50 N.J.R. 481(b)

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RULE ADOPTIONS

HEALTH
PUBLIC HEALTH SERVICES BRANCH
DIVISION OF CONSUMER, ENVIRONMENTAL AND OCCUPATIONAL HEALTH

50 N.J.R. 481(b)

Adopted Repeals and New Rules: N.J.A.C. 8:26-2.3, 2.5, 3.1, 3.20, 3.23, 4.2, 4.7, and 4.8

Adopted Amendments: N.J.A.C. 8:26-1, 2.1, 2.2, 2.4, 2.6, 3.2, 3.9, 3.12, 3.13, 3.15, 3.17, 3.18, 3.19, 3.21, 3.22, 3.24, 4.1, 4.3, 4.4, 4.5, 4.12, 4.13, 5, 6, 7, and 8


Adopted Repeals: N.J.A.C. 8:26-3.3 through 3.8, 3.10, 3.11, 3.14, 3.16, 4.6, 4.10, and 4.11 and 8:26 Appendix

Public Recreational Bathing


Filed: December 19, 2017, as R.2018 d.052, with non-substantial changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).


Effective Date: January 16, 2018.

Expiration Date: August 5, 2023.

Summary of Public Comment and Agency Responses:
The Department of Health (Department) received timely comments from the following commenters during the 60-day public comment period, which ended on October 6, 2017:

1. Amanda Applegate, Town of Morristown, Morristown, NJ
2. Kristin Baise, Morris County Park Commission, Morristown, NJ
3. Alice Cadotte, Monmouth County Health Department, Freehold, NJ
4. Michele Cammarata, Township of Montclair Recreational and Cultural Affairs, Montclair, NJ
5. Christine Cronin, New Providence Community Pool, New Providence, NJ
8. Christine Davy, Sussex County Division of Health, Hamburg, NJ
9. Patrick Dillion, Atlantic County Division of Public Health, Northfield, NJ
10. James Fagan, Inlet Condominium Association, Chadds Ford, PA
11. William Foelsch, Township of Morris, Convent Station, NJ
12. Dina Fornataro-Healey, Somerset County Park Commission, Bridgewater, NJ
15. Robert Hogan, Milburn Township Recreation Department, Millburn, NJ
16. Harvey Klein, Garden State Labs, Hillside, NJ
17. Jordan Klein, Garden State Labs, Hillside, NJ
18. Rajendra Kothavade, Microbiologist, Horham, PA
19. Clark Lagemann, YMCA, Westfield, NJ
22. Melissa Mancuso, Recreation Director, Township of Maplewood, Maplewood, NJ
23. Frank Masella, Borough of Mountainside-Recreation Department, Mountainside, NJ
24. Ellen Meyer, Lonza, Charleston, TN
25. Wendy Moyle, NJ Recreation and Park Association, Princeton, NJ
26. Carol Nauta, Borough of Chatham, Chatham, NJ
27. Stephanie Pizzulo, Lafayette Township, Lafayette, NJ
29. Timothy Roetman, NJ Recreation and Park Association, Princeton, NJ
30. Michael Reisner, East Brunswick Parks and Recreation, East Brunswick, NJ
31. Paul David Roman, Shrewsbury, NJ
32. Kate Schmidt, Township of South Orange Village, South Orange, NJ
33. John Swartz, Township of Secaucus, Secaucus, NJ
34. Alex Sperling, NJ Recreation and Park Association, Princeton, NJ
35. Suzanne Trainor, CEO, International Health, Racquet and Sportsclub Association, Boston, MA
37. Pam Griffin, Executive Director, NJ Recreation and Park Association, Princeton, NJ

A summary of the comments and the Department’s responses thereto follows.

1. COMMENT: One commenter states that the definitions of "public recreational bathing facility" and "private recreational bathing facility" should be modified to exempt condominium communities of 30 units or less from these rules. (10)

RESPONSE: The Department disagrees with the comment. The definitions of "public recreational bathing facility" (PRB facility) and "private recreational bathing facility" were crafted to comport with N.J.S.A. 55:13A-3(k), which defines multiple unit dwellings that are subject to the jurisdiction of the Department of Community Affairs under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. The Hotel and Multiple Dwelling Law establishes that a private residence contains fewer than three dwelling units. Accordingly, the Department is required to define "PRB facility" and "private recreational bathing facility" in a manner that is consistent with the Hotel and Multiple Dwelling Law. Therefore, the Department declines to modify the definitions based upon the comment.

2. COMMENT: One commenter states that both the construction code and local health officials should review plans for PRB facilities to ensure compliance with the Uniform Construction Code (UCC) and this chapter. The commenter states that it is her understanding that the construction code officials will not review plans for filtration system compliance. (8)

RESPONSE: The Department agrees in part with the commenter and disagrees in part with the commenter. The Department agrees that construction code officials and local health officials should review all plans for PRB facilities, which includes the filtration system. N.J.A.C. 8:26-2.2(a) and (b) together require that construction code officials and local health officials shall review all plans for PRB facilities. The Department disagrees with the comment that construction code officials will not review plans for filtration system compliance. Local construction code officials issue a permit to start construction after all plans, including the filtration system, are approved.

3. COMMENT: One commenter states that the requirement for the local health authority to either approve or disapprove of plans to construct a PRB facility within 30 days of approval by the local
construction code official at N.J.A.C. 8:26-2.3(d) is confusing. (8)

RESPONSE: The Department disagrees with the comment. N.J.A.C. 8:26-2.3(d) states, in relevant part, that "the health authority shall review and approve or disapprove the application in writing within 30 days of the date of approval by the local code officials." This means that the local health authority has 30 days to either approve or deny the project after the construction code official has approved of the project.

4. COMMENT: One commenter states that the proposed rule at N.J.A.C. 8:26-2.5(a) and (b) should be modified to include trained pool operators (TPOs) as being responsible for completing the Operational Checklist with respect to hot tubs, spas, and sprayparks. (8)

RESPONSE: The Department disagrees with the commenter that a modification to the rules is necessary. TPOs are responsible for completing the Operational Checklist with respect to hot tubs, spas, and sprayparks in the rule as proposed. Hot tubs, spas, and sprayparks are included in the definition of a "swimming pool" at N.J.A.C. 8:26-1.3. Therefore, no change is necessary from the proposal.

5. COMMENT: One commenter states that local health officers should be able to modify the Operational Checklist found at N.J.A.C. 8:26 Appendix E to "accommodate additional location information and to clarify items." (8)

RESPONSE: The Department disagrees in part with the commenter and agrees in part with the commenter. The Department disagrees that local health officers should be able to modify the Operational Checklist because the Department intends the form to be standardized Statewide. The Department agrees that additional space should be provided on the form for notes and the Department has left space on the Operational Checklist for that purpose.

6. COMMENT: One commenter states that the proposed rule at N.J.A.C. 8:26-2.5(d)1, which establishes the requirement to inspect each year-round facility before it opens to the public for the first time "implies" that this requirement applies to year-round facilities. (8)

RESPONSE: The Department disagrees with the commenter. The rule at N.J.A.C. 8:26-2.5(d)1 does not "imply" that year-round facilities must be inspected before opening to the public for the first time. The rule requires that year-round facilities must be inspected before opening to the public for the first time.

7. COMMENT: One commenter states that the proposed rule at N.J.A.C. 8:26-2.7(a) should be modified to include sprayparks. (8)

RESPONSE: The Department disagrees with the commenter. N.J.A.C. 8:26-2.7(a) expressly applies to swimming pools. Sprayparks are included in the definition of a "swimming pool" at N.J.A.C. 8:26-1.3. Therefore, no change is necessary from the proposal.

8. COMMENT: One commenter states that it is important for a swimming pool pump to flow, so as to clean the filter against the total [page=483] dynamic head (TDH). The Department should not remove this requirement from the rules. (8)

RESPONSE: The Department agrees with the comment. N.J.A.C. 8:26-3.1 incorporates the UCC by reference, as amended and supplemented. The UCC requires pump water flow to clean the filter against the TDH.

9. COMMENT: One commenter states that it is important for a swimming pool to have flow meters. The Department should not remove this requirement from the rules. (8)

RESPONSE: The Department agrees with the comment. N.J.A.C. 8:26-3.1 incorporates the UCC by
reference, as amended and supplemented. The UCC requires swimming pools to have flow meters.

10. COMMENT: One commenter states that N.J.A.C. 8:26-3.17(a) and 4.5(a) should not be omitted from the rule because makeup water is added to swimming pools via a garden hose submerged in pool water without backflow protection. (8)

RESPONSE: The Department agrees with the commenter in part and disagrees with the commenter in part. The Department agrees that language concerning the safe addition of makeup water to swimming pools should not be absent from the rule. The Department requires all pool construction, design, and safety features to comply with the UCC, the references to which are now found at N.J.A.C. 8:26-3.1, 3.17(a), 4.1(a), and 4.5(a). The Department disagrees with the commenter that a garden hose without backflow protection may be submerged in pool water in order to add make-up water. This would not meet the requirements of the UCC. See N.J.A.C. 8:26-3.17(a) and 4.5(a), which address the protection of the potable water supply.

11. COMMENT: Several commenters state that the turnover rates for wading pools and swimming pools established at N.J.A.C. 8:26-3.18(e) and 6.13(k)2, respectively, would place a financial hardship on existing facilities that would require expensive alterations to comply with the new turnover rates. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department disagrees with the commenters. N.J.A.C. 8:26-3.24(a) provides that facilities constructed prior to September 7, 2010, are exempt from the location and construction requirements of this chapter. The UCC adopted the higher flow rates on September 7, 2010. Facilities constructed after that date would have met the new requirements. Facilities constructed prior to September 7, 2010, would only have to meet the new requirements if they alter the circulation system. The Department defines "alteration" at N.J.A.C. 8:26-1.3.

12. COMMENT: One commenter states that with respect to N.J.A.C. 8:26-3.20, the commenter does not agree that all aquatic play equipment should be licensed by the Department of Community Affairs (DCA) as water amusement rides. (8)

RESPONSE: The Department disagrees with the commenter. N.J.S.A. 5:3-36 places authority to license and inspect carnival amusement rides, which include water amusement rides, with the DCA. The proposed rule at N.J.A.C. 8:26-3.20 simply references the DCA rule at N.J.A.C. 5:14A-12, which was enacted by the DCA pursuant to its authority.

13. COMMENT: Several commenters expressed support for proposed N.J.A.C. 8:26-20 because it permits new attractions for aquatic play. The commenters state that aqua climbing walls should be expressly permitted by the rule. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department thanks the commenters for their support of the rules. The Department disagrees that aquatic climbing walls should be expressly mentioned in order to be permitted. N.J.A.C. 8:26-3.20(a) states that it applies to "all aquatic play equipment." Accordingly, aquatic climbing walls are permitted by the rule.

14. COMMENT: Several commenters write in support of the rule at N.J.A.C. 8:26-3.21 that would permit floats and platforms as this rule would also permit aquatic play equipment such as the "Wibit" and "Aqua Roller." (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and37)

RESPONSE: The Department thanks the commenters for their support of the rule.

15. COMMENT: One commenter states that the Department should add the following language to
N.J.A.C. 8:26-3.22: "All Chlorine dosing and generating equipment including erosion feeders or in line electrolytic and brine/batch generators, shall be designed with a capacity to provide the following: 1) Outdoor Aquatic venues (unstabilized): 4.0 lbs. of FAC/day/10,000 gal. of pool water; 2) Indoor Aquatic venues (unstabilized): 2.5 lbs. of FAC/day/10,000 gal. of pool water." The commenter states that this level of specificity is required in order to ensure that the disinfection levels prescribed by the Department at N.J.A.C. 8:26 Appendix C can be reliably achieved. (24)

RESPONSE: The Department disagrees with the commenter. Pool disinfection technology is constantly evolving. The Department has established disinfection levels at N.J.A.C. 8:26 Appendix C that are recommended by the Centers for Disease Control and Prevention (CDC). The language recommended by the commenter is current today but may not be tomorrow. There are a number of ways that engineers and design professionals may design disinfection systems to achieve the chemical water quality standards established at N.J.A.C. 8:26 Appendix C. The Department is disinclined to recommend specific designs to achieve recommended chemical water quality standards.

16. COMMENT: One commenter states that the Department should not remove the requirement that drain covers shall be inspected daily from the rule at N.J.A.C. 8:26-3.24(c) and 4.6(g). (8)

RESPONSE: The Department agrees with the commenter that drain covers should be inspected daily. This requirement is now found at N.J.A.C. 8:26-6.13(l) and 6.14(k).

17. COMMENT: Several commenters state that N.J.A.C. 8:26-3.25(b) is confusing and would expand the involvement of the DCA Amusement Bureau, including the possibility of expanding the requirements for licensure. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department disagrees with the commenters. N.J.A.C. 8:26-3.25(b) simply refers to a rule of DCA that was promulgated pursuant to its authority to regulate water amusement rides pursuant to N.J.S.A. 5:3-36. The Department does not have the authority to expand the jurisdiction of DCA with respect to requirements for licensure.

18. COMMENT: One commenter states that N.J.A.C. 8:26-4.2 and 6.13 should be changed to prohibit the use of pavers for decks and walkways in the immediate vicinity of the pool. (8)

RESPONSE: The Department disagrees with the commenter. The Department's intent is to incorporate the UCC by reference, allowing use of all construction materials permitted by the UCC. The UCC permits pavers to be used in the area of the pool if the pavers are slip resistant. Accordingly, the Department adopts the rule as proposed.

19. COMMENT: Several commenters state that the rule proposed at N.J.A.C. 8:26-4.4(b) is unclear because it appears to require bonding and grounding certification to be performed annually. The UCC currently requires bonding and grounding certification to be performed every five years. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department disagrees with the commenters. N.J.A.C. 8:26-4.4(a) requires bonding and grounding certification to be performed according to the requirements of the UCC at N.J.A.C. 5:23. N.J.A.C. 8:26-4.4(b) requires that the bonding and grounding certification be provided annually to the health authority prior to the opening of the swimming pool or wading pool. The Department intends that together these provisions shall only require the swimming pool or wading pool operator to present a current bonding and grounding certification to the health authority.

20. COMMENT: One commenter states that the Department should not omit N.J.A.C. 8:26-4.6(i) and 4.13(f), which establish the requirement for pump shut off switches on hot tubs and spas. (8)

RESPONSE: The Department agrees that the requirement for pump shut off switches should not be
eliminated from the rule. This requirement is now codified at N.J.A.C. 8:26-6.14(i).

21. COMMENT: One commenter states that the word "gas" should not be adopted at proposed N.J.A.C. 8:26-4.8(c)2. (8)

RESPONSE: The Department agrees with the commenter. Proposed N.J.A.C. 8:26-4.8(b) would prohibit gas chlorination; the inclusion of [page=484] the word "gas" at N.J.A.C. 8:26-4.8(c)2 was inadvertent. Therefore, the Department will not adopt the phrase "gas or" at N.J.A.C. 8:26-4.8(c)2.

22. COMMENT: One commenter notes that N.J.A.C. 8:26-5.1 exempts specially exempt facilities from lifeguard requirements. The commenter states that Subchapter 7 should have a similar provision exempting condominium communities with 16 units from this requirement. (10)

RESPONSE: The Department disagrees with the comment for the same reasons set forth in the Response to Comment 1.

23. COMMENT: One commenter states that the Department should not delete "clarification of invited guest" language at N.J.A.C. 8:26-5.1(a)1 but does not state any reason why. (8)

RESPONSE: The Department disagrees with the commenter. The language at N.J.A.C. 8:26-5.1(a)1 concerning invited guests is duplicative of the language concerning invited guests in the definition of the term "specially exempt facility" at N.J.A.C. 8:26-1.3. Accordingly, the Department proposed deleting the duplicative language from N.J.A.C. 8:26-5.1(a)1 and will make no change upon adoption as requested by the commenter.

24. COMMENT: One commenter states that with respect to proposed N.J.A.C. 8:26-5.12, the Department should expand the requirement for Automated External Defibrillators (AEDs) at bathing beaches and the Department should not eliminate the requirement to have a 600-foot poly rope at ocean lifeguard stations. (31)

RESPONSE: The Department disagrees with the commenter. The rule sets a minimum requirement for AEDs. Bathing beaches are free to exceed the minimum requirement by providing additional AEDs. Similarly, the poly rope is no longer required but it is not prohibited. Bathing beaches are permitted to provide poly ropes at their discretion. The Department deleted the poly rope requirement because extensive training is required to ensure that the poly rope is used properly and effectively. Therefore, the Department makes no change to the rule upon adoption based upon the comment.

25. COMMENT: Several commenters stated that it is not clear whether N.J.A.C. 8:26-5.2(d)6i prohibits lifeguards from listening to music with headphones or whether the rule prohibits PRB facilities from playing music over loudspeakers. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department disagrees with the commenter. The Department intends the rule to apply to the conduct of lifeguards. N.J.A.C. 8:26-5.2(d) states, in relevant part, that "Lifeguards who are on duty shall not perform any activities that distract them or intrude upon their attention from proper observation of persons in the swimming pool area ..." N.J.A.C. 8:26-5.2(d)6i is subordinate to this language and does not address whether a facility may pipe in music to loudspeakers in any way.

26. COMMENT: Several commenters stated that the rule at N.J.A.C. 8:26-5.2(d)3 should not place discretion to require additional lifeguards with the local health officer (HO) because HOs are not skilled in areas required for making this determination. The commenters state that the discretion to require additional lifeguards should rest with the facility operator who will make it a part of the standard operating procedure aquatics facility plan. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)
RESPONSE: The Department disagrees with the commenters. The HO is required to take steps to reasonably ensure public safety, even if this means requiring additional lifeguards. This discretion is guided by N.J.A.C. 8:26-5.2(d)3, which states that the HO shall consider bather load, bather activities, the size and configuration of the swimming pool, the amount of surface area for shallow and deep water areas, emergencies, and the ability of the lifeguard to see bathers. Accordingly, the Department makes no changes to the rule upon adoption.

27. COMMENT: One commenter stated it is not clear whether N.J.A.C. 8:26-5.12(a)1, which requires reach poles, applies to floating rafts at bathing beaches. (8)

RESPONSE: The Department disagrees with the commenter. N.J.A.C. 8:26-5.12(a)1 requires that a reach pole be immediately accessible in the bathing area. The rule does not state where the reach pole must be located.

28. COMMENT: One commenter states that the Department should reconsider allowing rowboats as rescue conveyances at N.J.A.C. 8:26-5.12(a)4. The commenter states that rowboats do not allow the rescuer to keep the victim in sight while rowing, that it is difficult to pull a victim into a rowboat, and that paddleboards are a better alternative. (8)

RESPONSE: The Department disagrees with the commenter. N.J.A.C. 8:26-5.12(a)4 requires a rescue conveyance to be immediately accessible and simply gives examples of acceptable rescue conveyances. The Department intends the rule to allow bathing beach facilities, in conjunction with HOs, to have discretion to determine the most appropriate rescue conveyance for that facility.

