

3701-31-04

Responsibilities of the licensee.

(A) ~~Submission of plans and licensure. Any person constructing or altering a public swimming pool on or after the effective date of this rule shall comply with rule 3701-31-05 of the Administrative Code. No person shall operate or maintain a public swimming pool without a license issued by the licensor having jurisdiction. Any person operating a public swimming pool shall obtain a license to operate the public swimming pool prior to operation as follows:~~

(1) ~~License to operate. No person shall operate or maintain a public swimming pool without a license issued by the licensor having jurisdiction. Provide to the licensor the name, address, and telephone number of a person or persons who can be contacted regarding inspection, maintenance, or emergency aspects of the public swimming pool and to whom the licensor may send notice of orders and other licensure actions. The applicant also shall provide the exact street address or location of the pool. After issuance of a license, the licensee shall report any changes in this information to the licensor promptly:~~

~~(a) License application. At the time of application for a license, the applicant shall provide to the licensor the name, address, and telephone number of a person or persons who can be contacted regarding inspection, maintenance, or emergency aspects of the public swimming pool and to whom the licensor may send notice of orders and other licensure actions. The applicant also shall provide the exact street address or location of the pool. After issuance of a license, the licensee shall report any changes in this information to the licensor promptly.~~

~~(b) New licenses. An applicant for a new public swimming pool license, other than renewal, shall provide not less than a five day notice to the licensor that the public swimming pool is ready for operation and inspection in accordance with paragraph (A)(1) of rule 3701-31-03 of the Administrative Code.~~

~~(c) License renewal. Every person who intends to operate or maintain an existing public swimming pool shall, during the month of April of each year, apply to the licensor having jurisdiction for a license to operate the public swimming pool. Any person proposing to operate or maintain a new or otherwise unlicensed public swimming pool shall apply to the licensor having jurisdiction at least thirty days prior to the intended start of operation of the public swimming pool. Within thirty days of receipt of an application for licensure of a public swimming pool the licensor shall process the application and either issue a license or otherwise respond to the applicant regarding the application.~~

~~(d) License transfer. The licensee may request a transfer of the license in accordance with paragraph (B)(3) of rule 3701-31-03 of the~~

~~Administrative Code.~~

- (2) Provide not less than a five day notice to the licensor that the public swimming pool is ready for operation and inspection in accordance with paragraph (A)(1) of rule 3701-31-03 of the Administrative Code;
- (3) During the month of April of each year, apply to the licensor having jurisdiction for a license to operate the public swimming pool. Any person proposing to operate or maintain a new or otherwise unlicensed public swimming pool shall apply to the licensor having jurisdiction at least thirty days prior to the intended start of operation of the public swimming pool. Within thirty days of receipt of an application for licensure of a public swimming pool the licensor shall process the application and either issue a license or otherwise respond to the applicant regarding the application; and
- (4) May request a transfer of the license in accordance with paragraph (B)(3) of rule 3701-31-03 of the Administrative Code;
- ~~(2)(5) Authorization to inspect. The licensee of a public swimming pool shall~~ Shall allow the licensor having jurisdiction and the director to have access to the pool and the surrounding area, including the pump room, for purposes of administration and enforcement of Chapter 3749. of the Revised Code and this chapter. The licensee shall not interfere with an inspection by the licensor or the director.
- ~~(3)(6) Request for a limited variance. A licensee may~~ May request of the licensor a limited variance in accordance with paragraph (H) of rule 3701-31-03 of the Administrative Code. Any request for a limited variance shall include any documentation as required by the licensor.
- ~~(4)(7) Compliance to the rules.~~ No person, or licensee shall violate sections 3749.01 to 3749.09 of the Revised Code or any rule adopted thereunder.
- (B) ~~Operations.~~ The licensee of a public swimming pool shall maintain the pool, its components, appurtenant facilities and the surrounding area in a safe, clean and sanitary condition, in good repair and in accordance with this chapter.

 - (1) ~~Critical operational items.~~ The licensee shall not operate a public swimming pool or portion thereof when an imminent health hazard is present, including but not limited to the following:

 - (a) A covering for any main drain or other suction outlet that is not properly installed, securely fastened or in compliance with the requirements within ANSI/ASME A112.19.8-2007 or ANSI/APSP-16 2011;

