Keeping** – The following are proposed changes to this rule:
 - i. (i) The disinfectant residual shall be tested daily at the poolside deck and at the spray nozzles on at least one special feature prior to bathers entering the public swimming pool and every four hours when the public swimming pool is open for use. The disinfectant residual for a public swimming pool where an automatic chemical controller is installed shall be tested daily at the pool deck and at the spray nozzles on at least one special feature prior to bathers entering the water and every twelve hours the public swimming pool is open for use. ~~A manual test for the disinfectant residual shall be performed every six hours when the public swimming pool is open for use;~~
 - ii. (ii) Combined chlorine shall be tested daily prior to bathers entering the public swimming pool and every four hours the public swimming pool is open for use. The combined chlorine for a public swimming pool where an automatic chemical controller is installed shall be tested daily at the pool deck prior to bathers entering the water and every twelve hours the public swimming pool is open for use.
 - iii. (iii) pH shall be tested daily at the poolside deck and at the spray nozzles on at least one special feature prior to bathers entering the public swimming pool and every four hours when the public swimming pool is open for use. The pH for a public swimming pool where an automatic chemical controller is installed shall be tested daily at the pool deck prior to bathers entering the water and every twelve hours the public swimming pool is open for use. ~~A manual test for ph shall be performed at the spray nozzles on at least one special feature every six hours when the public swimming pool is open for use.~~

f. (6) (s) **Perimeter barriers** – Add ‘self-latching’ as a critical violation to this rule.

i. Questions/Concerns

- Do pools that have lifeguards still require a self-latching gate/door? Why? This could fall under “unless otherwise permitted”. Committee will discuss this for pools with attendants.
- What if it an operator states the rule says it needs to be lockable not locked? Provide language in the rule stating pools should be locked.

*Next meeting will be held in 3 weeks, September 16, 2014 from 9a.m. to 12 noon at the Ohio Department of Health.

*Available options for the next meeting include video conference, call-in option, and web share. Corey Schwab will work out a new room.