29. COMMENT: One commenter states that N.J.A.C. 8:26-5.13 should retain the requirement for a one foot airspace below docks and that the rule should address the submerged kick plates used by swim teams at fixed platforms or floating docks at bathing beaches. (8)

RESPONSE: The Department agrees with the commenter. The intent of N.J.A.C. 8:26-5.13 is to prevent entrapment. That is why the Department is retaining the requirement of a one foot airspace below docks at N.J.A.C. 8:26-5.13(b). In addition, the Department recognizes that other designs that prevent entanglement or trapping of bathers are acceptable. Although kick plates are not specifically mentioned, the Department intends to not preclude kick plates or other appurtenances, so long as they are designed to prevent entanglement or trapping of bathers.

30. COMMENT: One commenter states that the requirement to have spinal injury management training at N.J.A.C. 8:26-5.2(b) is unclear because approved organizations that provide this new training are not listed in N.J.A.C. 8:26 Appendix A. (3)

RESPONSE: The Department agrees with the commenter. The organizations listed at N.J.A.C. 8:26 Appendix A offer training in spinal injury management as part of the First Aid training required by N.J.A.C. 8:26-5.2(b). The Department does not intend to require additional spinal injury management training. Therefore, the Department will not adopt the sentence "This person shall also have training in spinal injury management" at N.J.A.C. 8:26-5.2(b) because such training is included in the First Aid training curricula.

31. COMMENT: One commenter states that with respect to N.J.A.C. 8:26-5.3(a)8, which requires owners and operators of pools with lifeguards to have Automated External Defibrillators (AEDs) readily accessible, the Department should establish a list of approved AED certification training courses at N.J.A.C. 8:26 Appendix A. (3)

RESPONSE: The Department disagrees with the commenter. The organizations listed at N.J.A.C. 8:26 Appendix A offer training in First Aid/CPR, which includes AED training and certification as part of their
First Aid/CPR training curricula. It is not necessary to add additional language regarding AED training to N.J.A.C. 8:26-5.3(a) as suggested by the commenter.

32. COMMENT: One commenter states, with respect to proposed N.J.A.C. 8:26-5.3(a), that the rule should include the language that states the emergency phone must be provided by the facility as was clarified by the Department in the past to this office, and additionally should include cell phone policy elements addressing such items as battery life and proper operating and functioning of mobile devices and that the phone should remain charged and be tested, for example. (8)

RESPONSE: The Department agrees in part with the commenter and disagrees in part with the commenter. The Department agrees that emergency phones must be provided by the facility as required in N.J.A.C. 8:26-5.3(a). However, the Department disagrees that it should prescribe detailed cell phone policies in the rule. The Department does not want to prescribe policies and procedures that may hinder local health authorities' authority to determine what may or may not be acceptable mobile device(s) usage at a PRB facility. The Department will continue to provide guidance when and as necessary regarding cell phone policies.

33. COMMENT: Several commenters state that with respect to N.J.A.C. 8:26-5.4, the Department should not allow disposable swimming diapers to be worn by small children. The commenters state that disposable swimming diapers are not allowed in other states. The commenters contend that re-usable swimming diapers with elastic legs [page=485] are the most effective tool against E-Coli outbreaks. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department disagrees with the commenter. Swimming diapers of all kinds are designed to limit the leakage of feces, but none are leakproof. As noted by the CDC on its website, http://www.cdc.gov/healthywater/swimming/swimmers/swim-dipers-swim-pants.html, no manufacturers claim that their swimming diapers are leakproof, and no designs exist that will prevent the leakage of diarrhea. The CDC emphasizes that any person with diarrhea should not swim, and encourages parents and caregivers to give children frequent bathroom breaks and to change swimming diapers frequently away from the pool. The Department notes that other states, such as Pennsylvania, Virginia, and Texas, allow young children to wear disposable swimming diapers. The commenters cite no scientific evidence or studies in support of their contention that re-usable swimming diapers are superior to disposable swimming diapers. The rule as proposed allows parents and caregivers greater freedom of choice in choosing how to dress young children for aquatic recreation. The Department further notes that diapers designed for water contact activities are most commonly called "swimming" diapers and, therefore, changes the term "swimmie," which was proposed at N.J.A.C. 8:26-5.4(a) to "swimming" upon adoption.

34. COMMENT: One commenter states that with respect to proposed N.J.A.C. 8:26-6.1(a), the Department should not omit language stating that the "health authority may require a recreational bathing facility to correct or eliminate any specific condition not described in these rules which it deems necessary for proper sanitation or safety." The commenter states that it has been an important enforcement tool their local health office has used effectively. (8)

RESPONSE: The Department disagrees with commenter. N.J.A.C. 8:26-6.1(a) requires all PRB facilities to be maintained in a "clean, sanitary, and safe condition." The language that the Department proposed to remove is extraneous. Health authorities retain broad discretion to determine when a PRB facility is not being maintained in a clean, sanitary, and safe condition and to take appropriate action to cause remedial measures.

35. COMMENT: One commenter requests that, with respect to proposed N.J.A.C. 8:26-6.13(m)ii, the Department should provide a specific guidance document or sample form in the appendix to assist the operator in achieving the optimum oxidation-reduction potential. (3)
RESPONSE: The Department disagrees with the commenter. Optimum oxidation-reduction potential is different for every pool because it depends upon factors including, but not limited to, pool size, pool shape, chemicals added to the water, and source water chemistry. For this reason, the Department cannot prescribe a specific guidance document or sample form that would satisfy the requirement to develop a chart at N.J.A.C. 8:26-6.13(m)4ii. The requirements for optimum oxidation-reduction potential will be determined by the TPO for each individual pool by following N.J.A.C. 8:26-6.13.

36. COMMENT: One commenter states with respect to proposed N.J.A.C. 8:26-6.13, the Department should include language to prohibit dark grey, black, or other dark colors for swimming pool interiors and to establish, by regulation, a criteria for testing pool water clarity and visibility within a pool. The commenter also requests that, with respect to N.J.A.C. 8:26-6.13 and 6.14, the Department should require use of a secchi disc for visibility/clarity testing. The commenter states that the Department has established no parameter set for testing visibility/clarity in a pool or hot tub, which poses an obstacle for enforcement. (8)

RESPONSE: The Department disagrees with the commenter. Specific shade or color restrictions are subject to inconsistent interpretation and may be inconsistently enforced Statewide. The language at existing N.J.A.C. 8:26-6.13(b) and 6.14(b) specifically states that the color, pattern, or finish of the pool or hot tub interior shall not obscure the presence of objects or surfaces within the pool. The Department has determined that this standard is easier to follow, and most importantly will allow lifeguards to see victims who may be at the bottom of the pool. The Department notes that the rule does not prohibit the use of a visual aid, such as a secchi disc, to determine water quality. Therefore, the Department makes no changes to the rule upon adoption.

37. COMMENT: One commenter states, with respect to proposed N.J.A.C. 8:26-6.5, that wastewater must include backwash from filters and that all backwash discharge must meet with New Jersey Department of Environmental Protection (NJDEP) regulations. The commenter suggests that the Department should change the rule by adding the word "backwash" at N.J.A.C. 8:26-6.5(e)2. (8)

RESPONSE: The Department agrees in part with the commenter and disagrees in part with the commenter. The Department agrees with the commenter that backwash discharge must meet with NJDEP's rules for the New Jersey Pollutant Discharge Elimination System (NJPDES), which are found at N.J.A.C. 7:14A. NJPDES definition of "chlorine produced oxidants," found at N.J.A.C. 7:14A-1.2, includes backwash from filters. Accordingly, the Department makes no change to the rule based upon the comment.

38. COMMENT: One commenter states that the Department should delete N.J.A.C. 8:26-7.8 and 7.12(e), which establish standards for cyanuric acid (CYA) levels, and replace them with the CDC Model Aquatic Health Code (MAHC) standard, which prohibits CYA in spas and therapy pools. The commenter states that the Department should adopt the MAHC standard for chlorine residuals in N.J.A.C. 8:26 Appendix C. The commenter cites to a number of studies in support of these comments. (24) Three commenters are concerned that CYA slows the disinfection rate of chlorine, which is a concern in killing cryptosporidium, a parasite that spreads through diarrhea (16, 17, and 24). Two commenters suggest that the rules should limit CYA to 20 parts per million in outdoor pools. (16 and 17)

RESPONSE: The Department agrees with the commenters, however, the comments are outside the scope of this rulemaking because the Department did not propose changes to the CYA levels in the existing rules. The Department notes that the CDC has recently established guidelines for ensuring proper pool disinfection following a diarrheal event when the pool water contains CYA, available on the internet at http://www.cdc.gov/healthywater/swimming/aquatics-professionals/fecalresponse.html. Following the CDC guidelines will help ensure pool water safety. The Department can not change the existing CYA levels as part of this rulemaking because to do so would be a substantive change to the rule requiring an additional formal rule proposal under the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. The Department will continue to recommend that local health departments follow CDC
guidelines. Further, the Department will work with other agencies and stakeholders to examine how to implement lower CYA levels into this chapter in a future rulemaking.

39. COMMENT: One commenter states that the water sample collection and handling requirements at N.J.A.C. 8:26-7.3 through 7.7 are burdensome and cost prohibitive to small community homeowners, particularly the requirements to test pool water every two hours and to send weekly lab samples out for testing. (10)

RESPONSE: The Department disagrees with the commenter that the rule is burdensome and cost prohibitive for small community home owners. The rules establish minimum standards that are designed to help ensure the public health and safety of bathers. The Department notes that N.J.A.C. 8:26-6.13(m), which establishes the use of chemical controller systems, can be used to reduce the incidence of testing if elected by the pool owner or operator. Accordingly, the Department adopts the rules as proposed.

40. COMMENT: One commenter states that the Department should add the phrase, "provided sample holding times can be maintained" or similar language to N.J.A.C. 8:26-7.3(a) because sometimes it is not possible for laboratory personnel to obtain water samples during a time of maximum use for certain types of facilities, such as those only open late in the day. (3)

RESPONSE: The Department disagrees with the commenter that the Department should add the phrase, "provided sample holding times can be maintained" or similar language to N.J.A.C. 8:26-7.3(a). The Department intends the rule to require PRB facility owners and operators to collect samples at different times to obtain, over time, a representative sampling of the sanitary quality of the facility being sampled. If a PRB facility owner/operator determines that it cannot meet the requirements of N.J.A.C. 8:26-7.3(a), then the owner/operator may apply to the Department for a waiver under N.J.A.C. 8:26-1.4.

41. COMMENT: Two commenters state that the proposed amendments at N.J.A.C. 8:26-7.4(a) and 7.4(b), which would require water samples to be taken to a certified laboratory within eight hours of sample collection, would impose a logistically difficult time frame. The commenters state that the rule would require setting up for working same day night shifts, so that samples taken could be analyzed the same day, within an eight-hour time period. The commenters state that this will significantly raise the costs to clients and states that the current 30-hour holding time has been and remains satisfactory for real world sampling and analytical procedures. (16 and 17)

RESPONSE: The Department disagrees with the commenters. The rule does not require setting up for working same day night shifts. The rule reflects the standards that laboratories are required to meet under N.J.A.C. 7:18 by the NJDEP for certification to perform PRB sample testing. The eight-hour hold time is necessary because fecal coliforms have a faster die off rate and E. coli is in that family of microorganisms. The Department notes that freshwater beaches across the country have used six- to eight-hour hold times for years for this reason. New Jersey is not unique in adopting this standard. The Department notes that Pennsylvania uses an eight-hour hold time for PRB sample testing. Accordingly, the Department adopts the rule as proposed.

42. COMMENT: Two commenters state that they support using the NJDEP DSAM methods as opposed to specific (old) Standard Methods in the proposed amendments at N.J.A.C. 8:26-7. (16 and 17)

RESPONSE: The Department thanks the commenters for their support of the rule.

43. COMMENT: Two commenters state that the requirement for a 24-hour resample at N.J.A.C. 8:26-7.6(b) may pose a challenge for some pools because they might not be able to treat the pool that rapidly. The commenters state that many of their clients request a 48-hour resample. The commenters state that if 48 hours is too long, an alternative might be to resample within 24 hours or to close the
PRB facility until it is ready for a resample. (16 and 17)

RESPONSE: The Department disagrees with the commenter that some owners or operators might not be able to treat the pool in 24 hours. The rule does not require laboratories to complete resampling in that time period, only that an additional sample be taken in 24 hours. If a PRB facility owner or operator determines that additional time is necessary to treat the bathing water, the owner or operator may close the facility in order to do so. Under the existing rule, there was no time frame. Some owners and operators were waiting for several days to resample the bathing water and this resulted in unsanitary conditions. The Department intends the amendments to N.J.A.C. 8:26-7.6(b) to require resampling in 24 hours to ensure that unsanitary conditions are corrected as soon as possible.

44. COMMENT: One commenter states that it may not be realistic to expect a laboratory to sample pool water and to return the results in 24 hours as contemplated by the proposed amendments at N.J.A.C. 8:26-8.6. The commenter states that the pool water should be immediately resampled after notification of failure to meet water quality standards. (30)

RESPONSE: The Department disagrees with the commenter. N.J.A.C. 8:26-8.6 only requires the taking of samples in 24 hours, it does not require the laboratories to return the results in 24 hours. The Department proposed language new language at N.J.A.C. 8:26-8.6(a) that does not require immediate resampling, but rather requires remediation and resampling in 24 hours in recognition that remediation should occur prior to resampling.

45. COMMENT: Two commenters state that the one-hour notification of unsatisfactory sampling results requirement of N.J.A.C. 8:26-8.7(a) may not be possible if results come after normal business hours and/or on weekends. (16 and 17)

RESPONSE: The Department disagrees with the commenters. The Department proposed amendments to N.J.A.C. 8:26-8.7(a) that allow for results to be transmitted in a manner approved by the health authority. This may include e-mail, text, fax, or some other method. The Department encourages laboratories to consult with local health authorities to reach an agreement concerning these notifications.

46. COMMENT: Several commenters state that N.J.A.C. 8:26 Appendix A should include Ellis & Associates as a recognized lifeguard certification provider. (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department agrees with the commenters. The Department has included Ellis & Associates at N.J.A.C. 8:26 Appendix A by using their registered trade name, which is the "International Lifeguard Training Program."

47. COMMENT: One commenter requested modifications to definitions found in N.J.A.C. 8:26 Appendix B, concerning first aid supplies, for the following: change the word "sponge" to "pads," specify roller bandages type and change quantity from 15 to 12 since most bandages are sold by the dozen, bandage scissors should have a minimum size requirement, tweezers should specify either thumb dressing or splinter-type specifications, blankets should specify mylar type as opposed to wool or composite type cloth and specify number 1-2-4, disposable face shields should be same quantity or more as the quantity of gowns, disposable gloves should be nitrile and a number should be specified vs. requiring a box, a smaller disposable barrier type device in foil pack could be used instead of a pocket resuscitation mask which costs more and takes up more space, hand sanitizer bottle size should be specified, and first aid policies and procedures should be required in book form. The commenter also suggests that safety pins should be added to the kit. (31)

RESPONSE: The Department disagrees with the commenter that is should modify N.J.A.C. 8:26 Appendix B - First Aid Supplies at PRB Facilities. N.J.A.C. 8:26 Appendix B is designed to require PRB...
facilities to maintain basic first aid supplies and to increase the quantities of those first aid supplies for larger PRB facilities. The Department does not agree that the level of detail suggested by the commenter for bandages, scissors, tweezers, blankets, face shields, gowns, gloves, masks, hand sanitizer, first aid policies and procedures, and safety pins is necessary in order to establish minimum first aid kit standards. PRB facilities are free to exceed the minimum standards set by the Department. Accordingly, the Department makes no changes to N.J.A.C. 8:26 Appendix B upon adoption.

48. COMMENT: Two commenters support the Minimum Chlorine Residual levels found in N.J.A.C. 8:26 Appendix C. (16 and 17)

RESPONSE: The Department thanks the commenters for their support of the rule.

49. COMMENT: Several commenters state that N.J.A.C. 8:26 Appendix E, which contains a Public Recreational Bathing Facilities checklist for preoperational and operational purposes, is not comprehensive enough to reflect each type of operating facility in New Jersey. The commenters state that it is "a good tool for most PRB facilities as long as items that don't apply to that specific aquatic facility are NOT required." (1, 2, 5, 6, 7, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 34, 36, and 37)

RESPONSE: The Department acknowledges different types of PRB facilities. The checklist is designed to cover all types of facilities. It is up to the owner or operator to determine whether certain items on the checklist do not apply to his or her facility. The Department included in the rule proposal a not applicable or "N/A" section to accommodate the concerns raised by the commenters. In addition, there is a Comment Section, which has been designed into the form that can be used to explain PRB facility characteristics that the TPO deems noteworthy.

50. COMMENT: One commenter states that the proposed definition of "health club" should not refer to another regulation that defines "Health Club." The commenter recommends the definition be provided in full to provide inspectors/regulators the full definition without having to read through another regulation. (3)

RESPONSE: The Department disagrees with the commenter. The New Jersey Legislature has defined "health club" by statute at N.J.S.A. 56:8-39. The Department has referred to the statutory definition and not repeated it verbatim because to do so is precise, less wordy, and is the preferred method of citing to the definition by the New Jersey Office of Administrative Law, the agency which governs rulemaking.

51. COMMENT: Two commenters state that, with regard to N.J.A.C. 8:26-7.17(a)2 and 3, stoppers are not normally used for natural bathing area sampling containers and that sterile screw-top bottles should be opened prior to submersion in water. (16 and 17)

RESPONSE: The comment is outside the scope of this rulemaking because the comment does not refer to changes from the existing rule with regard to stoppers and screw-top bottles.

[page=487] Federal Standards Statement

The adopted amendments, repeals, and new rules require the State's public recreational bathing facilities to meet national sanitary and safety standards. The adopted amendments, repeals, and new rules comply with, but do not exceed the BEACH Act and the implementation regulations at 40 CFR Part 131. This Federal regulation sets forth the discretion of the states to establish water quality standards as authorized by Section 303(c) of the Federal Clean Water Act, 33 U.S.C. § 1319. The BEACH Act and the implementation regulations generally require, as a condition of continued Federal grant funding, coastal and Great Lakes states and territories to test for the presence of enterococci bacteria to determine the water quality of their coastal recreation waters. The rules incorporate 40 CFR 136.3-Tables 1A and 1H, and 40 CFR 141.74(a). These standards are approved laboratory methods for non-potable ambient
water testing and cover micro-organism testing for E.coli. DSAM procedures, which are established by the NJDEP pursuant to N.J.A.C. 7:18, are used for certifying laboratories to perform water quality testing. They are consistent with and do not exceed Federal standards.