- (b) A required safety vacuum release system that is not installed or functioning;
 - (c) When the disinfection residual is less than what is required in accordance with paragraph (D)(6) of this rule;
 - (d) When the circulation and/or disinfection system is not operating properly;
 - (e) ~~An~~ A required automatic chemical controller that is not functioning in accordance with paragraph (D)(7) of this rule;
 - (f) When a lifeguard is not provided as required in paragraph (E)(4) of this rule;
 - (g) Water clarity that is insufficient to clearly see a Secchi disc or a drain outlet cover at the bottom of a public swimming pool;
 - (h) Natural or artificial light that is not sufficient to see the bottom of a public swimming pool;
 - (i) When a fecal accident occurs until it has been properly treated in accordance with the procedures in appendix A to this rule;
 - (j) When a recreational waterborne illness is linked to a public swimming pool either by a current epidemiological investigation or positive water sample results until it has been properly treated in accordance with the procedures in appendix A to this rule;
 - (k) The improper or unauthorized use or storage of chemicals that may present an imminent health hazard to patrons or staff; ~~or~~
 - (l) When an electrical hazard may exist at a public swimming pool in accordance with paragraph (S)(3) of rule 3701-31-05.1 of the Administrative Code; ~~;~~ or
 - (m) When a perimeter barrier is not maintained in accordance with paragraph (B)(6)(s) of this rule and the operator does not have a person physically present at the public swimming pool to prevent unauthorized access to the public swimming pool.
- (2) ~~Authorized representative. An~~ Within three years of the effective date of these

rules, an authorized representative of the licensee ~~who shall obtain and be current on training approved by the director in accordance with paragraph (G)(5) of rule 3701-31-02 of this chapter and be~~ is familiar with the public swimming pool equipment, operation and safety. The authorized representative shall be either on site or within thirty minutes of the site whenever the pool is open for use, to respond to requests for information or assistance by patrons of the pool, the licensor, or the director.

- (3) ~~Staff training.~~ Operating personnel shall be trained in the operation of all equipment, procedures for handling, storing and using chemical compounds, procedures for performing and interpreting the required onsite chemical tests and the appropriate emergency procedures.
- (4) ~~Record keeping.~~ The licensee of a public swimming pool or their authorized representative shall maintain records, as follows:
 - (a) Water quality information shall be recorded in writing and in the required frequency as set forth in this rule:
 - (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 at the spray nozzles on at least one special feature every six hours when the public swimming pool is open for use;~~
 - (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) 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;~~

- (iv) Water temperature shall be recorded not less than once per day;
 - (v) Water clarity shall be assessed continuously while the public swimming pool is in use and any problem with clarity shall be recorded as it occurs;
 - (vi) Total alkalinity shall be tested not less than once per ~~week~~weekday;
 - (vii) Cyanuric acid shall be tested not less than once per week;
 - (viii) Total dissolved solids shall be tested in accordance with the manufacturer of a chlorine (salt) generator's specifications and whenever a water clarity problem occurs;
 - (ix) Any chemical that is added to the public swimming pool other than those chemicals that are routinely used for disinfection;
 - (x) All injuries shall be recorded as they happen~~;~~. Any incident associated with the pool facility that results in death, serious injury, assistance from emergency medical personnel or an illness involving more than one person shall be reported to the licensor on a form prescribed by the director of health within seventy-two hours following the incident . As used in this paragraph: "serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid;
and
 - (xi) All fecal accidents shall be recorded as they happen. The response to the fecal accident shall also be recorded.
- (b) Lifeguard or other safety training shall be in accordance with paragraphs (E)(4)(e)(viii) to (E)(4)(e)(x) of this rule.
- (c) Test results and service records for automatic chemical controllers and

SVRS's shall be maintained.

(d) The certification of compliance for each outlet cover shall be kept on file with the date of installation.

- (5) ~~Record retention.~~ Records shall be kept on file by the licensee for not less than two years and shall be made available, upon request, for review by the licensor or the director.
- (6) ~~Maintenance and repair.~~ Each public swimming pool shall have inlets, one or more main drains, and gutters or skimmers that can provide proper skimming, circulation and handling of displacement water. All equipment shall be maintained in a clean, safe and sanitary condition, in good repair and in accordance with the manufacturer's specifications, the approved plans or this chapter of the Administrative Code as follows:
- (a) The structure of a public swimming pool shall be maintained with an impervious water tight tank with cleanable surfaces.
- (i) A vinyl liner may be used to repair the shell of an existing public swimming pool that is leaking.
- (ii) Whenever a public swimming pool is repainted, resurfaced or a liner is installed, the interior surfaces of public swimming pools shall be painted white unless the color is submitted to and approved by the director.
- (a) Lane lines shall not exceed twelve inches wide unless painted in accordance with the applicable competitive standard.
- (b) Logos applied to the bottom of a public swimming pool shall be submitted to the director for approval.
- (b) Pipe replaced for new construction or for maintenance and repair shall be rigid PVC meeting ASTM ~~F441/F441M-99~~D1785 or equivalent in accordance with paragraph (C)(2) of rule 3701-31-05.1 of the Administrative Code.
- (c) Cross connection hazards shall be prevented in accordance with paragraph (E) of rule 3701-31-05.1 of the Administrative Code.