The Baker Act requires that by December 19, 2008, the following be installed in public pools and spas: (1) drain covers compliant with UCC, and (2) when there is only a single main drain, a second anti-entrapment system. The adopted amendments, repeals, and new rules meet but do not exceed most current requirements of the Consumer Products Safety Commission (CPSC). The CPSC currently requires the use of ANSI/APSP-7, which is incorporated by reference in the UCC. This is the most current version of ASME/ANSI standard A112.19.8-2007, and the UCC has already adopted ANSI/APSP-7, which contains construction and maintenance requirements for swimming pools and hot tubs and spas, respectively. 16 CFR Part 1207 contains standards for the design and construction of water slides.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

**SUBCHAPTER 1. PURPOSE, SCOPE, AND DEFINITIONS**

8:26-1.1 Purpose

The purpose of this chapter is to set reasonable sanitary and safety regulations for public recreational bathing facilities and to preserve and improve the public health in this state as provided for in N.J.S.A. 26:1A-7.

8:26-1.2 Scope

These rules shall govern all public recreational bathing facilities in New Jersey. Pursuant to N.J.S.A. 26:1A-9, the provisions of this chapter are enforceable by the New Jersey Department of Health, local health authorities, local police authorities, local sheriff’s departments, and other enforcement agencies.

8:26-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

"Alter," "altered," and "alteration" mean any modification or relocation of any structure or equipment, or change of water flow patterns in an existing public recreational bathing facility, such that the design, configuration, or operating characteristics are different from the original design, configuration, or operating characteristics. Altered structures and equipment must comply with this chapter. The term does not include normal maintenance, repair, or replacement of equipment with the same or a newer model.

"American National Standards Institute, Inc. (ANSI)" is a private nonprofit organization, which, for the purposes of this chapter, provides technical materials and expertise and is located at 1819 L Street, NW, Washington, D.C. 20036, Telephone: (202) 293-8020, Website: www.ansi.org.

"American Public Health Association" or "APHA," is a nonprofit organization of public health professionals, which, for the purposes of this chapter, provides technical materials, standards and expertise and is located at 800 I Street, NW, Washington, D.C. 20001, Telephone: (202) 777-2742, Website: www.apha.org.

"American Red Cross" or "Red Cross" means a nonprofit organization, which, for the purposes of this
chapter, provides safety and lifesaving training and is located at 430 17th Street, Washington, D.C., 20006, Telephone: 202-303-4233, Website: www.redcross.org.

1. Lifeguard training and certification standards may be found at www.redcross.org/participantmaterials.

"American Society of Mechanical Engineers (ASME)" is a nonprofit educational and technical organization which, for the purpose of this chapter, provides technical materials and expertise and is located at 3 Park Avenue, New York, New York 10016-5990, Telephone: (800) 843-2763, Website: www.asme.org.

"Aquatic activity area" means an area containing aquatic play equipment, which is governed by N.J.A.C. 5:14A-12 only when located in an amusement park or water park in which there are other rides covered by N.J.A.C. 5:14A-12.

"Aquatic play equipment" means water-related play equipment or devices intended for use in aquatic activities areas. Examples include, but shall not be limited to, rope ladders, hand-over-hand activities, slides, and devices designed to squirt, shoot, spray, dump, discharge, or disperse water intended to come in contact with people for recreational purposes.

"Aquatic recreation facility" means a facility that is designed for free-form aquatic play and recreation and shall include, but not be limited to, wave or surf action pools, leisure rivers, sand bottom pools, vortex pools, activity pools, inner tube rides and body slides, interactive play attractions, water parks, spray parks, and water amusement rides that, with the exception of spray parks, are licensed and regulated by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:14A-12.

"Association of Pool and Spa Professionals" or "APSP" is a professional organization, which, for the purposes of this chapter, provides technical materials and expertise and is located at 2111 Eisenhower Avenue, Alexandria, Virginia 22314, Telephone: (703) 838-0083, Website: www.apsp.org/Public/Home/index.cfm.

"Authorized agent" means a licensed health officer or registered environmental health specialist who is delegated to function as the agent of the local health authority or the department.

..."Construct" means and includes building or installing a new public recreational bathing facility or altering an existing public recreational bathing facility or any of its facilities.

"Cooperative Coastal Monitoring Program" or "CCMP" means a bathing beach and coastal water quality monitoring program that tests bathing beach water, conducts aerial coastal surveillance, monitors ocean water pollution sources, and notifies the public of beach conditions. The CCMP is a cooperative effort among the New Jersey Department of Environmental Protection, the New Jersey Department of Health, and a number of coastal county and local government agencies and health departments.

..."Deep" means water depths of five feet or greater.

"Department" means the New Jersey Department of Health.

"Department-sanctioned analytical methods" or "DSAMs" are testing methods that laboratories may be certified to perform if they qualify under the State Department of Environmental Protection's requirements at N.J.A.C. 7:18.

"Design professional" means an individual who is licensed as an architect or professional engineer.
"Diving area" means the portion of a swimming pool, which is eight feet forward of the tip of the diving board, eight feet behind the tip of the diving board, and eight feet to each side of the diving board.

"Health authority" means the local health authority or the New Jersey Department of Health or its authorized agent.

"Health club" means a health club that is registered with the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to N.J.S.A. 56:8-39 et seq.

[page=488]"Hot tub or spa" means any pool having a maximum depth of 48 inches used in conjunction with high velocity water recirculation systems in which mineral or non-mineral water is used and is not emptied after each use. Water temperature is hot, cold, or ambient. The term shall not include hot tubs and spas used solely for aquatic physical therapy, except as covered by N.J.A.C. 8:43H-21.3(e) and other applicable rules.

"IAF" means the International Aquatic Foundation.

"Lifeguard" means a person who holds a lifeguarding certificate from an organization recognized by the New Jersey Department of Health, as listed in N.J.A.C. 8:26 Appendix A, or:

1. For a lifeguard serving at a swimming pool or lake, a person who holds a lifeguarding certificate from an organization determined by the Department to meet American Red Cross training standards; or

2. For a lifeguard serving at an ocean or tidal waters facility, a person who holds a lifeguarding certificate from an organization determined by the Department to meet United States Lifesaving Association (USLA) training standards.


"Local code officials" mean the construction, electrical, and/or plumbing code officials who work for a municipality or the New Jersey Department of Community Affairs and enforce the New Jersey Uniform Construction Code.

"Local health authority" means a municipal, county, or regional board of health, established pursuant to N.J.S.A. 26:3-1, and its authorized agents.

"Locate" means designating the site or place of a public recreational bathing facility.

"Non-bathing beach" means an area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters, ocean, or other body of fresh or salt water, which has not been designated by the owner or operator of the property as a bathing beach, but which is used for primary contact recreation (recreational activities that involve significant ingestion risks), such as surfing and water-skiing. Non-bathing beaches are not covered by this chapter.
"Operator" means any corporation, company, association, society, club, firm, partnership, joint stock company, government agency, or individual, that operates a public recreational bathing facility pursuant to an agreement with the owner. An owner may also be the operator.

"Owner" means any corporation, company, association, society, club, firm, partnership, joint stock company, government agency, or individual, that owns a public recreational bathing facility.

"Potable water" means water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the public health authority having jurisdiction.

"Primary contact recreation" means water-related recreational activities that involve significant ingestion risks and includes, but is not limited to, wading, swimming, and diving.

"Private lake, river, or bay, or private community lake, river, or bay association" means an organization of property owners within a fixed or defined geographical area with deeded or other rights to utilize, with similarly situated owners, various lakefront, riverfront, or bayfront properties, which said properties are not open to the general public, other than bona fide guests of a member of the private lake, river, or bay or private community lake, river, or bay association.

"Private recreational bathing facility" means any bathing beach, swimming pool, wading pool, hot tub, or spa used only by residents of one or two living units, and their guests.

"Public campground" means a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of 15 days or more in any calendar year, for recreation, education, or vacation purposes.

"Public recreational bathing facility" means any bathing beach, hot tub, spa, swimming pool, wading pool, and aquatic recreation facility that includes State, county, and municipal facilities, as well as any beach that an owner or operator permits for use as a public swimming area through advertising, publicity, or designation. Public recreational bathing facilities do not include a non-bathing beach and/or a private recreational bathing facility.

"Specially exempt facility" means a public recreational bathing facility that is:

1. A private lake, river, or bay or private community lake, river, or bay association, or private nonprofit common interest community that restricts the use of its lake, river, bay, or pool, as appropriate, to the owners of units thereof and their invited guests;

2. A campground, hotel, motel, mobile home park, or retirement community that restricts the use of its pool to renters of the lodging units or owners of the dwelling units, as appropriate, and their invited guests, or day-use visitors;

3. A private marina, which restricts the use of its swimming pool to owners of boats eligible to use the facilities and their invited guests;

4. A privately-owned campground, which restricts the use of a swimming area other than its swimming pool to renters of the loading units or owners of the dwelling units, as appropriate, and their invited guests.
guests, or day-use visitors; or

5. A health club, which restricts the use of its pool to members and their invited guests and does not permit the use of its pool by persons under 16 years of age, and in which the maximum depth of the water in the pool does not exceed five feet, but does not include a health club that shares use of its pool with another entity. A health club that would ordinarily qualify as a specially exempt facility, but no longer satisfies all of the requirements for exemption because it has elected to provide swimming lessons, classes, or instruction, either directly or through a third-party entity, to persons who are not members of the health club, or to persons who are under 16 years of age, shall continue to be deemed a specially exempt facility for the purposes of P.L. 1991, c. 135, provided that the health club complies with the first aid personnel and lifeguard requirements of N.J.A.C. 8:26-5 while the swimming lessons, classes, or instruction are taking place.

"Spray park" means a recreational facility in which water is sprayed on participants, the water is recirculated, and the water may or may not have depth. All spray parks are covered by this chapter regardless of whether they are licensed and regulated by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:14A-12.

"Standard methods for the examination of water and wastewater" means that standard which, for the purposes of this chapter, is the recognized standard that provides the protocol for the microbiological water quality standards for all public recreational bathing places and may be obtained from the American Public Health Association.

"Swimming pool" means a watertight structure of concrete, masonry, or other approved materials, located either indoors or outdoors, used for bathing, wading, or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith.

1. A swimming pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee, and includes, but is not limited to, pools operated by or serving campgrounds, clubs, churches, cities, common interest communities, counties, day care centers, group home facilities for six or more clients, health spas, institutions, parks, private lake, river, or bay associations, or private community lake, river, or bay associations, State, county, and municipal agencies, retirement communities, schools, specially exempt facilities, subdivisions, or cooperative living type projects of three or more living units, such as apartments, boarding homes, condominiums, hotels, mobile home parks, motels, recreational vehicle parks, townhouses, trailer parks, and youth camps.

2. The term shall not include swimming pools used solely for aquatic physical therapy.

[page=489]"Trained pool operator" or "TPO" means an individual who is responsible for compliance with the requirements of this chapter at swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities, and is certified by an organization approved by the Department listed in N.J.A.C. 8:26 Appendix A.

...
this chapter, provides open water lifeguard training and certification. The organization may be contacted as follows: United States Lifesaving Association, PO Box 366, Huntington Beach, CA 92648, Telephone number: 866-367-8752, www.usla.org.

1. Lifeguard training and certification standards may be found at http://www.usla.org/?page=AGENCYCERT.

"User load" means the number of persons in the swimming pool, hot tub, or spa at any given moment, or during any stated period of time.

"Water slide" means a water amusement ride using gravity to convey riders independently or riding on a sled, mat, or inflatable device, which empties into a catch pool or a run-out.

8:26-1.4 Waiver

(a) The Commissioner, or his or her designee, may, in accordance with the general purposes and intent of N.J.S.A. 26:1A-7 and 26:4A-4 et seq., waive sections of this chapter if, in his or her opinion, such waiver would not endanger the safety or health of the public. 

1. The Department shall not waive any provision of N.J.A.C. 8:26-7.5.

(b) Any owner or operator seeking a waiver of the standards in this chapter shall apply in writing to:

Consumer, Environmental, and Occupational Health Service
New Jersey Department of Health
PO Box 369
Trenton, NJ 08625-0369

(c) The written application for waiver shall include the following:

1.-2. (No change.)

3. The reasons for requesting a waiver, including a statement of the type and degree of hardship that would result if the waiver is not granted;

4.-5. (No change.)

(d) The Department reserves the right to request additional information before processing an application for waiver.

SUBCHAPTER 2. ADMINISTRATION

8:26-2.1 Review of plans for a public recreational bathing facility

The health authority shall review and approve all specifications, plans, and reports prior to the location, construction or alteration of a public swimming pool, wading pool, hot tub, spa, or aquatic recreation facility, and prior to the conversion of a pond, lake, stream, river, ocean, or other body of fresh or salt water to use as a public recreational bathing facility.

8:26-2.2 Procedure for obtaining approval to locate and/or construct a public recreational bathing facility
(a) The health authority shall not grant approval to locate and/or construct a **public recreational bathing** facility until approval has been granted by the local code officials.

(b) The **public recreational bathing** facility owner shall prepare all plans, specifications, reports, blueprints, and other documents in accordance with the New Jersey Uniform Construction Code, *N.J.A.C. 5:23*, incorporated herein by reference, as amended and supplemented, which shall include, but not be limited to:

1. The proposed site of the **public recreational bathing** facility;

2. The nature and extent of the area to be served by the **public recreational bathing** facility and estimated daily patronage;

3. (No change.)

4. The layout of the **public recreational bathing** facility, including, but not limited to: dimensions, bathhouses, bathroom facilities, food service facilities pursuant to the requirements of *N.J.A.C. 8:24*, first aid facilities, and other **recreational** facilities associated with the **public recreational bathing** facility;

5. Details of on-site filter wastewater, shower wastes, and sanitary sewage disposal where a municipal sewer is not available, or where a municipal sewer is available, details of the connection thereto;

6.-7. (No change.)

8. Safety by design as specified in this chapter;

9. A comprehensive sanitary and hazard survey of the **bathing** beach and surrounding area. The survey shall include a plot map, drawn to scale, indicating the location(s) and type(s) of all known sources of potential contamination and hazards; and

10. All documents shall be sealed and certified by a design professional.

(c) The **public recreational bathing** facility owner shall submit the plans, specifications, reports, blueprints, and other documents prepared in accordance with the New Jersey Uniform Construction Code, *N.J.A.C. 5:23*, to the health authority at the same time they are submitted to the local code officials.

(d) Upon compliance with all provisions set forth in (b) and (c) above, the health authority shall review and approve or disapprove the application in writing within 30 days of the date of approval by the local code officials.

(e) Approval by the health authority does not relieve the owner of responsibility for compliance with all other applicable Federal, State, and local requirements.

(f) The health authority may request additional information about the proposed location and/or construction prior to making its decision. The request for additional information shall increase the 30-day period at (d) above to 90 days from the date of approval by the local code officials.

(g) Upon designation by the Department, a local health authority shall review and approve or disapprove the application to construct a **public recreational bathing** facility at a State college or university.

(h) The **public recreational bathing** facility owner shall not begin construction of a new facility or
alteration of an existing facility until after both the approval of the construction code official and the approval of the local health authority have been issued in writing.

8:26-2.3 Procedure for obtaining approval to alter a **public recreational bathing** facility

(a) The health authority shall not grant approval to alter a **public recreational bathing** facility until such approval has been granted by the local code officials.

(b) The **public recreational bathing** facility owner shall prepare all plans, specifications, reports, blueprints, and other documents describing the proposed alteration in accordance with the New Jersey Uniform Construction Code, **N.J.A.C. 5:23**, incorporated herein by reference. All documents shall be sealed and certified by a design professional.

(c) The plans, specifications, reports, blueprints, and other documents prepared in accordance with the New Jersey Uniform Construction Code, **N.J.A.C. 5:23**, shall be submitted to the health authority at the same time they are submitted to the local code officials.

(d) Upon compliance with the provisions set forth in (b) and (c) above, the health authority shall review and approve or disapprove the application in writing within 30 days of the date of approval by the local code officials.

(e) Approval by the health authority does not relieve the owner of the responsibility for compliance with all other applicable Federal, State, county, and local requirements.

(f) The health authority may request additional information about the proposed alteration prior to making its decision. The request for additional information shall stay the 30-day deadline.

(g) Upon designation by the Department, a local health authority shall review and approve or disapprove the application to alter a **public recreational bathing** facility at a State college or university.

[page=490] 8:26-2.4 Denial of approval for location, construction, or alteration of a **public recreational bathing** facility

(a) Any owner denied approval for the location and construction or for the alteration of a **public recreational bathing** facility shall be notified by the health authority.

(b) The notice shall be in writing and shall specify the reason(s) for the denial and shall afford the owner the opportunity to appeal the decision to the health authority.

(c) The owner shall appeal the decision in writing within 30 calendar days after receipt of the denial notice.

(d) Where an owner fails to request a hearing within the 30 calendar day period, his or her right to a hearing pursuant to this section shall be deemed waived and the health authority’s denial shall become final.

8:26-2.5 Operational assessment and inspection of a **public recreational bathing** facility

(a) The owner or operator of a seasonal **public recreational bathing** facility, or trained pool operator for a swimming pool or wading pool, shall complete the Checklist for Public Recreational Bathing Facilities developed by the Department and found at **N.J.A.C. 8:26** Appendix E, incorporated herein by reference, and shall submit it to the health authority 21 days before the **bathing** facility is scheduled to open.
1. For ponds, lakes, streams, rivers, and bays, the Checklist for Public Recreational Bathing Facilities shall include a sanitary survey and a survey of hazardous conditions such as obstructions.

(b) For year-round swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities, the owner or operator, or trained pool operator for a swimming pool or wading pool, shall complete the Checklist for Public Recreational Bathing Facilities developed by the Department and found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, and shall submit it to the health authority 30 days prior to expiration of its written approval.

(c) The Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, shall be certified by the owner, operator, or trained pool operator as being true, accurate, and complete.

(d) For year-round public recreational bathing facilities, the facility shall be inspected by the health authority at least twice during the year to determine compliance with the requirements of this chapter. A written approval or disapproval shall be issued within 10 business days of the inspection.

1. The health authority shall inspect each new public recreational bathing facility before it opens to the public for the first time.

(e) For seasonal public recreational bathing facilities, the facility shall be inspected by the health authority at least once during the season to determine compliance with the requirements of this chapter. A written approval or disapproval shall be issued within 10 business days of the inspection.

8:26-2.6 Approval to operate a public recreational bathing facility

(a) A public recreational bathing facility shall not be opened for public use until the health authority has determined that the facility is in compliance with the requirements of this chapter and has issued a written approval. The approval must be renewed each year.

(b) The written approval may be issued after receipt and review of the Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, except for new facilities which must be inspected before issuance of the written approval.

(c) The written approval may be in the form of a license, permit, letter, checklist, or other format determined by the health authority.

(d) The written approval shall be effective for a 12-month period, or to the end of the outdoor swimming season for seasonal facilities.

(e) The written approval shall be displayed in a conspicuous place on the premises where it may be readily observed by all patrons.

(f) An owner or operator shall not operate a public recreational bathing facility whose approval has been suspended.

8:26-2.7 Operator inspection of swimming pools, wading pools, hot tubs, and spas

(a) The owner or operator shall ensure that the trained pool operator visits the swimming pool, wading pool, hot tub, or spa, at least once per week to ensure that the facility is in compliance with the requirements of this chapter.

(b) Such visits shall be documented in writing and the documents shall be available for inspection by the
health authority.

1. The owner or operator shall ensure that the required documents are kept in the office at the public recreational bathing facility.

SUBCHAPTER 3.   SWIMMING POOLS AND WADING POOLS

8:26-3.1   Construction and design

The pool owner and operator shall ensure that the construction, design, signage, and safety features of a new or altered swimming pool or wading pool conform to the requirements of the New Jersey Uniform Construction Code (UCC), N.J.A.C. 5:23, incorporated herein by reference.

8:26-3.2   Construction materials

All construction materials shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

8:26-3.3 through 8:26-3.8 (Reserved)

8:26-3.9   Surface skimming system

(a) A surface skimming system shall be provided in all swimming pools.

(b) The surface skimming system shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

8:26-3.10 through 8:26-3.11 (Reserved)

8:26-3.12   Fencing and enclosures

(a) Fencing and enclosures shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) A minimum four-foot high barrier shall be installed around a wading pool. The barrier shall have a self-closing and self-latching gate.

8:26-3.13   Electrical, illumination, and ventilation requirements

(a) All electrical wiring, illumination, ventilation, and bonding and grounding certification, shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) Bonding and grounding certification shall be provided annually by the owner or operator of a seasonal swimming pool or wading pool to the health authority prior to the opening of the swimming pool or wading pool.

8:26-3.14 (Reserved)

8:26-3.15   Circulation systems

(a) Pump rotation direction shall be clearly indicated on the pump and all visible piping.

(b) (No change in text.)
(c) Pressure filters shall have sight glasses, or the equivalent, installed on the wastewater discharge line in order that filter washing progress may be determined. The sight glasses shall be readily removable for cleaning purposes.

(d) The circulation system shall contain a pump suction (vacuum) gauge, filter inlet pressure gauge, filter outlet pressure gauge, and flow meter.

8:26-3.16  (Reserved)

8:26-3.17  Protection of potable water

(a) Protection of the potable water supply shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) An alternate method of adding potable makeup water may be employed with the approval of the health authority.

[page=491] 8:26-3.18  Wading pools

(a) Newly constructed wading pools shall be physically set apart from swimming pools by a minimum of six feet of deck.

(b) Single main drains are prohibited in newly constructed wading pools and shall comply with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(c) Existing wading pools with a single main drain, other than gravity flow, shall have an automatic shutoff that goes into operation when the drain becomes covered.

(d) Wading pools shall have a maximum depth of 24 inches. The water depth may be reduced and brought to zero inches at the most shallow point of the wading pool.

(e) Wading pools shall have a separate circulation system of adequate size to turn over the entire pool water capacity at least once every hour.

8:26-3.19  Water slides

(a) Water slides may be permitted with approval by the health authority, provided the construction and supervision at the water slide conform to the requirements of the United States Consumer Product Safety Commission standard for swimming pool slides, 16 CFR Part 1207, incorporated herein by reference.

(b) Water slides that exceed 15 feet in height shall conform to the requirements of the New Jersey Department of Community Affairs, found at N.J.A.C. 5:14A.

8:26-3.20  Rope drops, cliff jumping, and aquatic play equipment

(a) The owner or operator of a public recreational bathing facility shall ensure that all rope drops, cliff jumps, or other jumping activities where the bather enters the water feet first, and aquatic play equipment:

1. Are designed and constructed in conformance with N.J.A.C. 5:14A-12.5, regardless of location; and

area.

(b) Rope drops, cliff jumps, and other jumping activities are prohibited at heights greater than 15 feet.

8:26-3.21 Floats and fixed platforms

Floats and fixed platforms that are set up and installed pursuant to manufacturer's specifications shall be permitted in a swimming pool or wading pool upon approval of the health authority. Floats are objects that float on the water such as inflatable rafts. Fixed platforms are objects that are attached to the bottom or side of the pool, such as a floating bridge.

8:26-3.22 Disinfection

(a) (No change in text.)

(b) Gas chlorination shall be prohibited.

(c) Chemical feeders, also called chemical controller systems, shall only be permitted if their installation (and use as specified in N.J.A.C. 8:26-6.13(m)) conforms to the following:

1. (No change.)

2. Where the chemical feeder is equipped with its own pump, the pump shall be installed so that it introduces the solution downstream from the heater and at a position lower than the heater outlet fitting.

3.-4. (No change.)

(d) (No change in text.)

(e) Bromination, when used for disinfection, shall conform to the following:

1. (No change.)

2. Brominator equipment rooms shall be ventilated.

8:26-3.23 Depth markings

The owner or operator shall ensure that depth markings are accurate and in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

8:26-3.24 Existing swimming pools and wading pools

(a) The location and construction requirements in this chapter shall not apply to those swimming pools and wading pools that were constructed prior to September 7, 2010, until alterations are made.

1. Alterations shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

2. Alterations shall require approval by the health authority in addition to local code officials.

3. The pool owner or operator shall submit to the health authority all plans, specifications, reports, blueprints, and other documents detailing the alterations, sealed and certified by a design professional, at the same time they are submitted to the local code officials.
(b) All existing swimming pools and wading pools shall comply with the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. §§ 8001 through 8007, which became effective on December 17, 2008.

8:26-3.25 Aquatic recreation facilities

(a) All provisions of this subchapter apply to aquatic recreation facilities, except for N.J.A.C. 8:26-3.12(b) pertaining to barriers, and N.J.A.C. 8:26-3.18(d) pertaining to depth of wading pools.

(b) N.J.A.C. 5:14A-12, Water Amusement Rides, administered by the New Jersey Department of Community Affairs, applies to aquatic recreation facilities.

1. N.J.A.C. 5:14A-12, Water Amusement Rides, is available from the New Jersey Department of Community Affairs, PO Box 808, Trenton, NJ 08625.

SUBCHAPTER 4. HOT TUBS AND SPAS

8:26-4.1 Construction and design

(a) The hot tub or spa owner and operator shall ensure that the construction, design, signage, and safety features of a new or altered hot tub or spa conforms to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) (No change in text.)

8:26-4.2 Construction materials

All construction materials shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

8:26-4.3 Heater and temperature requirements

(a) The maximum temperature of hot tub or spa water shall be 104 degrees Fahrenheit (40 degrees Celsius).

(b) Water temperature regulating controls for maintaining the water temperature shall be installed and maintained in good operating condition.

(c) An automatic safety device shall be installed to shut off the heater if the water temperature exceeds 104 degrees Fahrenheit (40 degrees Celsius).

(d) A thermometer shall be installed in the hot tub or spa. This thermometer shall be accurate to plus or minus one degree Fahrenheit (0.56 degrees Celsius) and shall be visible to the public.

8:26-4.4 Electrical, illumination, and ventilation requirements

(a) All electrical wiring, illumination, ventilation, and bonding and grounding certification shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) Bonding and grounding certification shall be provided annually by the owner or operator of a seasonal swimming pool or wading pool to the health authority prior to the opening of the swimming pool or wading pool.

8:26-4.5 Protection of potable water
(a) Protection of the potable water supply shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) An alternate method of adding potable makeup water may be employed with the approval of the health authority.

8:26-4.6  (Reserved)

8:26-4.7 Circulation systems

(a) Pump rotation direction shall be clearly indicated on the pump and all visible piping.

(b) Filters shall be designed so that filtration surfaces can be inspected and serviced.

(c) Pressure filters shall have sight glasses, or the equivalent, installed on the wastewater discharge line, so that filter washing progress may be determined. The sight glasses shall be readily removable for cleaning purposes.

(d) The circulation system shall contain a pump suction (vacuum) gauge, filter inlet pressure gauge, filter outlet pressure gauge, and flow meter.

8:26-4.8 Disinfection

(a) Disinfecting equipment shall:

1. Provide adequate and appropriate introduction, feeding, and regulating of a disinfectant into the circulation system of the hot tub or spa;

2. Consistently maintain the disinfectant residual in the hot tub or spa; and

3. Withstand wear in the course of normal use.

(b) Gas chlorination shall be prohibited.

(c) Chemical feeders, also called chemical controller systems, shall only be permitted if their installation (and use as specified in N.J.A.C. 8:26-6.14(l)) conforms to the following:

1. Chemical feeders shall be installed downstream from the filter and heater.

2. Where the chemical feeder is equipped with its own pump, the pump shall be installed so that it introduces the *[gas or]* solution downstream from the heater and at a position lower than the heater outlet fitting.

3. Chemical feeders shall be wired, so they cannot operate unless the filter pump is running. Where the chemical feeder has an independent timer, the chemical feed pump timers shall be interlocked.

4. Erosion-type feeders shall be allowed to feed their solution to the suction side of the pump.

(d) Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

1. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified at N.J.A.C. 8:26-7.12.
2. A sodium chloride test kit shall be provided to monitor the salt concentration of the hot tub or spa.

(e) Bromination, when used for disinfection, shall conform to the following:
1. A bromine test kit shall be available to monitor the bromine concentration of the hot tub or spa water.
2. Brominator equipment rooms shall be ventilated.

8:26-4.10 through 8:26-4.11 (Reserved)

8:26-4.12 Depth markings

(a) (No change in text.)

(b) The owner or operator shall ensure that depth markings are accurate and in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

8:26-4.13 Existing hot tubs and spas

(a) Alterations to existing hot tubs and spas shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

1. As used in this section, "existing" means installed and in use prior to September 7, 2010.
2. Alterations shall require approval by the health authority in addition to local code officials.
3. The hot tub or spa owner or operator shall submit to the health authority all plans, specifications, reports, blueprints, and other documents detailing the alterations, sealed, and certified by a design professional, at the same time they are submitted to the local code officials.

(b) (No change.)

(c) All existing hot tubs and spas shall comply with the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. §§ 8001 through 8007, which became effective on December 17, 2008.

8:26-4.14 Aquatic recreation facilities

All provisions of this subchapter and N.J.A.C. 5:14A-12, Water Amusement Rides, administered by the Department of Community Affairs, shall apply to aquatic recreation facilities.

SUBCHAPTER 5. WATERFRONT SAFETY

8:26-5.1 Specially exempt facilities from first aid personnel and lifeguard requirements only

(a) Specially exempt facilities shall be exempt from mandatory compliance with the first aid personnel and lifeguard requirements of this subchapter at N.J.A.C. 8:26-5.2(b), (b)1, (d), and (e); 5.6(b); 5.8(b) and (b)1; and 5.10(b), (b)1, (c), and (e).

1. This exemption shall not apply to specially exempt facilities which use ocean waters for bathing.

2. This exemption shall not apply to a specially exempt facility that has a functional diving board, water slide, or other recreational appurtenance that may present an increased safety risk or hazard.
(b) A campground, private marina with a swimming pool, hotel, motel, mobile home park, or retirement community, which does not voluntarily comply with the exempted requirements listed in (a) above shall have an owner or operator on the premises at all times when its swimming area or swimming pool is open for use.

(c) A health club which does not voluntarily comply with the exempted requirements listed in (a) above shall have an owner or operator on the premises at all times when its swimming pool is open for use. The provisions of this subchapter shall not exempt a health club from the provisions of N.J.S.A. 2A:62A-30 et seq., concerning defibrillators.

(d) Except as provided in (f) below, specially exempt facilities that do not voluntarily comply with the exempted requirements listed in (a) above shall post a sign at least three feet by four feet in size.

1. The sign shall be prominently displayed at every entrance to each swimming area, and shall state:

"No lifeguard on duty."

"Persons under the age of 16 must be accompanied by an adult."

"No swimming alone."

2. The sign shall include the hours that the public recreational bathing facility is open, and can be added to an existing sign.

3. The information on the sign shall be easily readable with contrasting colors.

(e) At campgrounds, hotels, motels, mobile home parks, or retirement communities:

1. The sign shall also state:

"This swimming area is closed when the owner or operator is not on the premises." or

"This pool is closed when the owner or operator is not on the premises."

2. The notice shall also be posted on a sign at least eight inches by 10 inches in size at the registration desk and in each guest room or suite of the campground, hotel or motel used for occupancy by guests.

(f) A health club that is a specially exempt facility and does not voluntarily comply with the exempted requirements listed in (a) above, shall have an owner or operator on the premises at all times when its swimming pool is open for use, and shall take the following action:

1. Post a sign not less than three feet by four feet in size, which shall be prominently displayed at the entrance to the swimming pool.

2. The sign shall state:

"No lifeguard on duty. Persons under the age of 16 are not permitted to use this pool."

"The pool is closed when the owner or operator is not on the premises."

3. The notice shall also be posted on a sign at least eight inches by 10 inches in size at the member service desk of the health club.

(g) A specially exempt facility shall inform the local health authority whether it is going to comply with
the exempted provisions of this section.

8:26-5.2 Swimming pool supervision

(a) Designated adult supervisor. A swimming pool shall be under the management of a designated adult supervisor who is knowledgeable of this chapter and who shall be responsible for all phases of the operation.

1. The name and telephone number of the designated adult supervisor shall be conspicuously posted.

2. For pools larger than 2,000 square feet, the designated adult supervisor shall possess pool director training certification. Current adult pool supervisors shall have until *[(one year from the effective date of this amendment)]* *January 16, 2019,* to obtain certification.

(b) At least one person currently certified in standard first aid and professional level infant, child, and adult cardiopulmonary resuscitation (CPR) by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A, shall be on the premises, available, and readily accessible when the swimming pool is in use. *[The person shall also have training in spinal injury management.]*

1. First aid and CPR retraining shall be required prior to the expiration of an individual's certification.

2. A sign shall be posted indicating the location of first aid supplies.

(c) The maintenance and mechanical operation of a swimming pool shall be under the supervision of a trained pool operator (TPO).

1. The trained pool operator shall be available for mechanical and maintenance repairs and detection.

2. The trained pool operator shall have completed a pool operator course and shall have certification from a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A.

3. The trained pool operator shall visit the swimming pool at least once a week to review records and inspect the facility to ensure that it meets all regulatory requirements. Documentation of the visit shall be maintained onsite.

(d) Lifeguard requirements are as follows:

1. At least one lifeguard certified by an organization recognized by the Department of Health listed in N.J.A.C. 8:26 Appendix A shall be on duty at swimming pools with less than 2,000 square feet of surface area and 60 or less bathers, at all times when the swimming pool is in use. The lifeguard(s) shall operate according to a zone of protection plan.

2. At least two lifeguards certified by an organization recognized by the Department and listed in N.J.A.C. 8:26 Appendix A shall be on duty at swimming pools with greater than 2,000 square feet of surface area at all times when the swimming pool is in use. The lifeguards shall operate according to a zone of protection plan.

3. Additional lifeguards shall be required depending on bather load, bather activities, size, and configuration of the swimming pool, and amount of surface area for shallow and deep water areas, emergencies, and the lifeguard's ability to see bathers.

4. All on-duty lifeguards shall be identified by distinguishing apparel or emblems.

5. Lifeguards who are assigned to swimming pool supervision shall not have duties that would distract
or intrude upon their attention from proper observation of persons in the swimming pool area, or that prevent immediate assistance to persons in distress in the water.

6. Lifeguards who are on duty shall not perform any activities that distract them or intrude upon their attention from proper observation of persons in the swimming pool area or that prevent immediate assistance to persons in distress in the water.

i. Such activities shall include, but not be limited to, texting, using a cell phone or electronic device for any purpose, reading, personal conversations, or listening to music.

7. Each lifeguard shall be equipped with a whistle or other signaling device.

(e) Lifeguard platforms or stands shall be provided for swimming pools where water surface area is greater than 2,000 square feet, or where there are diving areas, or where the depth of the water is greater than five feet.

1. Lifeguard platforms or stands shall be elevated and located at the water's edge, so as to provide a clear unobstructed view of the swimming pool surface and bottom.

2. Aquatic recreation facilities may utilize an alternative method to provide a clear unobstructed view of the swimming pool surface and bottom.

(f) Each facility shall establish a written standard operating procedure aquatics facility plan that shall be maintained onsite. It shall be implemented by each facility, shall take into account the number of bathers using the pool, and shall contain information including, but not limited to:

1.-5. (No change.)

6. The location of first aid and rescue equipment;

7. Staff emergency procedures;

8. The location of the emergency shutoff switch for suction outlets;

9. Hours of operation;

10. A schedule of operational activities, such as water testing and recordkeeping; and

11. A zone of protection plan for the lifeguards.

8:26-5.3 Emergency equipment for swimming pools

(a) The owner or operator shall provide the swimming pool with the following readily accessible emergency equipment:

1. One or more assist poles or life hooks. Telescoping poles and plastic hooks that snap on shall not be used;

2. One or more rescue tubes for each lifeguard on duty;

i. For specially exempt facilities, at least one ring or rescue buoy.

3. A first aid kit approved by the Department of Health (See required contents in N.J.A.C. 8:26 Appendix B). The kit shall be available at all times during bathing periods and shall be fully restocked within 24
hours of use;

4. A full spine board complete with ties, head restraints and/or straps that meet the design requirements of N.J.A.C. 8:40. The board shall be kept poolside;

5. An emergency care area for swimming pools capable of accommodating 500 or more patrons;

6. A telephone, radio, signaling device, or other health authority approved means of communication, which shall be located near the lifeguard station for emergency use. Emergency telephone numbers of the nearest rescue squad, police department, and other appropriate entity, and the address of the pool, shall be posted in a weather-resistant display adjacent to the lifeguard station;

7. One or more throw lines that can reach the other side of the pool; and

8. For swimming pools that have a lifeguard, an automated external defibrillator (AED).

8:26-5.4 Bather rules for swimming pools, wading pools, hot tubs and spas

(a) The owner or operator shall conspicuously post rules governing admission, bathing, hours of operation, and conduct of patrons. The posting shall include the following language:

1.-3. (No change.)

4. All children in diapers must wear diapers specially designed for immersion in water (such as *swimmie* *swimming* diapers). Do not wash out soiled diapers in the bathing water.

5.-11. (No change.)