- (i) Backflow prevention devices shall be maintained.
 - (ii) Lines discharging into backwash or drainage sumps shall have an air gap and remain open to freely drain.
 - (iii) Floor areas in equipment, storage and filter rooms shall be free of standing water.
 - (iv) Condensate from equipment shall not be added to pool water.
 - (v) The discharge of any water from a public swimming pool shall be in accordance with paragraph (E)(1) of rule 3701-31-05.1 of the Administrative Code.
- (d) There shall be equipment on site for complete removal of the water from a public spa.
- (e) Equipment labels shall be maintained in accordance with paragraph (F)(12) of rule 3701-31-05.1 of the Administrative Code or information about each piece of equipment shall be kept on file. In addition to the equipment listed in paragraph (F)(12) of rule 3701-31-05.1 of the Administrative Code any SVRS installed on a public swimming pool shall also have an equipment label.
- (f) The circulation system turnover rate in paragraph (F)(1) of rule 3701-31-05.1 of the Administrative Code shall be maintained continuously twenty-four hours a day during all parts of the year that the public swimming pool is in use.
- (i) The licensor may allow a longer turnover rate at an existing public swimming pool if the licensee documents that the public swimming pool consistently meets the water quality parameters in paragraph (C) of this rule.
 - (ii) If the licensor finds that the public swimming pool is consistently in violation of paragraph (F)(1) of rule 3701-31-05.1 of the Administrative Code and the water quality parameters in paragraph (C) of this rule, or if all of the components of the circulation system are replaced, the licensee shall bring the public swimming pool into compliance with the turnover rate requirements specified in paragraph (F)(1) of rule 3701-31-05.1

of the Administrative Code.

- (g) Any throttle valve that is installed in accordance with paragraph (F)(3) of rule 3701-31-05.1 of the Administrative Code shall be maintained and properly adjusted.
- (h) All required meters and gauges ~~required by~~ shall be maintained and functional twenty-four hours a day during all parts of the year the public swimming pool is in operation in accordance with paragraph (F)(2)(b)(~~+~~) of rule 3701-31-05.1 of the Administrative Code.
- (i) A means of determining rate-of-flow shall be properly installed, provided and maintained on all water pumps so that the rate of circulation can be accurately determined.
- (j) All required SVRS's shall be maintained and functional at all times the public swimming pool is in ~~use~~operation. These devices shall be tested in accordance with paragraph (B)(4)(c) of this rule.
- (k) Outlet covers shall be secured at all times so they cannot be removed without the use of tools. Outlet covers shall meet the requirements of ANSI/ASME A112.19.8-2007 or ANSI/APSP-16 2011. Equalizer lines and pool vacuum lines shall be plugged at the pool wall, removed or have compliant covers ~~or be removed or plugged~~.
- (l) As required by the Virginia Graeme Baker Pool and Spa Safety Act, Public Law 110-440, 121 STAT. 1794 (2007), 15 U.S.C. Sec. 8001, all public swimming pools shall have a secondary means installed to prevent entrapment or evisceration of the public swimming pool patrons. The secondary means may be any of the following and shall be submitted to the director for plan approval prior to installation in a public swimming pool:
 - (i) A second main drain;
 - (ii) A gravity flow drainage system ~~with an unblockable outlet cover~~;
 - (iii) An unblockable outlet cover with a compatible sump; or
 - (iv) A SVRS that is properly installed.

- (m) The mixing-holding tank or the holding tank for a spray ground described in paragraphs (Y)(2)(~~a~~)~~(i)~~ and (Y)(3) of rule 3701-31-05.1 of the Administrative Code shall operate without circulation "dead spots", and shall be cleaned and drained at least once every one hundred twenty days.
- (n) The water level of a public swimming pool shall be maintained in accordance with paragraph ~~(BB)~~(CC) of rule 3701-31-01 of the Administrative Code.
- (o) Ladders, stairs, recessed steps and hand rails shall be in good repair and slip resistant at all times.
- (p) Deck surfaces shall be maintained in a clean, smooth and slip-resistant condition, free of any standing water and any sharp, exposed edges or other hazards.
- (q) Depth markers, deck warnings and signs shall be maintained in accordance with paragraph (H) of rule 3701-31-05.1 of the Administrative Code.
- (r) Safety lines shall be maintained in accordance with paragraph (N) of rule 3701-31-05.1 of the Administrative Code.
- (s) Perimeter barriers shall ~~be in good repair at all times to~~ prevent unauthorized entry, be in good repair at all times and locked when access is not authorized. Access to areas enclosed by the perimeter barrier shall be authorized only when the pool is open. All perimeter barriers shall be with gates or doors that are self-closing, self-latching, and lockable unless otherwise permitted by law. Sections of the barrier may be repaired, but ~~but—additions,~~ substantial alterations ~~or replacement~~ of the barrier shall be in accordance with paragraph (O) of rule 3701-31-05.1 of the Administrative Code. At no time shall a gap within the perimeter barrier or between the perimeter barrier and a building or the ground exceed four or six inches, depending on the date of construction of the barrier.
- (t) All equipment, chemical and other storage areas shall be maintained in a clean condition, free from any hazards and accessible only to authorized personnel in accordance with paragraph (Q)(1) of rule 3701-31-05.1 of the Administrative Code.

- (u) The ventilation system shall be maintained in good repair, free of hazards, according to applicable codes and in accordance with paragraph (R) of rule 3701-31-05.1 of the Administrative Code.
- (v) All electrical components shall be maintained in good repair, free of hazards, according to applicable codes and in accordance with paragraph (S) of rule 3701-31-05.1 of the Administrative Code.
- (w) Adequate lighting shall be maintained when the public swimming pool is in use in accordance with paragraph (T) of rule 3701-31-05.1 of the Administrative Code.
- (x) The spray pad of a spray ground shall be maintained to prevent excessive accumulation of vegetation or debris on its surface.
- (y) All chemicals used for the operation of a public swimming pool shall be stored properly in clearly labeled containers. No chemicals which may present a hazard to the operation of the public swimming pool or to its personnel or patrons, such as insecticides, solvents, strong oxidizers, and flammables, shall be stored or used in a way that could present such a hazard.

When winterizing a public swimming pool the licensee shall ensure that only antifreeze that is non-toxic and does not contain alcohol or ethylene glycol is used.

- (z) Special features including slides, fountains or other water attractions in public swimming pools shall be maintained in good repair and according to manufacturer specifications.
- (aa) All diving areas and components shall be maintained in good repair. Substantial alterations made to a diving area of an existing pool shall comply with the design requirements in paragraph (K)(1) of rule 3701-31-05.1 of the Administrative Code. Adding a movable fulcrum, changing the length of a board, installing or moving a stand are substantial alterations requiring plan approval.
- (bb) The following requirements apply to all public swimming pools with existing recreational diving areas and equipment.
 - (i) Diving areas and equipment used for recreational diving purposes at existing public swimming pools shall comply with the

requirements in this rule and the applicable chart in appendix B to this rule.

(ii) The required water depths beneath recreational diving boards shall be maintained as follows:

(a) Not less than five feet on either side for diving boards one meter or less in height; or

(b) Not less than seven feet on either side for diving boards three meters in height.

(iii) Unobstructed headroom above all recreational diving boards used in recreational diving areas shall extend for at least fifteen feet above the board and for not less than ten feet in all directions over the water, measured from the center of the diving end of the board.

(iv) Recreational use of diving boards and platforms in excess of three meters in height is prohibited.

(v) Horizontal separation between recreational diving boards shall be at least ten feet. The horizontal distance between a one meter or less recreational diving board and the public swimming pool side wall shall be at least ten feet. The horizontal distance between a three meter recreational diving board and the public swimming pool side wall shall be at least eleven feet. All measurements shall be taken from the center of the diving end of the board at the public swimming pool surface.

(vi) Recreational diving equipment (diving stands and boards) shall have either a fixed fulcrum or an adjustable fulcrum that shall be locked in the forward most position at all times other than for competition training and or events.

(vii) Recreational diving equipment may be replaced in the same location provided the diving board is of the same length and is located at the same height above water level, and the operator provides credible documentation to the licensor that the diving hopper dimensions meet or exceed the standards set forth in paragraph (B)(6)(bb)(i) of this rule.

- (cc) Starting blocks shall be used for their intended purpose.
 - (i) All starting blocks and diving platforms shall be maintained in good repair.
 - (ii) The licensee shall ensure that starting blocks and diving platforms are not accessible or used except when a coach or instructor is physically present and available to observe the use of the starting blocks and diving platforms.
- (7) ~~Domestic animals.~~ Unless otherwise permitted by law, animals are prohibited at a public swimming pool and within the pool barrier defining a pool area during the swim season.
- (C) ~~Water quality.~~ The water quality parameters listed below shall be tested in accordance with the frequency established in paragraph (B)(4)(a) of this rule.
 - (1) ~~Approved water supply.~~ The licensee shall ensure that the water supply for a public swimming pool meets the requirements in paragraph (D) of rule 3701-31-05.1 of the Administrative code.
 - (2) ~~pH.~~ The pH shall be maintained within the range of not less than 7.2 and not greater than 7.8.
 - (3) ~~Total alkalinity.~~ The licensee shall maintain the total alkalinity of a public swimming pool at sixty parts per million or above. The total alkalinity shall not be maintained at such a high level that it impairs the ability to meet the other required chemical and water clarity parameters prescribed by this rule.
 - (4) ~~Total dissolved solids.~~ The licensee shall not maintain TDS at any level that impairs the ability of the public swimming pool to meet the water clarity requirement of paragraph (C)(5) of this rule or other water quality parameters prescribed by this rule.
 - (5) ~~Water clarity.~~ The licensee shall ensure that the water in any public swimming pool has sufficient clarity that the deepest point of the public swimming pool is readily visible when viewed from the deck.
 - (6) ~~Pool water temperature.~~ The licensee shall ensure that the water temperature of a public swimming pool normally does not exceed ninety degrees Fahrenheit. However, a public swimming pool may operate at water temperatures above

ninety degrees Fahrenheit with the specific approval of the director.