(b) Policies and procedures regarding water toys and floating devices shall be established to ensure a safe bathing environment and shall be included in the Aquatics Facility Plan.

8:26-5.5 Diving in swimming pools

(a) The owner or operator shall conspicuously post diving rules in both words and symbols, in the swimming pool area.

1. Diving shall be prohibited in water depths of five feet or less.

2. Diving and non-diving areas shall be designated and posted with signs and symbols.

(b) Head-first diving entries during competitive swim meets and swim practices shall be permitted in less than five feet of water if the following standards are met:

1. The water depth of the swimming pool at the bulkhead at pool side where the starting blocks are located shall be at least four feet;

2.-5. (No change.)

8:26-5.6 Wading pool and spray park supervision

(a) An individual supervisor, knowledgeable and trained in a program developed by the designated adult supervisor, shall supervise the activities of the wading pool or spray park, except for aquatic recreation facilities.
(b) At least one individual currently certified in standard first aid and professional level adult, child, and infant CPR by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be readily accessible during wading pool and spray park use. If the individual is not stationed at the wading pool or spray park, the facility shall post a sign conspicuously placed at the wading pool or spray park stating how to reach this individual. The trained individual shall be able to render assistance in a safe and timely manner.

(c) The owner or operator shall post a sign that is easily readable with contrasting colors, and is prominently displayed, at the entrance or adjacent to the wading pool or spray park, that states:

"Parents or guardians are required to supervise their children at all times." "No children are allowed in the wading pool (spray park) without adult supervision."

(d) For aquatic recreation facilities that operate wading pools, all of the requirements of N.J.A.C. 8:26-5.2 shall apply.

8:26-5.7 Water slides

(a) The owner or operator of the PRB facility shall ensure that a lifeguard meeting the requirements of N.J.A.C. 8:26-5.2 supervises the activities of the water slide at all times that it is open for use. If the lifeguard is supervising all of the activities of the waterfront, then the lifeguard shall have a clear view and rapid access to the water slide from his or her station. The local health authority may require additional supervision of the water slide after considering, at a minimum, the following factors:

1. Whether the water slide is higher than 15 feet;
2. Whether a clear line of sight exists from the top of the water slide to the pool entry area at the bottom of the water slide;
3. Whether there is a platform or other space at the top of the water slide that is large and strong enough to safely accommodate additional supervisory personnel and members of the public;
4. Whether supervisory personnel will be able to communicate quickly and clearly from one end of the water slide to the other to the extent necessary to ensure the safe use of the water slide by members of the public; and
5. Whether supervisory personnel will be able to quickly summon a lifeguard meeting the requirements of N.J.A.C. 8:26-5.2 to the water slide in the event of an emergency.

(b) A water slide shall not enter into less than three feet of water, except for aquatic recreation facilities.

(c) If the water slide enters into less than five feet of water, the end of the slide shall be no more than six inches above the surface of the water, except for aquatic recreation facilities.

(d) (No change.)

(e) The landing area in front of the water slide shall be used solely for water slide users entering the water.

1. The owner or operator of the PRB facility shall ensure that the water slide area and the landing area in front of the water slide are clearly delineated.

8:26-5.8 Hot tub and spa supervision
(a) (No change.)

(b) At least one person currently certified in standard first aid and professional level adult, child, and infant CPR by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be on the premises, available, and readily accessible when the hot tub or spa is in use. If the trained and qualified personnel are not stationed at the hot tub or spa, then the facility shall conspicuously post a sign indicating the location and method of access of such personnel. The qualified personnel shall be able to render assistance in a safe and timely manner.

1. First aid and CPR retraining shall be required prior to the expiration of an individual's certification.

2. A sign shall be posted indicating the location of first aid supplies.

(c) The maintenance and mechanical operation of a hot tub or spa shall be under the supervision of a trained pool operator. The trained pool operator shall be available for mechanical and maintenance repairs and detection. The trained pool operator shall have completed a pool operator course from a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A.

(d) A precautionary sign shall be posted adjacent to the entrance to the hot tub or spa and shall state the following:

"CAUTION"

"Pregnant women, elderly persons, those suffering from heart disease, diabetes, high or low blood pressure, or those using prescription medications should not enter this hot tub or spa without prior medical consultation and permission from their doctor."

"Unsupervised use by children under 16 years of age is prohibited."

"Do not use this hot tub or spa while under the influence of alcohol or drugs."

"Do not use this hot tub or spa while alone."

"Shower before entering this hot tub or spa."

"There shall be a 15-minute time limit on time spent in the hot tub or spa. Long continuous exposures may result in nausea, dizziness, or fainting."

(e) A clock shall be located where it is visible from the hot tub or spa.

8:26-5.9 Emergency equipment for hot tubs or spas

A first aid kit approved by the Department of Health (see required contents in N.J.A.C. 8:26 Appendix B) shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use.

8:26-5.10 Bathing beach supervision

(a) A bathing beach shall be under the supervision of a designated adult supervisor.

1. The name and telephone number of the designated adult supervisor shall be conspicuously posted.

2. The hours of operation shall be conspicuously posted.

3. The designated adult supervisor shall inspect the bathing beach at least once a week to identify
hazards, review records, and make sure the bathing beach meets all regulatory requirements. Documentation of the inspection shall be maintained onsite. The designated adult supervisor shall use a checklist prepared by the Department.

(b) At least one person currently certified in standard first aid and professional level infant, child, and adult CPR by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be on the premises, available, and readily accessible when the bathing beach is in operation. If the trained and qualified personnel are not beach-side, then the facility shall conspicuously post a sign indicating the location and method of access of such personnel. The facility shall demonstrate to the health authority that said personnel are available in reasonable proximity to the bathing beach. The qualified personnel shall be able to render assistance in a safe and timely manner.

1. First aid and CPR retraining shall be required prior to the expiration of an individual's certification.

2. A sign shall be posted indicating the location of first aid supplies.

(c) Lifeguard requirements are as follows:

1. At least one lifeguard for every 300 feet of designated bathing area shall be on duty at all times when an ocean or bay bathing beach is in operation.

2. At least two lifeguards for every 300 feet of designated bathing area shall be on duty at all times when any other bathing beach is in operation, except when the designated bathing area is less than 100 feet, when only one lifeguard is required.

3. Additional lifeguards shall be required depending upon bather load, currents, tides, contour or slope of the beach, and any other condition(s) which may cause changes in water conditions.

4. All on-duty lifeguards shall be identified by distinguishing apparel or emblems.

5. Lifeguards who are assigned to supervision of the bathing beach shall not have duties that would distract or intrude upon their attention from proper observation of persons in the water and beach area, or that prevent immediate assistance to persons in distress in the water.

6. Lifeguards who are on duty shall not perform any activities that distract them or intrude upon their attention from proper observation of persons in the water and beach area, or that prevent immediate assistance to persons in distress in the water, such as texting, looking at a cell phone screen, or listening to music.

7. Each lifeguard shall be equipped with a whistle or other signaling device.

8. For ocean and bay waters, a lifeguard training program certified by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be established by the owner or operator.

(d) Each bathing beach shall establish a written standard operating procedure aquatics facility plan. It shall be implemented and maintained [page=495] by each facility onsite, shall take into account the number of bathers using the beach, and shall contain information including, but not limited to:

1. A map of the bathing beach, which shall show all known hazards;

2.-5. (No change.)

6. The location of first aid and rescue equipment;
7. Staff emergency procedures;

8. Hours of operation; and

9. A schedule of operational activities, such as recordkeeping, but not limited to, recordkeeping.

(e) Lifeguard stand requirements are as follows:

1. Lifeguard stations shall be located within 30 feet of the shoreline.

2. Lifeguards shall be isolated from the beach crowds on elevated stands.

3. These stands shall be high enough, so as to give the lifeguards a complete and unobstructed view of the bathing area.

4. There shall be at least one lifeguard on each stand.

(f) Hazard safety requirements are as follows:

1. Swimming areas shall be maintained in a clean and safe condition, free from rocks, holes, and hidden dangers.

2. Any known hazard in the vicinity shall be properly safeguarded and marked as such.

(g) The bathing beach shall be designated by buoys, flags, or other methods approved by the health authority.

8:26-5.11 Bather rules for bathing beaches

Bather rules and policies shall be provided and signs posted as specified in the rules governing swimming pools at N.J.A.C. 8:26-5.4(a)3, 4, 5, 6, 7, 9, 10, and 11, and 5.4(b).

8:26-5.12 Lifesaving equipment for bathing beaches

(a) Lifesaving equipment shall be immediately accessible in case of an emergency. The equipment shall include, at a minimum:

1. One reach pole measuring at least 12 feet with blunt ends shall be provided at bathing beaches where docks are located in the bathing area;

2. One rescue tube, rescue can, or torpedo buoy, with sufficient line attached shall be provided at each lifeguard station;

3. An automated external defibrillator (AED) shall be provided if the bathing beach is capable of accommodating 500 swimmers and bathers, or if a lifeguard is present;

4. A surfboard, rowboat, or similar means of conveyance capable of supporting two adults;

5. A first aid kit meeting the requirements contained in N.J.A.C. 8:26 Appendix B shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use;

6. (No change.)

7. An emergency care room if the bathing beach is capable of accommodating 500 swimmers and
bathers; and

8. A telephone or other means of communication approved by the health authority, which shall be located near the lifeguard station for emergency use. Emergency telephone numbers for the nearest rescue squad, police department, and other appropriate entity, and the address of the bathing beach, shall be posted in a weather-resistant display adjacent to the lifeguard station.

8:26-5.13 Diving stands and boards for bathing beaches

(a) Diving stands and boards for bathing beaches shall conform to the diving rules at N.J.A.C. 8:26-5.5 governing swimming pools. Diving shall be prohibited at bathing beaches in water depths of less than eight feet.

(b) Platforms for bathing beaches are permitted if they are constructed with a visible one-foot air space below the platform or designed to prevent entanglement or trapping of the bathers.

1. For bay or tidal waters, there shall be a visible one-foot air space below the platform at the flood high tide mark.

2. The minimum water depth surrounding a platform without a diving board or similar device shall be eight feet for an outward distance of 12 feet from the platform.

3. Dock platforms where diving is prohibited do not have to meet the requirement of eight feet of minimum water depth for an outward distance of 12 feet from the platform. Dock platforms are mainly used for supervision and walking above a swimming area.

4. Where a platform has a diving board or other device three or more feet above the water, the water depth at the end of the board shall be at least 12 feet for a distance of 12 feet beyond the end of the board, and in all cases the minimum depths shall extend nine feet to each side of the board or platform.

8:26-5.14 Waterfront restrictions for bathing beaches

Waterfront restrictions for bathing beaches shall be posted and shall include the following language:

"No motorized vehicles, except emergency and maintenance vehicles, shall be permitted in the bathing area during its use."

"No boating, water skiing, sailboating, windsurfing, scuba diving, use of personal watercraft, or surfboarding shall be permitted in the swimming and bathing area while in use."

8:26-5.15 Aquatic recreation facility supervision

All provisions of this subchapter and N.J.A.C. 5:14A-12, Water Amusement Rides, administered by the Department of Community Affairs, shall apply to aquatic recreation facilities, except that the phrase "and 60 or less bathers" in N.J.A.C. 8:26-5.2(d)1 shall not apply to wave pools.

SUBCHAPTER 6. GENERAL SANITATION, MAINTENANCE, AND OPERATIONS

8:26-6.1 General provisions

(a) A swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach shall be maintained in a clean, sanitary, and safe condition.

(b) Dressing rooms and bathrooms shall be provided at all public recreational bathing facilities.
1. **Public recreational bathing** facilities constructed prior to November 4, 1986, shall not be required to provide dressing rooms.

   i. Bathrooms at these facilities may be portable.

2. Dressing rooms and bathrooms shall meet the requirements of the Uniform Construction Code-Plumbing, *N.J.A.C. 5:23*, incorporated herein by reference, at time of construction or alteration.

   (c) For **public recreational bathing** facilities constructed prior to September 7, 2010, except aquatic recreation facilities:

   1. Dressing rooms and bathrooms shall be provided within 50 feet of the swimming pool, wading pool, hot tub, or spa, and at the entrance to the **bathing** beach in an area that is serviceable.

   2. At least one bathroom shall be provided. It may be portable.

   3. For existing condominium associations where all residences are within 100 feet of the swimming pool, a separate dressing room and bathroom near the pool is not required.

   (d) Dressing rooms and bathrooms at aquatic recreation facilities shall comply with the Uniform Construction Code, *N.J.A.C. 5:23*, incorporated herein by reference, at time of construction or alteration.

   (e) The requirements for dressing rooms and bathrooms at swimming pools, wading pools, hot tubs, spas, or aquatic recreation facilities constructed prior to enactment of the Uniform Construction Code-Plumbing, may be increased, modified, or waived by the health authority for reasons, such as number of bathers using the pool, nearness of bathrooms to required distance, or other good cause.

8:26-6.2 **Dressing rooms and bathrooms**

   (a) Dressing rooms and bathrooms shall conform to the requirements of the Uniform Construction Code, *N.J.A.C. 5:23*, incorporated herein by reference, at time of construction or alteration.

   (b) Line of sight shall be broken at the entrances and exits of the bathrooms and dressing rooms.

8:26-6.3 **Showers**

   Showers shall conform to the requirements of the Uniform Construction Code-Plumbing, *N.J.A.C. 5:23*, incorporated herein by reference, at time of construction or alteration.

8:26-6.4 **Bathrooms**

   (a) Bathrooms shall conform to the requirements of the Uniform Construction Code-Plumbing, *N.J.A.C. 5:23*, incorporated herein by reference, at time of construction or alteration.

   (b) Fixtures shall conform to the following requirements:

   1. Toilet tissue holders shall be supplied with an adequate supply of toilet tissues and shall be provided at each toilet.

   2. Suitable receptacles shall be provided in each bathroom for waste materials. Such receptacles in bathrooms for women shall be covered.

   3. Either paper towels or air hand-driers shall be provided in each bathroom. Paper towel holders, if
used, shall be supplied with an adequate supply of paper towels. Air hand-driers, if used, shall be maintained in working order. Common towels shall not be permitted.

4. Soap dispensers shall be provided in each bathroom and shall be supplied with an adequate supply of soap. The soap dispenser shall be made of all metal or all plastic materials. Glass shall not be permitted in soap dispensers.

5. Shatter-resistant mirrors shall be provided in each bathroom.

6. Portable bathrooms shall comply with (b)1 and 4 above. A hand-sanitizer dispenser may be used in lieu of a soap dispenser for portable bathrooms.

8:26-6.5 Wastewater disposal

(a) The wastewater disposal system shall be of adequate size to serve the facility including the bathroom, locker room, and related accommodations.

(b)-(d) (No change.)

(e) The owner shall obtain approval from the local health authority and/or the Department of Environmental Protection, as applicable, for disposal of wastewater. All wastewater shall be disposed of by one of the following approved methods:

1. The discharge of any wastewater into a sanitary sewer shall be approved by the appropriate sewer authority or the municipality that owns and/or operates the treatment system.

2. The discharge of any wastewater into the natural waters of the State shall not be allowed without a New Jersey Pollutant Discharge Elimination System (NJPDES) permit issued by the State Department of Environmental Protection, Division of Water Quality, Office of Permit Management, PO Box 029, Trenton, New Jersey 08625-0029.

   i. A wastewater treatment plant that discharges treated effluent into the waters of this State shall be designed and constructed pursuant to the NJPDES rules, N.J.A.C. 7:14A.

   ii. A wastewater treatment plant shall not be approved where a public sanitary sewer system, as set forth in N.J.A.C. 7:9A-1.6(e), is available, but inconsistent with the Water Quality Management Planning rules, N.J.A.C. 7:15, or as specified by local ordinance.

3. The location, design, and construction of a subsurface sewage disposal system shall conform to the requirements of Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A, the New Jersey Water Pollution Control Act rules, N.J.A.C. 7:14, and local laws, ordinances, and regulations.

   i. Septage shall be disposed of pursuant to the Statewide Sludge Management Plan and the NJPDES rules, N.J.A.C. 7:14A.

8:26-6.6 Solid waste disposal

(a) Solid waste shall be disposed of pursuant to the Solid Waste rules, found at N.J.A.C. 7:26, promulgated by the Department of Environmental Protection, and other applicable rules and regulations.

(b) There shall be enough containers to hold all of the garbage and rubbish which accumulates between periods of removal from the premises.

(c) Bulk storage facilities shall be sized for the storage of all garbage and rubbish.
(d) (No change in text.)

(e) All garbage and rubbish shall be disposed of frequently enough and in such a manner as to prevent a public health nuisance.

8:26-6.7 Potable water supply

The potable water supply shall be of adequate quantity, of a safe and sanitary quality, and from a water system which is constructed, protected, operated, and maintained pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., N.J.A.C. 7:10, and local laws, ordinances, and regulations.

8:26-6.8 Drinking water facilities

Drinking water facilities shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference, at time of construction or alteration.

8:26-6.9 Food service

All food service suppliers shall conform to the requirements of Sanitation in Retail Food Establishments, N.J.A.C. 8:24.

8:26-6.10 Plumbing

The installation of plumbing shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

8:26-6.11 Insect, rodent, and weed control

(a) The application of pesticides shall conform to the provisions of the New Jersey Pesticide Control Code, N.J.A.C. 7:30.

(b) Effective control measures shall be used to minimize and/or eliminate the presence of rodents, flies, roaches, and other vermin on the premises. The public recreational bathing facility shall be kept in such condition as to prevent the harborage or breeding of vermin.

(c)-(d) (No change.)

8:26-6.12 Recreational equipment

(a) The owner or operator shall inspect recreational equipment, including playground devices, at least once per week during the use season.

(b) The owner or operator shall maintain a written record of these inspections for a minimum of one year.

(c) The owner or operator shall maintain recreational equipment in safe operating condition at all times.

8:26-6.13 Operational requirements for swimming pools and wading pools

(a) All surfaces shall be smooth and easily cleaned and free of cracks.
(b) The color, pattern, or finish of the pool interior shall not obscure the presence of objects or surfaces within the pool.

(c) There shall be no protrusions, extensions, means of entanglement, or other obstruction in the swimming area of the swimming pool which can cause entrapment or injury of bathers.

(d) The maximum user load of a swimming pool shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(e) The surface skimming system shall be maintained in good working order and have proper water flow levels at all times.

(f) The drainage system shall remove pool splash water, deck water, and rain water and prevent it from re-entering the pool.

(g) Yard drains shall prevent the accumulation or puddling of water in the general area of the deck and related improvements.

(h) Underwater illumination shall permit the deepest portion of the swimming pool floor to be clearly visible from the swimming pool's edge.

(i) Diving stands, boards, slides, and floats shall be maintained according to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(j) Diving equipment used by the general public shall not be more than 10 feet above the water level, and shall have slip-resistant surfaces.