- (7) ~~Spa water temperature.~~ The licensee shall ensure that the water temperature of a public spa does not exceed one hundred four degrees Fahrenheit. Temperature controls shall not be accessible to the general public. The licensee shall provide a thermometer for monitoring the temperature of the public spa.
 - (8) ~~Spa water replacement.~~ The licensee shall ensure that public spa water is drained completely to waste at least once every thirty days.
 - (9) The cyanuric acid level in a public swimming pool shall not exceed seventy parts per million. Cyanuric acid shall be tested in accordance with paragraph (B)(4)(a)(vii) of this rule.
- (D) ~~Disinfection.~~ The licensee shall ensure that the public swimming pool maintains the disinfection of the water as follows:
- (1) Gas chlorine shall not be used for disinfection in any public swimming pool.
 - (2) ~~Continuous disinfection.~~ Public swimming pools shall be continuously disinfected using a chemical feeding device connected directly to the circulation system of the public swimming pool. The device shall impart an easily measured residual of chlorine or bromine. No licensee shall continuously disinfect a public swimming pool by means of hand dosing of disinfectant.
 - (3) ~~Spray grounds.~~ Any mixing holding tank shall have sufficient disinfection to prevent the growth of pathogens in accordance with paragraph (B)(6)(m) of this rule.
 - (4) ~~Secondary disinfection systems.~~ The director or the licensor, depending upon whether plan approval or licensure is at issue, may allow the use of other disinfecting devices or chemicals as secondary disinfection systems for a public swimming pool as long as the required residual of chlorine or bromine can be measured and maintained.
- The secondary disinfection system shall not lower the disinfecting strength of the primary disinfectant or otherwise affect the water quality adversely.
- (5) ~~Cyanuric acid. The cyanuric acid level in a public swimming pool shall not exceed seventy parts per million.~~ Cyanuric acid shall be tested in accordance with paragraph (B)(4)(a)(vii) of this rule. Within four years of the effective

date of this rule, cyanuric acid or stabilized chlorine products shall not be used at indoor facilities.

(6) ~~Disinfectant residuals.~~ The licensee shall ensure that the following disinfectant residuals are maintained:

(a) ~~The maximum combined chlorine level shall not exceed 1.0 ppm.~~ Free disinfectant residuals as set forth in the table below:

~~Free disinfectant residuals~~

Public swimming pools	Minimum free residual (ppm)
Chlorine	1.0
Bromine	2.0
Public Spas	
Chlorine	2.0
Bromine	4.0
Spray grounds/special features	As measured at the spray orifice
Chlorine	2.0
Bromine	4.0

<u>Public swimming pools</u>	<u>Minimum free residual (ppm)</u>	<u>Minimum free residual with cyanuric acid (ppm)</u>
<u>Chlorine</u>	<u>1.0</u>	<u>2.0</u>
<u>Bromine</u>	<u>3.0</u>	<u>N/A</u>
<u>Public Spas</u>		
<u>Chlorine</u>	<u>2.0</u>	<u>3.0</u>
<u>Bromine</u>	<u>4.0</u>	<u>N/A</u>
<u>Spray grounds/special features</u>	<u>As measured at the spray orifice</u>	<u>As measured at the spray orifice</u>
<u>Chlorine</u>	<u>2.0</u>	<u>2.0</u>

<u>Bromine</u>	<u>4.0</u>	<u>N/A</u>
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~~The minimum acceptable ORP reading is six hundred fifty millivolts.~~

(b) The maximum combined chlorine level shall not exceed 1.0 ppm.

(c) The maximum free chlorine shall not exceed the operators testing kit threshold or 10.0 ppm, which ever value is lower shall be used.

(7) ~~Automatic chemical controllers. Every public spa and spray ground shall be equipped with an automatic chemical controller that meets the requirements in paragraph (D)(7)(a) through (c) of this rule. In addition, any automatic chemical controller installed on any other type of public swimming pool shall meet the requirements listed in paragraph (D)(7)(a) through (c) of this rule. The licensee of a public spa shall provide an~~ All automatic chemical ~~controller controllers to shall~~ continually monitor and adjust the level of free chlorine or bromine and the pH value of the public swimming poolspa. ~~In addition to public spas, when an automatic chemical controller is installed on a public swimming pool or special feature the device shall:~~

~~(a) Continuously monitor the pH and the oxidation reduction potential (ORP) of the chlorine or bromine.~~

~~(b) Display the pH and ORP values.~~

~~(c) Activate an audible or visual signal in the event of a system malfunction or when the pH or ORP levels are not within acceptable limits as set forth in this rule;~~

~~(d)~~(a) Have a flow switch or pressure switch with a shut-off valve, that is compatible with the automatic chemical controller to prevent the injection of chemicals when there is no or low circulation flow. The licensee must test the flow or pressure switch in accordance with the manufacturer's specifications monthly and record the results on the operation report;

~~(e)~~(b) ~~Be on the list of acceptable units. Automatic chemical controllers installed prior to the effective date of these rules shall be on the~~ A list of controllers ~~that meet the requirements of this paragraph shall be~~ maintained by the director in accordance with paragraph (G)(3) of rule 3701-31-02 of the Administrative Code.