(k) The owner or operator shall ensure that the circulation system meets the requirements as follows:

1. The pumps, piping, return inlets and suction outlets, filters, and other necessary equipment in the circulation system shall be maintained to ensure the complete circulation of water throughout all parts of the swimming pool.

2. The circulation system shall be operated, so as to turn over the entire swimming pool water capacity at least once every six hours and the wading pool water capacity at least once every hour. Pumps shall be operated 24 hours a day and seven days a week.

   i. The facility owner may install an energy efficient two-speed pump to save energy when the pool is closed at night. If such a pump is installed, the turnover rates do not have to be met during the night when the pool is closed. The facility’s TPO shall determine when the pump shall be brought up to full speed prior to the facility's opening.

3. Swimming pool water clarity shall be maintained so that the deepest portion of the swimming pool floor is clearly visible from the swimming pool's edge.

4. The pump and component parts of the circulation system, including filters, shall be operated in a safe manner that is not hazardous to the operator and maintenance personnel.

5. Mechanical seals shall be corrosion resistant and shall be maintained in good repair.

6. Direction of water flow and pump rotation shall be clearly indicated on pumps and on all visible piping.

7. Strainers shall be provided on all filter systems, shall be removable, and shall be located upstream of
the circulation pump(s) to remove solids, debris, hair, and lint. Water entering the pump shall first pass through the removable strainer.

8. Filters shall be cleaned and maintained pursuant to the manufacturer’s instructions, so that the circulation system can provide the required water clarity.

(I) The swimming pool or wading pool shall be closed if the suction outlet covers are missing, broken, or secured in such a way that they can be removed without the use of tools, or if the main drain cover is missing, broken, or loose, and shall remain closed until it is properly repaired or replaced. The swimming pool or wading pool shall be inspected daily to ensure that the suction outlet and drain covers are firmly attached and in sound condition.

(m) The owner or operator shall ensure that the disinfection of all pools is in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

1. Swimming pool and wading pool water shall be continuously disinfected by a disinfecting agent which gives off an easily measured residual.

2. The disinfecting agent shall be subject to simple and accurate field testing procedures.

3. Disinfecting agents and apparatus shall be acceptable if:

i. They are registered for said use by the United States Environmental Protection Agency and the Department of Environmental Protection; and

ii. They have been demonstrated to provide a satisfactory residual effect that shall be easily measured and equally as effective in conditions of use as the chlorine concentrations specified in N.J.A.C. 8:26-7.8.

4. Chemical controller systems shall comply with the following use requirements, in addition to the installation requirements of N.J.A.C. 8:26-3.22(d):

i. A preventive maintenance plan shall be written and maintained onsite, and be provided to the health authority upon request.

(1) The plan shall ensure the accuracy of the controller and its sensors.

(2) The plan shall be in accordance with the manufacturer’s recommendations.

(3) The plan shall show how the pool operator can ensure that the acid, base, chlorine, or bromine feeders turn on or off to maintain proper levels and residuals.

ii. A chart detailing the specific oxidation-reduction potential with its chlorine or bromine residual equivalent for each individual pool shall be readily available onsite.

iii. The operator shall ensure on a daily basis that readouts on the oxidation-reduction potential and pH readings coincide with the manual test and are documented.

iv. All recordkeeping required by N.J.A.C. 8:26-6.13(m)4 shall be maintained onsite.

v. If the chemical controller system is being used in place of the two-hour testing requirement of N.J.A.C. 8:26-7.7(a), then the owner or operator shall:

(1) Test the pool manually at least twice a day with a DPD or equivalent test kit, when it opens and
when it closes, each day the pool is open, and document these tests; and

(2) Ensure that the data collected by the chemical controller system has the capacity to be downloaded, stored, and printed upon the request of the health authority.

5. Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

   i. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified in N.J.A.C. 8:26-7.8.

   ii. A sodium chloride test kit shall be provided to monitor the salt concentration of the swimming pool or wading pool water.

6. Bromination, when used for disinfection, shall conform to the following:

   i. A bromine test kit shall be available to monitor the bromine concentration of the swimming pool or wading pool water.

   ii. Brominator equipment rooms shall be constructed and ventilated.

(n) The depth of water shall be plainly and conspicuously marked in feet and inches. Meters may be used in addition to feet. The following abbreviations may be used: ft., in, and m. The depth markings shall be on the vertical swimming pool wall at or above the water surface and on the top of the coping or edge of the deck or on the walkway next to the swimming pool.

(o) All equipment, fixtures, and the circulation system shall be maintained in good working order and shall not cause any safety issues for bathers.

8:26-6.14 Operational requirements for hot tubs and spas

(a) All surfaces shall be smooth and easily cleaned and free of cracks.

(b) The color, pattern, or finish of the hot tub or spa interior shall not obscure the presence of objects or surfaces within the hot tub or spa.

(c) There shall not be any obstructions in the hot tub or spa that can cause the user to become entrapped or injured. Types of entrapment can include, but are not limited to, wedge or pinch-type openings, and rigid non-moving cantilevered protrusions.

(d) The maximum user load of a hot tub or spa shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference, and the manufacturer's recommendations.

(e) The surface skimming system shall be maintained in good working order and have proper water flow levels at all times.

(f) The drainage system shall remove hot tub or spa splash water, deck water, and rain water and prevent it from re-entering the hot tub or spa.

(g) Yard drains shall prevent the accumulation or puddling of water in the general area of the deck and related improvements.

(h) Underwater illumination shall permit the deepest portion of the hot tub's or spa's floor to be clearly
visible from the hot tub's or spa's edge.

(i) Pump shut off switches shall be accessible, located within sight of the hot tub or spa, and be prominently marked.

(j) Circulation system:

1. The pumps, piping, return inlets and suction outlets, filters, and other necessary equipment in the circulation system shall be maintained to ensure the complete circulation of water throughout all parts of the hot tub or spa.

2. The circulation system shall be operated, so as to turn over the entire hot tub or spa water capacity at least once every 30 minutes. Pumps shall be operated 24 hours a day and seven days a week.

   i. When the facility is not open, the turnover can be every six hours if a multiple-speed pump is utilized.

3. Hot tub or spa water clarity shall be maintained so that the deepest portion of the hot tub or spa floor is clearly visible from the hot tub’s or spa’s edge.

4. The pump and component parts of the circulation system, including filters, shall be operated in a safe manner that is not hazardous to the operator and maintenance personnel.

5. Mechanical seals shall be corrosion resistant and shall be maintained in good repair.

6. Direction of water flow and pump rotation shall be clearly indicated on pumps and on all visible piping.

7. Strainers shall be provided on all filter systems, shall be removable, and shall be located upstream of the circulation pump(s) to remove solids, debris, hair, and lint. Water entering the pump shall first pass through the removable strainer.

8. Filters shall be cleaned and maintained pursuant to the manufacturer’s instructions, so that the circulation system can provide the required water clarity.

(k) The hot tub or spa shall be closed if the suction outlet covers are missing, broken, or secured in such a way that they can be removed without the use of tools, or if the main drain cover is missing, broken, or loose, and shall remain closed until it is properly repaired or replaced. The hot tub or spa shall be inspected daily to ensure that the suction outlet and drain covers are firmly attached and in sound condition.

(l) The owner or operator shall ensure that the disinfection of the hot tub or spa is in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

1. Hot tub or spa water shall be continuously disinfected by a disinfecting agent which gives off an easily measured residual.

2. The disinfecting agent shall be subject to simple and accurate field testing procedures.

3. Disinfecting agents and apparatus shall be acceptable if:

   i. They have been registered for said use by the United States Environmental Protection Agency and the Department of Environmental Protection; and

   ii. They have been demonstrated to provide a satisfactory residual effect which shall be easily measured
and equally as effective in conditions of use as the chlorine concentrations specified in N.J.A.C. 8:26-7.12.

4. An appropriate test kit specific for the disinfecting agent shall be used to monitor and document the concentration of the disinfecting agent in the hot tub or spa water.

5. Chemical controller systems shall comply with the following use requirements, in addition to the installation requirements of N.J.A.C. 8:26-3.22(d):

i. A preventive maintenance plan shall be written and maintained onsite, and be provided to the health authority upon request.

   (1) The plan shall ensure the accuracy of the controller and its sensors.

   (2) The plan shall be in accordance with the manufacturer’s recommendations.

   (3) The plan shall show how the pool operator can ensure that the acid, base, chlorine, or bromine feeders turn on or off to maintain proper levels and residuals.

ii. A chart detailing the specific oxidation-reduction potential with its chlorine or bromine residual equivalent for each individual pool shall be readily available onsite.

iii. The operator shall ensure on a daily basis that readouts on the oxidation-reduction potential and pH readings coincide with the manual test and are documented.

iv. All other recordkeeping required by this chapter shall be maintained onsite.

6. Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

i. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified in N.J.A.C. 8:26-7.12.

ii. A sodium chloride test kit shall be provided to monitor the salt concentration of the hot tub or spa water.

7. Bromination, when used for disinfection, shall conform to the following:

i. A bromine test kit shall be available to monitor the bromine concentration of the hot tub or spa water; and

ii. Brominator equipment rooms shall be constructed and ventilated.

   (m) The depth of water shall be plainly and conspicuously marked in feet and inches. Meters may be used in addition to feet. The following abbreviations may be used: ft., in, and m. The depth markings shall be on the vertical hot tub or spa wall at or above the water surface and on the top of the coping or edge of the deck or on the walkway next to the hot tub or spa.

   (n) All equipment, fixtures, and the circulation system shall be maintained in good working order and shall not cause any safety issues for bathers.

8:26-6.15 Operational requirements for aquatic recreation facilities

The provisions of N.J.A.C. 8:26-6.13 and 6.14, and the operations provisions of N.J.A.C. 5:14A-12,
Water Amusement Rides, administered by the Department of Community Affairs, shall apply to aquatic recreation facilities.

8:26-6.16 General sanitation and maintenance

(a) Dressing room, shower, and bathroom requirements are as follows:

1. Walls and partitions of the dressing room and bathroom area, screen partitions, shower partitions, toilet partitions, and dressing room booths shall be constructed of durable material that is not subject to water damage.

2. Dressing rooms, showers, and bathrooms shall be maintained, cleaned, and disinfected at a minimum on a daily basis, and more frequently, as necessary.

3. Wood slats or wood flooring material that is conducive to slipping, tripping, or falling shall not be used in showers.

4. Toilets shall be enclosed with non-corrosive partitions. Partitions shall be maintained in good condition.

(b) A bathing beach owner or operator shall keep the bathing beach area free from solid waste such as garbage, medical waste, plastic, glass, metal, organic waste material, oil, grease, and other materials that may cause health or safety hazards. If present, said material shall be disposed of in a timely manner, so as to prevent health or safety hazards to swimmers, bathers, and beach users.

1. All garbage and other solid waste shall be stored in durable, fly-tight, water-tight containers equipped with a tight fitting lid.

(c) The maintenance, repair, and control of plumbing shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

SUBCHAPTER 7. SAMPLING AND WATER QUALITY CRITERIA

8:26-7.1 Water source for swimming pools, wading pools, hot tubs, spas, or aquatic recreation facilities

(a) Fresh water for swimming pool, wading pool, hot tub, spa, or aquatic recreation facility use shall be obtained from a potable water source approved by the Department of Environmental Protection (NJDEP), the Department of Health, or the local health authority.

(b) Any source other than a potable water supply shall meet the following requirements:

1. For the water used to initially fill the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility, the alternative water source shall be tested prior to use, shall be free of coliform bacteria and contain an adequate level of free chlorine (minimum level of one ppm), and shall meet the definition for potable water.

2. For the water used to replace water in the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility, a fresh water source that is free of coliform bacteria and contains an adequate level of free chlorine (minimum level of one ppm) shall be used.

(c) Natural salt water for use in salt water pools shall be obtained from a source which meets the water quality criteria for a salt water bathing beach set forth at N.J.A.C. 8:26-7.18 and 7.19.
8:26-7.2 Microbiological sampling for public recreational bathing facilities

(a) All microbial analyses for public recreational bathing facilities shall be performed by a laboratory certified for wastewater testing by the Department of Environmental Protection, pursuant to the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, which shall use NJDEP Sanctioned Analytical Methods (DSAMs).

(b) DSAMs approved by the United States Environmental Protection Agency (USEPA) for non-potable water testing in accordance with 40 CFR 136.3-Tables 1A and 1H, and 40 CFR 141.74(a) (surface water regulations for heterotrophic plate count bacteria), incorporated herein by reference.

(c) Information concerning laboratory certification may be obtained from the New Jersey Department of Environmental Protection, Office of Quality Assurance, PO Box 424, Trenton, New Jersey 08625-0424.

(d) All analyses shall be conducted in accordance with the standards set forth at N.J.A.C. 7:18 and the methodologies set forth at N.J.A.C. 7:18-2.22.

8:26-7.3 Sample collection for swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities

(a) Water samples shall be collected prior to opening for the season and when the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility is in use and during periods of maximum user load. The hour of the day and the day of the week of sample collection shall be varied to obtain, over a period of time, a representative sampling of the sanitary quality of the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility.

(b) Sampling shall be done at least once every week during periods of maximum user load.

1. (No change.)

(c) (No change.)

(d) The following sampling technique shall be used:

1. The sample shall be taken at least 18 inches below the water surface in the vicinity of groups of bathers. If the water depth is less than 18 inches, the sample shall be taken at one half the level of the water depth in the sampling area. For spray areas, the sample shall be taken at the source of the water;

2.-3. (No change.)

4. The sterile container shall be plunged into the water in a forward-sweeping manner while making sure that the dechlorinating agent is not washed out;

5.-8. (No change.)

8:26-7.4 Processing of water samples from public recreational bathing facilities

(a) The samples taken from swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities shall be taken to a certified laboratory within eight hours of collection for processing.

(b) Samples taken from bathing beaches shall be taken to a certified laboratory in time for the sample to be put into an incubator or water bath within eight hours of sample collection.
(c) The sample(s) shall be refrigerated immediately upon collection or kept in an ice chest and held at less than 50 degrees Fahrenheit (10 degrees Celcius) while being transported. Samples shall not be frozen.

(d) Information documenting the sampling time, sampling date, location of sample collection, sampler’s identification and desired analysis(es) shall accompany the sample.

8:26-7.5 Microbiological water quality standards for swimming pools, wading pools, and aquatic recreation facilities

(a) A Heterotrophic plate count shall be performed in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of colony forming units (CFU) shall not exceed 200 colonies per one milliliter sample.

(b) Total coliform density requirements are as follows:

1. The multiple-tube fermentation technique for total coliform densities shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. None of the 10 standard 10 milliliter portions or the single 100 ml portion shall show the presence of the coliform group.

2. The membrane filtration technique for total coliform densities shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of coliform organisms shall be less than one colony per 100 milliliter sample.

8:26-7.6 Samples not meeting standards

(a) A certified laboratory, having determined that a sample does not meet the microbiological standards set forth at N.J.A.C. 8:26-7.5, 7.11, or 7.18, shall notify the local and State health authorities and the swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach operator by a method specified by the local health authority, within one hour of an unsatisfactory sample result being obtained.

1. The swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach shall be resampled.

2. The certified laboratory shall provide a written report to the local health authority and the client within one business day after obtaining an unsatisfactory sample result.

(b) Upon notification of an unsatisfactory sample result, the health authority shall require the swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach operator to have additional sample(s) taken within 24 hours and analyzed.

(c) Health authorities participating in the Cooperative Coastal Monitoring Program (CCMP) for bathing beaches shall immediately notify the Department of Health and the Department of Environmental Protection when an unsatisfactory sample has been obtained.

1. When resampling the CCMP ocean stations, the health authority shall resample the station that first exceeded the standard and bracket locations to either side of that location.

2. When resampling the CCMP bay stations and all natural bathing waters, the health authority shall resample the station that first exceeded the standard and bracket locations at the outer limits of the bathing area.
3. (No change in text.)

4. Primary station bracket samples shall not exceed 150 feet to either side of the original sample station.

i. Primary station sample brackets shall not exceed the outer limits of the designated bathing area.

ii. If subsequent samples are necessary due to additional exceedance of standards, bracket samples shall not exceed 150 feet to either side of the sample station(s) that exceeded the standard.

iii. If subsequent samples exceed the standard and are beyond the outer limits of the designated bathing beach area, the additional designated bathing area(s) shall be subject to N.J.A.C. 8:26-8.5(c).

5. If any of the three samples do not meet the microbiological standards set forth at N.J.A.C. 8:26-7.5, 7.11, or 7.18, then the entire resample does not meet such standards.

8:26-7.7 Chemical and physical water quality analyses for swimming pools, wading pools, and aquatic recreation facilities

(a) A swimming pool or wading pool shall be monitored for disinfectant level and pH every two hours during operating hours, which shall be performed in conjunction with each microbial sample.

1. Automatic chemical controller systems which sample for disinfectant level and pH on a more frequent basis and meet the requirements of N.J.A.C. 8:26-6.13(m) may substitute for the two-hour testing requirement in (a) above.

2. These results shall be recorded on the document that accompanies the sample and shall be incorporated into the permanent microbial test record.

(b) Testing for free chlorine and combined chlorine shall be conducted as set forth in the 22nd edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, incorporated herein by reference, as amended and supplemented.

(c) Testing for pH shall be conducted as set forth in the 22nd edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, incorporated herein by reference, as amended and supplemented, or phenol red indicator shall be used.

(d) If color comparators are used for measuring either disinfectant residuals or pH using the methods specified in (b) and (c) above, the color comparators shall be available for inspection by the health authority at the pool during periods of pool use and shall cover the entire regulatory range for either concentration (disinfectant residuals) or standard pH units. Color comparators designed for pool testing which utilize phenol red are also approved for use.

(e) A bound log or other form of documentation approved by the health authority shall be maintained on the premises by the swimming pool operator.

1. This log shall contain the time and date of the chemical tests performed, results of those tests, and the initials of the person who performed the testing. The log shall also contain bather load, water clarity, water temperature, and weather conditions.

2. This log shall be available at all times for review by the health authority.

8:26-7.8 Chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities
(a) Free chlorine, combined chlorine, bromine, and pH values shall be continuously maintained within the ranges specified in N.J.A.C. 8:26 Appendix C.

Remedial action shall be taken if combined chlorine exceeds 0.2 as it will result in reduced chlorine efficiency.

(b) (No change.)

(c) If stabilized chlorines are used as outdoor pool water disinfectants, the cyanuric acid levels shall be maintained within the following ranges:

<table>
<thead>
<tr>
<th>Cyanuric Acid (ppm)</th>
<th>Minimum</th>
<th>Ideal</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td>30-50</td>
<td>100</td>
</tr>
</tbody>
</table>

(d) Outdoor pools using cyanuric acid shall test the pool water at least once per week with a kit covering the expected range (0-100 ppm).