(c) Automatic chemical controllers installed after the effective date of this rule shall meet the requirements in paragraph (F)(7) of rule

3701-31-05.1 of the Administrative Code.

- (8) ~~Test kits and testing.~~ The licensee and the licensor shall maintain a test kit in good repair and capable of measuring parameters consistent with the required chemical residuals. Unless otherwise stated, all water quality parameters shall be tested in accordance with paragraph (B)(4)(a) of this rule.
- (a) The disinfection tests shall measure the free chlorine residual, the total or the combined chlorine residual or the bromine residual of a public swimming pool, with a test that uses diethyl l-p-phenylenediamine (DPD).
- (b) If water quality results cannot be obtained by a standard DPD test kit, the licensor may require the more specific FAS-DPD test.
- (c) Test kit reagents shall be ~~fresh~~, properly stored to prevent degradation and used in accordance with the manufacturer's specifications.
- (9) ~~Chemical safety.~~ Chemicals shall not be manually added in a public swimming pool when bathers are present.
- (10) The bacteriological standard is a negative result for coliform organisms when the sample is analyzed using one of the approved methods listed in rule 3745-81-27 of the Administrative Code. ~~The licensee shall ensure that the water in a public swimming pool meets the bacteriological standard set forth in this paragraph.~~ The licensor may take samples when the licensor has reason to believe that the water does not meet the bacteriological standard.

~~The bacteriological standard is a negative result for coliform organisms when the sample is analyzed using one of the approved methods listed in rule 3745-81-27 of the Administrative Code.~~

When an RWI is suspected the licensor may require that a water sample is collected from a public swimming pool for analysis of the suspected organism(s).

- (E) ~~Health and safety.~~ The licensee shall maintain the public swimming pool in a healthy and safe environment.
- (1) ~~Infectious/communicable disease.~~ Any person with an obvious infectious wound or experiencing diarrhea or vomiting shall not be permitted by the licensee to use a public swimming pool. No person observed passing feces,

urine, or blood into a public swimming pool shall be permitted to use the public swimming pool. Any person who has been refused entry to or removed from a public swimming pool under this paragraph because of an infectious wound may be granted entry upon presentation of a written statement from a physician that the condition is not infectious. The licensee has the authority to exclude anyone known to have or suspected of having an obvious wound or infectious disease without a written statement of a doctor.

- (2) ~~Safety equipment.~~ The licensee of a public swimming pool ~~other than a spa, wading pool or spray ground~~ shall provide safety equipment that ~~shall be~~is readily visible from the public swimming pool and easily accessible in accordance with the following:-

~~(a) Public swimming pools that are not required to have a lifeguard on duty shall have the following safety equipment:~~

~~(i) At least one non-telescopic reach pole twelve feet long with a shepherd's crook;~~

~~(ii) At least one United States coast guard approved type IV personal flotation device (ring buoy, throw bag, or equivalent throwing device) with one quarter inch diameter line not less than thirty feet or more than sixty feet in length; and~~

~~(iii) At least one back or spine board. Complexes of public swimming pools that are enclosed within a common perimeter barrier may share a back or spine board.~~

~~(b) Public swimming pools that are required to have a lifeguard on duty shall have the following safety equipment:~~

~~(i) The items in paragraphs (E)(2)(a)(i) to (E)(2)(a)(ii) of this rule; and~~

~~(ii) Back/spine board. Whenever a lifeguard is required at a public swimming pool a back/spine board shall be provided and equipped with straps and head immobilizers.~~

~~(e)~~(a) Safety lines with intermittent floats shall be provided in accordance with paragraph (N) of rule 3701-31-05.1 of the Administrative Code, but may be temporarily removed to prevent interference with lap swimming or other aquatic activities.

~~(d)~~(b) First aid equipment, including a first aid kit, that includes unused disposable gloves and a sufficient supply of materials to stop bleeding.

~~(e)~~(c) A working telephone or an emergency call box shall be available for emergency use during all parts of the year a public swimming pool is in use. The emergency device shall be at a public swimming pool or within five hundred feet of the public swimming pool. The emergency device shall remain continuously connected to a power source, as appropriate, and operational at all times. The emergency device shall be capable of directly connecting to emergency services. A sign shall be provided in accordance with paragraph (E)(3)(c) of this rule.