(e) Stabilized chlorines shall be prohibited in indoor pools.

8:26-7.9 Physical water quality standards for swimming pools, wading pools, and aquatic recreation facilities

(a)-(b) (No change.)

8:26-7.10 Salt water swimming and wading pools utilizing ocean and/or bay water

(a) Salt water pools utilizing ocean and/or bay water typically having a total dissolved solids level between 18,000 and 35,000 parts per million shall be regulated as follows:

1. (No change.)

2. Flow through pools shall be treated as recreational bathing water and shall meet the microbiological and physical standards for recreational bathing waters when sampled at the time and point where the water is discharged.

3. (No change.)

(b) (No change.)

8:26-7.11 Microbiological water quality standards for hot tubs and spas

(a) A Heterotrophic plate count shall be performed in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of colony forming units (CFU) shall not exceed 200 colonies per one milliliter sample.

(b) Pseudomonas aeruginosa requirements are as follows:

1. The membrane filtration technique for Pseudomonas aeruginosa shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of Pseudomonas aeruginosa organisms shall be less than one colony per 100 milliliter sample.
2. The multiple-tube fermentation technique for Pseudomonas aeruginosa shall be conducted in accordance with the procedures codified at 40 CFR Part 131, incorporated herein by reference. Pseudomonas aeruginosa organisms shall not be present in more than one of all ten standard 10 milliliter portions. Pseudomonas aeruginosa shall not be present in any of the confirmed five portions.

8:26-7.12 Chemical water quality standards for hot tubs and spas

(a) Hot tubs and spas shall be monitored every two hours for disinfectant levels and pH pursuant to the methodologies set forth at N.J.A.C. 8:26-7.7.

(b) A bound log shall be maintained as specified in N.J.A.C. 8:26-7.7(e).

(c) Free chlorine, combined chlorine, bromine, and pH values shall be continuously maintained within the ranges specified in N.J.A.C. 8:26 Appendix D.

Remedial action shall be taken if combined chlorine residuals exceed 0.2 ppm as it will result in reduced disinfectant efficiency.

(d) (No change.)

(e) If stabilized chlorines are used as disinfectants in outdoor hot tubs and spas, the cyanuric acid level shall be maintained within the following range:

<table>
<thead>
<tr>
<th>Cyanuric Acid (ppm)</th>
<th>Minimum</th>
<th>Ideal</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td>30-50</td>
<td>100</td>
</tr>
</tbody>
</table>

(f) Outdoor hot tubs or spas using cyanuric acid shall test the hot tub or spa water at least once per week with a kit covering the expected range (0-100 ppm).

(g) (No change in text.)

8:26-7.13 Algae in hot tubs and spas

All hot tubs and spas shall be maintained to eliminate the presences of algae.

8:26-7.15 Pre-operational assessment for bathing beaches

(a) Before a bathing beach opens each year, the owner or operator shall conduct a pre-operational assessment of the bathing beach and the surrounding areas using the Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference. This assessment shall include:

1. (No change.)

2. A field investigation of the bathing and surrounding areas to identify physical hazards and sources of potential contamination. During this investigation all changes to the bathing and surrounding areas shall be documented and evaluated;

3. A sampling of waters in the bathing area and in areas of suspected sources of contamination; and

4. All of the items listed on the Department's Checklist for Public Recreational Bathing Facilities.

https://web.lexisnexis.com/research/retrieve?cc=&pushme=1&tmpFB...d5=6a4ccf9f496a82fb088911e4208774a4&focBudTerms=&focBudSel=all Page 51 of 74
(b) Records of the pre-operational assessment, including the Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, shall be submitted to the health authority and maintained as part of the permanent file.

(c) (No change.)

(d) The health authority shall prepare a list of monitoring stations to be included in the Cooperative Coastal Monitoring Program (CCMP).

1. This list shall be submitted to the Department of Environmental Protection (DEP) prior to May 1 of each year.

2. The DEP shall approve or disapprove the stations within 14 days after receiving the proposed list, based upon the extent to which the DEP expects them to meet the criteria listed above.

8:26-7.16 Sample collection at bathing beaches

(a) Bathing beach water, with the exception of ocean and bay waters, shall be sampled one week prior to the opening of the bathing beach and at one week intervals during the bathing season. Sample(s) shall be obtained during periods of maximum user load from depths used for bathing.

(b) Ocean and bay waters covered by the Cooperative Coastal Monitoring Program (CCMP) administered by the NJDEP shall be sampled in accordance with CCMP requirements and N.J.A.C. 8:26-7.18.

1. The health authority shall perform this sampling from May through September. The NJDEP shall set the exact beginning and end of the minimum sampling season after consulting with the health authority.

2. The health authority shall:

   i. Sample all ocean and bay stations on Monday, unless Monday is a holiday, in which case the sampling shall be performed the next day; and

   ii. If severe oceanographic and/or meteorological conditions unreasonably threaten the safety of sampling personnel or the integrity of the sample, sample all stations on the first safe day.

(c) The samples from all waters not participating in the Cooperative Coastal Monitoring Program (CCMP) shall be obtained during various hours of the day and week over a period of time to obtain representative samples of the sanitary quality of the natural waters.

(d) (No change in text.)

(e) For ocean and bay bathing beaches that are not participating in the CCMP, the following number of samples shall be taken:

[page=501] 1. One sample shall be taken for the first 300 linear feet of bathing beachfront.

2. Additional samples shall be required as follows:

   i. If the bathing beachfront is 300 linear feet to 500 linear feet long, two samples shall be taken.

   ii. If the bathing beachfront is longer than 500 linear feet, three samples shall be taken.

   iii. In addition to the above, the criteria for bracket sample stations shall also be subject to N.J.A.C.
8:26-7.6(c)4 and 5.

8:26-7.17 Sampling techniques for bathing beaches

(a) The water sampling techniques set forth at N.J.A.C. 8:26-7.3(d) and below shall be used for bathing beaches:

1. Water samples shall be taken in an area with a stabilized water depth between the sampler’s lower thighs and chest with the optimum depth being at the sampler’s waist. For deep water or shallow bays where this type of sample collection is not practicable or presents a potential safety concern for the sampler, the health authority shall determine the stabilized water depth. In all cases the sampler must meet the requirements of (a)2 to 4 below.

2. A wide-mouth sample container shall be placed approximately eight to 18 inches below the water surface with the lid and stopper still attached.

3. With the collector’s arms extended to the front, the container shall be held near its base and downward at a 45-degree angle. The cap shall be removed and the container filled in one slow sweeping motion (downward or horizontally, not upward). The mouth of the container shall be kept ahead of the collector’s hand and the container recapped while it is still submerged. The cap shall remain submerged during the sample collection and care shall be taken not to touch the inner surfaces of the cap.

i. In the event that samples need to be taken during cold water conditions or in other appropriate situations, reach assist poles shall be used to obtain the samples. In this situation, the cap may be removed prior to submersion as long as the container is pointed downward upon entry into the water.

4. A one-inch head space is required for all microbiological samples collected. After capping the sample container and mixing the sample (approximately 25 times at a one-foot arc), the sampler can carefully pour out a small amount of the sample and recap the sampling container to obtain the required head space.

(b) (No change).

8:26-7.18 Microbiological water quality standards for bathing beaches

(a) Microbiological water quality standards for pond, lake, stream, river and tidal fresh water bathing beaches shall be determined on the basis of Escherichia coli (E. coli) densities, sanitary survey results, and/or epidemiological evidence.

(b) Escherichia coli count standards are as follows:

1. Testing for Escherichia coli shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18.

2. The estimated Escherichia coli concentrations shall not exceed 320 colony forming units of Escherichia coli per 100 milliliters.

(c) (No change.)

(d) Enterococcus count standards shall be as follows:

1. The test method for enterococci in water shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The estimated enterococcus concentration shall not exceed 104 enterococci per 100 milliliters of sample.
(e) **Bathing** beach sample results shall not exceed the chart below and shall follow the disposition chart:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>GM (cfu/100 mL)</th>
<th>WQS (cfu/100 mL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enterococci-marine</td>
<td>30</td>
<td>104</td>
</tr>
<tr>
<td>E. coli-fresh</td>
<td>100</td>
<td>320</td>
</tr>
</tbody>
</table>

Note: GM- Geometric mean, Cfu- colony forming units, WQS- Water Quality Standard

Exceed 30-day rolling Sanitary survey required and
Geometric mean submitted. All fields on form are mandatory

8:26-7.19   Chemical water quality standards for **bathing** beaches

(a) Chemical water quality standards for **bathing** beaches shall be monitored by the **bathing** beach operator at the discretion of the health authority.

(b) Chemicals used to control aquatic vegetation shall not cause bathers to suffer from toxic reactions or skin or membrane irritations. These chemicals shall be applied in accordance with the New Jersey Pesticide Control Code, N.J.A.C. 7:30.

8:26-7.20   Physical water quality standards for **bathing** beaches

(a) Physical water quality standards for **bathing** beaches shall be monitored by the **bathing** beach operator.

(b) Visual observations and/or physical determinations shall indicate that the natural water is free from garbage, medical waste, plastic, paper, glass, wood, metal, organic waste material, aquatic vegetation, algal growths, oils, greases, phytoplankton, or other materials that may cause health or safety hazards.

(c) If adverse environmental conditions occur such as when a storm causes rip currents to develop off of
the **bathing** beach, the **bathing** beach owner or operator shall take the following action:

1. Post a sign at each beach entrance and both ends of the beach that states as follows:

"The storm has caused rip currents to develop. Do not go in the water while this dangerous condition exists."

2. The internationally recognized "No swimming" pictogram shall be included on the sign. The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

**SUBCHAPTER 8. ENFORCEMENT PROCEDURES**

8:26-8.1 **General provisions**

(a) All public swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, and bathing beaches shall be operated in compliance with the provisions of this chapter and Title 26, Revised Statutes of New Jersey.

(b) The health authority may require a public recreational bathing facility to correct or eliminate any specific condition not described in these rules, but which it deems necessary for proper sanitation, safety, or fire protection.

(c) For purposes of uniform enforcement, the Department may issue statements clarifying the meaning and purpose of portions of this chapter, which shall be followed by the local health authority.

[page=502] 8:26-8.2 **Inspection of public swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, or bathing beaches**

(a) The health authority shall review the Checklist for Public Recreational Bathing Facilities submitted by the facility’s trained pool operator to determine if the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility needs to be inspected before opening. Approval to open may be based on the Checklist for Public Recreational Bathing Facilities for existing facilities.

(b) The health authority shall inspect every bathing beach prior to opening.

1. This inspection can be an onsite inspection or;

2. A review of the Checklist for Public Recreational Bathing Facilities submitted by the facility's trained pool operator or beach operator.

3. All new and/or altered facilities preoperational inspection shall receive an onsite inspection in addition to the review of the Checklist for Public Recreational Bathing Facilities submitted by the facility.

(c) The health authority shall inspect every seasonal swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach at least once during the season after opening.

(d) The health authority shall inspect every year-round swimming pool, wading pool, hot tub, spa, or aquatic recreation facility at least two times during the year.

(e) The health authority shall inspect new swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, and bathing beaches prior to opening.

(f) The facility operator shall permit access to the health authority and Department of Health representatives to all parts of the establishment.
8:26-8.3 Report of inspections; notification of closures; evaluation placard

(a) Inspection findings shall be recorded on an inspection report form, which shall be provided to Department staff upon demand.

(b) The inspection report shall identify any violations of this chapter and shall reference the section of the chapter being violated.

(c) The health authority shall notify via telephone or fax or e-mail, according to the time limits specified in N.J.A.C. 8:26-8.8, the Department of Environmental Protection, Department of Health, and adjacent local health authorities when it makes the decision to close a bathing beach.

(d) For swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities, the local health authority shall notify the Department of Health at the end of the season of all closures during the season.

1. For closures related to construction, severe weather, flooding, water contamination, or other health emergencies, notification shall be made within 24 hours.

(e) Based on the inspection, the health authority shall issue an evaluation of Satisfactory, Conditionally Satisfactory, or Unsatisfactory compliance with this chapter.

1. "Satisfactory" means the facility is operating in substantial compliance with this chapter, and personnel have demonstrated they are aware of and are practicing the safety principles outlined in this chapter.

2. "Conditionally Satisfactory" means the facility is not operating in substantial compliance with this chapter, and there are one or more violations of this chapter.

   i. Upon a finding of this condition, a reinspection shall be scheduled.

   ii. The reinspection shall be conducted at an unannounced time.

   iii. During the reinspection, a full inspection may be conducted by the health authority rather than just the violation(s), at its discretion.

   iv. The health authority shall perform the reinspection within a reasonable time period, which shall be determined by the nature of the violation.

3. "Unsatisfactory" means the facility is not operating in compliance with this chapter, and one or more of the violations constitutes gross unsanitary or unsafe conditions, which pose an imminent health or safety hazard.

   i. Upon a finding of this condition, the health authority shall immediately ask the owner or operator to cease operation and keep the facility closed until a reinspection shows that the violations have been corrected.

   ii. If the facility is not closed voluntarily, the health authority shall take legal action to close the facility and keep it closed until a reinspection shows that the violations have been corrected.

(f) Upon conclusion of the inspection, the health authority shall issue a placard containing an evaluation listed in (e) above and shall leave the evaluation placard and inspection report with the owner or operator of the facility.
(g) The owner or operator of the facility shall immediately post the evaluation placard near the public entrance to the facility in a conspicuous place where the public can easily view the placard.

8:26-8.4 Public availability of inspection reports

Any reports made and maintained pursuant to this chapter shall be available to members of the public in accordance with the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

8:26-8.5 Criteria for closure of a public recreational bathing facility

(a) The approval, license, or permit to operate a swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach may be suspended at any time, when in the opinion of the health authority, such action is necessary to abate a present or threatened hazard to public health.

(b) The health authority shall order the owner or operator of a swimming pool, hot tub, spa, aquatic recreation facility, or bathing beach to physically close off the bathing area and to prohibit any bathing until the violation is abated.

(c) The following shall be grounds for closure and stoppage of bathing and swimming activities:

1. Poorly maintained equipment, structures, or areas, or lack of equipment, structures, or areas, which jeopardize the health or safety of the users and/or operators;

2. Lack of required supervisory personnel and/or required lifeguards at the public recreational bathing facility during normal operating hours;

3. Failure to meet specific water quality standard(s);

4. Underwater hazards that have not been identified; or

5. (No change in text.)

(d) If remedial action is not taken immediately, the health authority shall issue an order requiring the facility to be closed in order to protect the public health or safety.

1. A closure order may be issued verbally, but shall be followed up by written confirmation within 24 hours. Such order shall be sent by certified mail, return receipt requested, priority mail, e-mail, fax, or be hand delivered.

2. The order shall give the alleged violator an opportunity to be heard by the health authority within 15 days of notification of the order.

3. The order shall remain in effect during the appeal.

8:26-8.6 Closure and reopening of swimming pools and wading pools

(a) Whenever a swimming pool or wading pool water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.5, the certified laboratory and the pool owner or operator shall notify the health authority by telephone, fax, or other method specified by the health authority, within one hour of the unsatisfactory microbiological sample result being obtained. The owner or operator shall resample the water after remediation and within 24 hours of notification.

(b) If the resample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.5,
the pool shall be immediately closed. The certified laboratory and the pool owner or operator shall immediately notify the health authority by telephone, fax, or other method specified by the health authority, of the unsatisfactory microbiological sample and that the pool is closed. The pool shall not be reopened until a satisfactory microbiological water sample is obtained.

(c) A copy of all laboratory analyses shall be transmitted to the health authority within one business day of completion of the analyses.

(d) The swimming pool or wading pool shall close immediately if the disinfectant residual is not within the range set forth at N.J.A.C. 8:26-7.8 or if the chemical or physical water quality is not in conformance with N.J.A.C. 8:26-7.8 and 7.9.

8:26-8.7 Closure and reopening of hot tubs or spas

(a) Whenever a hot tub or spa water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.11, the certified laboratory and the hot tub or spa owner or operator shall notify the health authority by telephone, fax, or other method specified by the health authority, within one hour of the unsatisfactory microbiological sample result being obtained.

1. The hot tub or spa shall be immediately closed, drained, disinfected, refilled, and resampled.

(b) (No change.)

(c) If the results of the resampling exceed the microbiological water quality standards set forth at N.J.A.C. 8:26-7.11, the hot tub or spa owner or operator shall immediately close the hot tub or spa and notify the health authority within one hour.

1. The hot tub or spa shall again be drained, disinfected, refilled, and resampled.

2. The hot tub or spa shall not be reopened until a sample meets the standards of N.J.A.C. 8:26-7.11 and the health authority gives its approval.

(d) A copy of all laboratory analyses shall be transmitted to the health authority within one business day of completion of the analyses.

(e) The hot tub or spa shall close immediately if the disinfectant residual or pH is not within the range set forth at N.J.A.C. 8:26-7.12.

8:26-8.8 Closure and reopening of bathing beaches

(a) When a bathing beach water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, the following actions shall be taken:

1. The certified laboratory and bathing beach owner or operator shall notify the health authority by telephone, fax, or other method specified by the health authority, within one hour, but not later than 2:00 P.M., that the unsatisfactory microbiological sample result was obtained.

2. Health authorities participating in the Cooperative Coastal Monitoring Program (CCMP) shall then notify the Department of Health and the Department of Environmental Protection of the unsatisfactory microbiological sample result within 30 minutes.

3. Health authorities not participating in the CCMP shall also notify the Department of an unsatisfactory microbiological sample result within 24 hours.
4. Resampling of the **bathing** beach water shall be conducted within 24 hours.

   i. Sampling points for resamples shall be clustered around the areas from which the unsatisfactory sample was obtained and shall be approved by the health authority as specified at N.J.A.C. 8:26-7.6(b).

   ii.-iii. (No change.)

5. A sanitary survey of the area shall be conducted by the health authority and the owner or operator of the **bathing** beach. This sanitary survey shall be designed to identify the source(s) of pollution. This survey shall include a survey of nearby point and non-point sources of pollution.

6. Within two hours of receiving notice that a **bathing** beach water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, the **bathing** beach owner or operator shall take the following action:

   i. Post a sign at all beach entrances and both ends of the beach saying:

   ADVISORY

   A water sample collected from this beach within the past 24 hours indicates bacteria levels over the **recreational bathing** standard.

   Beaches remain open and additional samples have been collected. Resample results will be available tomorrow.

   You may view all test results online at [www.njbeaches.org](http://www.njbeaches.org) or by calling the health department at ____________

   Bacteria levels change with the weather, tides, and currents. They are usually highest near storm water pipes, especially during and after rainfall.