(d) Public swimming pools other than a spa, wading pool or spray ground shall have the following safety equipment:

(i) At least one non-telescopic reach pole twelve feet long with a shepherd's crook;

(ii) At least one United States coast guard approved type IV personal flotation device (ring buoy, throw bag, or equivalent throwing device) with one-quarter inch diameter line not less than thirty feet or more than sixty feet in length; and

(iii) At least one back or spine board. When a lifeguard is required at a public swimming pool, the back/spine board shall be equipped with straps and head immobilizers. Locations with multiple public swimming pools enclosed within a common perimeter barrier may share a back or spine board.

(3) ~~Signs.~~ The licensee shall post the following signs ~~shall be posted~~ at all public swimming pools as applicable:

(a) A warning sign in a prominent location at any~~The licensee of a~~ public swimming pool not required to provide a lifeguard by paragraph (E)(4) of this rule ~~shall post a warning sign prominently in the public swimming pool area~~ which states: "Warning, No Lifeguard." or "Danger, No Lifeguard".

(b) ~~The licensee of a public swimming pool not required to provide a lifeguard by paragraph (E)(4) of this rule shall provide signs~~ Signs that state the same or similar language, "Swimming alone is not recommended" and "Children must be supervised;" at any public swimming pool where a lifeguard is not required by paragraph (E)(4) of this rule.

(c) A sign at the emergency device that includes the address of the facility

where the public swimming pool is located, the name and telephone number of the nearest available police station, fire station, and rescue unit or 911 and any other names and telephone numbers likely to be needed in the event of an emergency. When the emergency device, as required in paragraph (E)(2)(~~e~~)(c) of this rule is not visible in the public swimming pool area, the licensee shall post a sign in the public swimming pool area stating the location of the nearest emergency device.

~~The sign indicating the location of the emergency device shall have on it the name and telephone number of the nearest available police station, fire station, and rescue unit and any other names and telephone numbers likely to be needed in the event of an emergency.~~

- (d) When any public swimming pool is closed, the licensee shall conspicuously post at least one sign stating "DANGER - POOL CLOSED" or "WARNING - POOL CLOSED."
- (e) The licensee of a public spa shall prominently mount a caution sign adjacent to the entrance to the public spa. The sign shall contain the same or similar language as follows:

"CAUTION

- Pregnant women, elderly persons, and persons suffering from heart disease, diabetes or high or low blood pressure should not enter the spa/hot tub without prior medical consultation and permission from their doctor.
- Do not use the spa/hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure.
- Do not use at water temperatures greater than one hundred four degrees Fahrenheit.
- Do not use alone.
- Unsupervised use by children is prohibited.
- Observe reasonable time limits (that is, ten to fifteen minutes), then leave the water and cool down before returning for another brief stay.
- Long exposure may result in nausea, dizziness, or fainting."

- (f) Safety recommendations shall be posted conspicuously at the slide. The postings shall contain the following information using the same or similar language unless otherwise specified by the manufacturer:
- (i) Single user.
 - (a) Water slides. Only one user at a time is permitted: forming "chains" is prohibited.
 - (b) Recreation slides. Only one user shall be on the platform at any time;
 - (ii) Always check to see if the landing area is clear before entering the slide. Users shall follow directions from the dispatcher;
 - (iii) Users must exit the landing area of the slide immediately;
 - (iv) Users shall ride feet first at all times; stopping or changing position is prohibited;
 - (v) The minimum user height shall be posted. This measurement shall be the manufacturer's recommendation or six inches above the static water level of the pool based on the depth of the public swimming pool immediately beneath the flume on the slide;
 - (vi) For speed slides, users shall remain flat; and
 - (vii) Life jackets or other flotation devices are prohibited other than those designed for the slide and used as directed by the manufacturer.
- (g) ~~Spray ground warning signs. Within one year from the effective date of this chapter all spray grounds shall post the warning sign in accordance with paragraph (Y)(9) of rule 3701-31-5.1 of the Administrative Code.~~ The licensee of a spray ground shall post a warning sign at the spray ground. The warning sign shall contain safety recommendations as provided by the manufacturer or designer and the same or similar language as follows:
- (i) Do not use spray ground when you have diarrhea;

(ii) Water is not meant for drinking:

(iii) Wash hands after using the rest room or changing diapers:

(iv) Take regular rest room breaks:

(v) Change diapers only in a rest room.

(4) ~~Lifeguards.~~ Lifeguards shall be provided by the licensee and on duty during the hours of operation. Lifeguards shall supervise or observe designated areas of the facilities in accordance with one of the following:

(a) The licensee for public swimming pools less than six thousand square feet shall comply with the surveillance criteria in paragraph (E)(4)(c) of this rule and the following table:

Lifeguard schedule Pool Surface Area (sq ft)

Number of Bathers	1-1999	2000-3999	4000-5999
1-50	0	1	1
51-150	1*	2	2
151 or more	Exceeds the number of bathers allowed	2	3

* The operator is responsible for providing safety equipment according to paragraph (E)(2)(b) of this rule.

As used in this rule, "bather" means an individual swimming, diving, or bathing in a public swimming pool.

(i) The licensor may require additional lifeguards as deemed necessary to assure bather safety, based upon the number and types of aquatic activities, special features or the bather load within a public swimming pool.

(ii) For the purposes of this paragraph and paragraph (E)(4)(b) of this rule, the surface area of a public swimming pool shall be calculated based upon the portion of the public swimming pool that is available for use by patrons.

(iii) The licensee of a public swimming pool shall use a method

approved by the licensor to make a portion of the public swimming pool unavailable for use, provided the number of lifeguards does not go below one for any public swimming pool where lifeguards are required. The lifeguard(s) on duty shall maintain adequate supervision to prevent patrons from entering the closed portions of the public swimming pool.

(b) Public swimming pools that have a surface area of six thousand square feet or larger shall have a written plan that shows adequate lifeguard coverage based on the four surveillance criteria in paragraph (E)(4)(c) of this rule. The plan shall be available for viewing by the licensor when inspecting the public swimming pool and shall include:

- (i) A sketch of the public swimming pool, including dimensions;
- (ii) A minimum of two lifeguards;~~The locations of lifeguard stations and special features;~~
- (iii) The locations of lifeguard stations and special features; ~~Designation of each lifeguard's scanning area;~~
- (iv) Designation of each lifeguard's scanning area; ~~Additional sketches for changes due to bather load and different the surface area of a public swimming pool uses (lessons, team practices, meet, etc) where adjustments in lifeguard coverage are warranted; and~~
- (v) Additional sketches for changes due to bather load and different the surface area of a public swimming pool uses (lessons, team practices, meet, etc) where adjustments in lifeguard coverage are warranted; and~~The plan must be revised if the public swimming pool size changes, a special feature is added or the lifeguard's line of sight is changed.;~~
- (vi) The plan must be revised if the public swimming pool size changes, a special feature is added or the lifeguard's line of sight is changed.

(c) There shall be a sufficient number of lifeguards so that:

- (i) All areas of the public swimming pool surface and bottom open for use are in the direct line of sight by a lifeguard at all times;

- (ii) All areas of the public swimming pool surface and bottom open for use are reachable by a lifeguard within twenty seconds;
 - (iii) Each lifeguard is able to scan their primary area of the public swimming pool effectively in twenty seconds; and
 - (iv) The safety of the bathers in their activity can be effectively controlled.
- (d) Elevated lifeguard chairs/stands (either stationary or portable) shall be provided, as necessary, for stationary lifeguards and are not necessary for roaming lifeguards. The licensee shall ensure that lifeguards are present at the following locations:
- (i) Any public swimming pool, regardless of size, that is used for ~~with~~ diving ~~boards/platforms~~ shall have a lifeguard ~~to supervise~~ stationed at the diving area with a clear view and rapid access to solely supervise the diving area whenever ~~the~~ board(s) or platform(s) are in use;
 - (ii) A zero depth or other uniquely designed public swimming pool or section of a public swimming pool, except access ramps less than six feet in width, with water depth that gradually increases from zero inches to greater than twenty-four inches shall be supervised by at least one lifeguard at all times, when this section of the public swimming pool is in use.
 - (iii) A public swimming pool with a slide that is more than ten feet above the deck level shall have a lifeguard stationed with a clear view and rapid access to supervise the landing area when the slide is in use.
 - (a) Where multiple slides exist side-by-side one lifeguard may supervise the landing area of these slides in accordance with the lifeguard table in paragraph (E)(4)(a) of this rule when the slides are in use.
 - (b) If the top of the slide is twenty-five feet or more above the deck level, an additional lifeguard shall be required in the landing area when the slide is in use.

- (c) A dispatch procedure shall be used for slides that are in use and greater than ten feet in height to establish safe spacing between riders. The dispatcher shall remain in continual visual or verbal contact with the lifeguard in the landing area. Dispatchers shall be similarly attired and readily identifiable by bathers and lifeguards.
- (d) The licensee may elect to test user swimming proficiency if the user of a water slide is less than the posted minimum user height.
- (e) Lifeguards on duty at a public swimming pool shall:
 - (i) Be capable swimmers and able to perform all lifeguarding tasks authorized by their certification;
 - (ii) Be responsible for the safety of bathers within their designated area of responsibility;
 - (iii) Have a clear and unobstructed view of the public swimming pool bottom and areas under supervision;
 - (iv) Be similarly attired and readily identifiable by bathers and other lifeguards;
 - (v) Be prepared to immediately enter the water;
 - (vi) Not be engaged in swimmer instruction or coaching while on duty;
 - (vii) Have on their person a rescue tube and a CPR pocket mask;
 - (viii) Have a current and valid certification of lifeguard training by an entity on a list maintained by the director;
 - (ix) Have a current and valid certification of training in infant, child and adult cardiopulmonary resuscitation (CPR) including pocket mask, bag valve and two-person CPR by an entity on a list maintained by the director; and
 - (x) Have a current and valid certification of first aid training by an

entity on a list maintained by the director.