   You can reduce your risk of illness avoiding contact with water in or near storm water pipes.

   (1) The sign shall include the date of posting and the telephone number of the local health authority.

   (2) The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

   ii. Post a notice of the exceedance on the owner or operator's website, and link to the Department of Environmental Protection's Cooperative Coastal Monitoring Program's (CCMP) website, if applicable.

7. If the result of the microbiological water quality resample does not meet the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, or if the sanitary survey discloses any condition which may present an imminent hazard to public health or safety, the **bathing** beach shall immediately be closed for swimming and **bathing**.

   i. The local health authority shall notify, within 30 minutes, the Department of Health and the Department of Environmental Protection of closings of **bathing** beaches which are monitored in the CCMP.

   ii. For non-CCMP monitored **bathing** beaches, the local health authority shall notify the Department of Health of a beach closing within 24 hours.

   iii. Within one hour of receiving the results of the resample, the **bathing** beach owner or operator shall take the following actions:
(1) Post a sign at all beach entrances and both ends of the beach saying:

**ADVISORY**

A water sample collected from this beach within the past 24 hours indicates bacteria levels exceeding the **recreational bathing** water quality standard.

Beaches are CLOSED for swimming and **bathing** activities and additional samples have been collected. Resample results will be available tomorrow.

If the resample is below **recreational bathing** water quality standard, the advisory will be removed. If the resample is above the water quality bacteria standard the beach will remain CLOSED.

You may view all test results online at [www.njbeaches.org](http://www.njbeaches.org) or by calling the health department at ___________

Bacteria levels change with the weather, tides, and currents. They are usually highest near storm water pipes, especially during and after rainfall.

You can reduce your risk of illness avoiding contact with water in or near storm water pipes.

(A) The internationally recognized "No swimming" pictogram shall be included on the sign.

(B) The sign shall include the date of posting and the telephone number of the local health authority.

(C) The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

(2) Post a notice of the beach closing on the owner or operator's website, and link to the Department of Environmental Protection's CCMP website, if applicable.

8. If the microbiological water quality sampling results indicate that an area exceeds the **bathing** beach microbiological water quality standards as a consequence of certain environmental conditions (such as rainfall), that **bathing** beach shall be kept closed for a certain amount of time as specified by the health authority following those environmental conditions to enable the water quality to improve.

i. Past sampling data can be used to determine how long the **bathing** beach should be kept closed.

ii. If environmental conditions, such as heavy rainfall, cause sewage and/or stormwater infrastructure failures, such as effluent discharging from manholes, **bathing** beaches having the potential to be affected shall be closed or sampled at the discretion of the health authority.

iii. For **bathing** beaches that have been closed more than 50 percent of the time over the course of a year after an environmental event, such as rainfall, the **bathing** beach owner or operator shall take the following action:

(1) Post a permanent sign at all beach entrances and both ends of the beach saying:

"Warning! Rainfall causes the water quality at the beach to exceed microbiological water quality standards. Water contact may cause illness. No swimming or **bathing** is allowed for ____ hours after the rain has stopped to enable the rainfall-caused water pollution to dissipate."

(A) The internationally recognized "No swimming" pictogram shall be included on the sign.
(B) The sign shall include the date of posting and the telephone number of the local health authority.

(C) The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

(D) The number of hours posted on the sign prohibiting swimming or bathing shall be determined by testing experience indicating the length of time typically needed for rainfall-caused water pollution to dissipate.

(2) Post a notice of the beach closing on the owner or operator's website, and link to the Department of Environmental Protection's CCMP website, if applicable.

9. A bathing beach shall not be re-opened until the sanitary survey and appropriate sampling shows that the water quality meets the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, and physical water quality standards set forth at N.J.A.C. 8:26-7.20.

i. If a prior sanitary survey has identified the source of the pollution, a new sanitary survey does not have to be conducted.

ii. The local health authority shall notify, within one hour, the Department of Health and the Department of Environmental Protection when a bathing beach has been reopened.

8:26-8.9 Recordkeeping

(a) Accurate and complete records shall be maintained and kept on the premises and shall be immediately available upon request by the health authority. Such records shall be kept for a minimum of three years, except those records related to deaths, injuries to the head, neck and spinal cord, and any injury rendering a person unconscious which shall be kept for 10 years, and shall include:

1.-4. (No change.)

5. Accidents requiring external emergency services. The record shall include the victim's name, the date and time of accident, description of occurrence, action taken in response to the accident, and name of person on duty supervising the facility;

6. Deaths and/or drownings. The record shall include the name of the person, the date and time of the accident, a description of the occurrence, and action taken in response to the accident;

7. Inspection logs of recreational equipment;

8. Notifications to health authorities of water quality samples that did not meet microbiological, chemical, or physical water quality standards, and of public recreational bathing area closings and reopenings;

9. Non-microbiological water contamination events;

10. Floatable debris wash-up events; and


12. Requirements found at N.J.A.C. 8:26 Appendices C and D.

(b) The geometric mean shall be calculated as follows:
1. The Department of Environmental Protection calculates the geometric mean of the microbiological water quality for recreational bathing beaches that are sampled as part of the CCMP.

2. For bathing beaches that are not part of the CCMP program, the local health authority shall calculate the 30-day rolling geometric mean of the microbiological water quality samples taken during the season.

   i. The geometric mean shall be calculated using the method codified at 40 CFR Part 131, incorporated herein by reference.

   ii. The geometric mean shall be transmitted electronically, in a format specified by the Department, to the Department and the Department of Environmental Protection, and the Department weekly at the end of the first 30-day period and weekly thereafter until the end of the season.

3. If the geometric mean indicates there is a chronic water quality problem at the bathing beach (defined as a geometric mean for ocean and bay waters of greater than 30 colony forming units (CFU) of enterococcus), or the bathing beach is closed after every rainfall, the local health authority shall conduct a sanitary survey to determine the source of the pollution.

4. If the geometric mean indicates there is a chronic water quality problem at the bathing beach (defined as a geometric mean for fresh water of greater than 100 colony forming units (CFU) of Escherichia coli), or the bathing beach is closed after every rainfall, the local health authority shall conduct a sanitary survey to determine the source of the pollution.

8:26-8.10 Reporting of deaths and serious injuries

(a) All deaths, injuries to the head, neck and spinal cord, and any injury rendering a person unconscious, shall be reported by the public recreational bathing facility owner or operator to the health authority within 24 hours of its occurrence.

(b) The local health authority shall notify the Department of such deaths and/or injuries within 24 hours of being notified by the facility of the incident.

(c) After being notified by the owner or operator of a death and/or serious injury listed at (a) above, the local health authority shall immediately conduct an investigation of the incident and complete the Fatal/Serious Accident Report (CB-2), found at N.J.A.C. 8:26 Appendix F, incorporated herein by reference.


2. The local health authority shall submit the CB-2 to the Department within five days of being notified by the facility of the incident. Submission shall be via:

   i. In person delivery to the Department; or

   ii. A mailing service that allows for tracking of the package to be delivered.

8:26-8.11 Penalties

Any person who violates any provision of this chapter or who refuses to comply with a lawful order or directive of the health authority shall be liable for penalties set forth at N.J.S.A. 26:1A-10 and penalties under all other applicable laws, and/or injunctive action as provided by law.
APPENDIX A

Recognized Certifications:

Cardiopulmonary Resuscitation (CPR) Certification
American Heart Association
American Red Cross
American Safety and Health Institute
Emergency Care and Safety Institute
EMS Safety Services, Inc.
National Safety Council

First Aid Certification
American Heart Association
American Red Cross
American Safety and Health Institute
Emergency Care and Safety Institute
EMS Safety Services, Inc.
National Safety Council

Lifeguarding Certification for Swimming Pools and Lake Bathing
American Red Cross
Boy Scouts of America (BSA)
International Lifeguard Training program
International Life Saving Federation (ILSA)
Lifeguard-Pro
National Aquatics Safety Company (NASCO)
Starfish Aquatics Institute
Young Men's Christian Association (YMCA)

Lifeguarding Certification for Ocean and Tidal Waters
North Shore Lifesaving Association (NSLA)
Ocean Lifesaving Association (OLA)
South Jersey Lifeguard Chiefs Association (SJLCA)
Triton Water Rescue (TWR) (triathlon specialization)
United States Lifesaving Association (USLA)

Trained Pool Operators (TPO) Certification
American Swimming Pool and Spa Association (ASPSA)
Aquatics Training Institute (ATI)
Association of Pool and Spa Professionals (APSP)
AquaSafe Pool Management, Inc. (ASPM)
National Pool and Spa Institute (NSPI)
National Recreation and Park Association (NRPA)
National Swimming Pool Foundation (NSPF)
North Shore Lifesaving Association (NSLA)
Starfish Aquatics Institute
Young Men's Christian Association (YMCA)

APPENDIX B
First Aid Supplies at **Public Recreational Bathing** Facilities

<table>
<thead>
<tr>
<th>Description of Required Items</th>
<th>&lt;2,000 Ft&lt;2&gt; of Bathing and Swimming Water Area</th>
<th>2,000 to 5,000 Ft&lt;2&gt; of Bathing and Swimming Water Area</th>
<th>&gt;5,000 Ft&lt;2&gt; of Bathing and Swimming Water Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adhesive compress strips (band aid type)</td>
<td>25</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>Sterile gauze dressings (sponge 2&quot;x 2&quot;)</td>
<td>10</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Sterile gauze dressings (sponge 2&quot;x 3&quot;)</td>
<td>10</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Sterile gauze dressings (sponge 4&quot;x 4&quot;)</td>
<td>10</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Sterile gauze roller bandage (1&quot; wide)</td>
<td>4</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>Sterile gauze roller bandage (3&quot; wide)</td>
<td>4</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>Sterile eye dressing pads (box)</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Triangle bandages</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Waterproof tape (1&quot;x 5 yards)</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Bandage scissors</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Tweezers</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Blanket</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Instant cold pack</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Disposable protective face shield</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Disposable protective gown</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
</tbody>
</table>
Disposable Gloves (box) | 1 | 1 | 1
Pocket resuscitation mask | 2 | 4 | 6
Liquid hand soap or hand sanitizer | 1 | 1 | 1
First Aid Treatment Policies and Procedures | 1 | 1 | 1

APPENDIX C

Chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities

<table>
<thead>
<tr>
<th></th>
<th>Minimum</th>
<th>Ideal</th>
<th>Indoor pools</th>
<th>Outdoor pools</th>
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</thead>
<tbody>
<tr>
<td>Free chlorine residual (parts per million (ppm))</td>
<td>1.0</td>
<td>2.0-4.0</td>
<td>10.0</td>
<td>10.0</td>
</tr>
<tr>
<td>Combined chlorine (ppm)</td>
<td>None</td>
<td>None</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td>Bromine (ppm)</td>
<td>2.0</td>
<td>4.0-6.0</td>
<td>10.0</td>
<td>10.0</td>
</tr>
<tr>
<td>pH</td>
<td>7.2</td>
<td>7.4-7.6</td>
<td>7.8</td>
<td>7.8</td>
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</table>

APPENDIX D

Chemical water quality standards for hot tubs and spas

<table>
<thead>
<tr>
<th></th>
<th>Minimum</th>
<th>Ideal</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free chlorine residual (parts per million (ppm))</td>
<td>2.0</td>
<td>3.0-5.0</td>
<td>10.0</td>
</tr>
<tr>
<td>Combined chlorine (ppm)</td>
<td>None</td>
<td>None</td>
<td>0.2</td>
</tr>
<tr>
<td>Bromine (ppm)</td>
<td>2.0</td>
<td>4.0-6.0</td>
<td>10.0</td>
</tr>
<tr>
<td>pH</td>
<td>7.2</td>
<td>7.4-7.6</td>
<td>7.8</td>
</tr>
</tbody>
</table>

[page=506] APPENDIX E
# New Jersey Department of Health
## Public Health and Food Protection Program

### CHECKLIST FOR
**PUBLIC RECREATIONAL BATHING FACILITIES**

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Local Health Authority</th>
<th>Date</th>
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| Name of Public Recreational Bathing Facility |

<table>
<thead>
<tr>
<th>Dates of Operation</th>
<th>Type of PRB Facility</th>
</tr>
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<tbody>
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<table>
<thead>
<tr>
<th>PRB Facility Location</th>
<th>Phone Number</th>
<th>Special Exempt</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>☐ Yes ☐ No ☐ Both</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Owners Name and Address</th>
<th>Phone Number</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Certified Laboratory</th>
<th>Phone Number</th>
<th>Date of Last Sample</th>
</tr>
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<table>
<thead>
<tr>
<th>Trained Pool Operator</th>
<th>Email Address</th>
<th>Phone Number</th>
</tr>
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<table>
<thead>
<tr>
<th>Codes:</th>
<th>X-Compliant</th>
<th>P-Pending</th>
<th>N/A-Not Applicable</th>
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</thead>
</table>

#### PAPERWORK

<table>
<thead>
<tr>
<th>TPO Certification No. and Exp. Date</th>
<th>Log Book</th>
</tr>
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<table>
<thead>
<tr>
<th>Lifeguard Certifications Current</th>
<th>Bonding and Grounding (5-year cert.)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Pro CPR Certifications Current</th>
<th>Bonding and Grounding (Town)</th>
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<table>
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<tr>
<th>Aquatics Facility Plan</th>
<th>CB-20 completed and submitted</th>
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<table>
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<tr>
<th>Water Sample(s) Results</th>
<th>MSDS sheets for all chemicals</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Sanitary Surveys (N.J.A.C. 8:26-7.15)</th>
<th>Physical Hazards inspection</th>
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</table>

#### GENERAL LAYOUT

<table>
<thead>
<tr>
<th>Emergency Phone Numbers</th>
<th>No Lifeguard on Duty Sign</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Pool/Natural Waters Rules Sign</th>
<th>Adult Supervision Sign</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>No Diving Signs</th>
<th>Special Exempt Signs</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Caution Chemical Sign</th>
<th>Spa Clock</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>No Smoking Sign (Chem. Room)</th>
<th>Spa Rules</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Depth Markings</th>
<th>Diving Rules</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Entrance(s) Secure</th>
<th>Cliff Jumps &lt; 15'</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Floats and Fixed Platforms Permitted with LHA Approval</th>
<th>Equipment for continuous disinfect all types pool water and meet N.J.A.C. 8:26-3.22</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Diving stands, boards, ladders, stairs, all equipment maintained</th>
<th>Pool chemicals stored, handled and used per manufacturer's instructions</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Water slides conform to CPSC and approved by LHA and/or NJDCA</th>
<th>Anti-entrapment drain covers installed, all documentation on site</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Rope drops, cliff jumping, and aquatic play equipment meet N.J.A.C. 5:14A-12</th>
<th>Pool Floor (Clean and Visible)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Surface area (Pool sq')</th>
<th>Turnover Rate(s) (Pool)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Volume (Pool)</th>
<th>Pump Maximum Flow Rate(Pool)</th>
</tr>
</thead>
</table>

---

**CEOH-1**
**JAN 17**

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https://web.lexisnexis.com/research/retrieve?cc=&pushme=1&tmpFB...d5=6a4ccff9f496a82fb8088911e4208774a4&focBudTerms=&focBudSel=all Page 66 of 74
# Checklist for Public Recreational Bathing Facilities

(Continued)

<table>
<thead>
<tr>
<th>Name of Public Recreational Bathing Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Codes:</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td><strong>EQUIPMENT</strong></td>
</tr>
<tr>
<td>Facility Phone</td>
</tr>
<tr>
<td>Guard (Uniform/Whistle)</td>
</tr>
<tr>
<td>DPD Test Kit</td>
</tr>
<tr>
<td>First Aid Kit</td>
</tr>
<tr>
<td>Rescue Tube(s)/LG</td>
</tr>
<tr>
<td>Backboard</td>
</tr>
<tr>
<td>Straps</td>
</tr>
<tr>
<td>Head Immobilizer</td>
</tr>
<tr>
<td>Shepherd Hooks</td>
</tr>
<tr>
<td>Reaching Poles/Assist</td>
</tr>
<tr>
<td>Safety Rope and Floats</td>
</tr>
<tr>
<td>Ring Buys</td>
</tr>
<tr>
<td>Thermometer</td>
</tr>
<tr>
<td>Goggles and Gloves</td>
</tr>
<tr>
<td>Emergency numbers posted</td>
</tr>
<tr>
<td>Paddle Rescue Device</td>
</tr>
<tr>
<td><strong>GENERAL SANITATION AND MAINTENANCE</strong></td>
</tr>
<tr>
<td>Bathrooms (Cleaned and Stocked)</td>
</tr>
<tr>
<td>Separate BR facilities (each sex)</td>
</tr>
<tr>
<td>Sanitary facilities maintained and constructed of impervious materials</td>
</tr>
<tr>
<td>Floors have slip-resistant surface</td>
</tr>
<tr>
<td>Suitable receptacles provided for paper towels and waste materials</td>
</tr>
<tr>
<td>Soap dispenser provided, hot and cold water</td>
</tr>
<tr>
<td><strong>CHEMICALS / DISINFECTANTS (POOLS)</strong></td>
</tr>
<tr>
<td>Free Chlorine (10 ppm max)</td>
</tr>
<tr>
<td>Total Chlorine (ppm)</td>
</tr>
<tr>
<td>Combined Chlorine (&lt; .2)</td>
</tr>
<tr>
<td>Other Disinfectant</td>
</tr>
</tbody>
</table>
CHECKLIST FOR PUBLIC RECREATIONAL BATHING FACILITIES
(Continued)

<table>
<thead>
<tr>
<th>Name of Public Recreational Bathing Facility</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Codes:</th>
<th>X-Compliant</th>
<th>P-Pending</th>
<th>N/A-Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUPERVISION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations supervised by an adult</td>
<td>Aquatics Facility plan executed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard first aid and Pro CPR</td>
<td>All lifeguards identifiable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pools have TPO, TPO onsite weekly</td>
<td>Lifeguards equipped with a whistle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adequate number of Lifeguards</td>
<td>Emergency Drills documented</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BATHING WATER QUALITY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pool water approved water source</td>
<td>Pool chemistry monitored (2 hrs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water samples collected weekly</td>
<td>Deaths/serious injuries reported</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st sample failed warning signs</td>
<td>2nd sample failure closure signs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COMMENTS

I verify that the statements made in this form are true and accurate and this Public Recreational Bathing facility meets the requirements of N.J.A.C. 8:26 et seq. I understand that all the information provided, if falsified, can be used against me in court, by the authorities.

<table>
<thead>
<tr>
<th>Signature of Owner/TPO</th>
<th>Title or Position</th>
</tr>
</thead>
</table>
[page=509] APPENDIX F
**New Jersey Department of Health**
**Consumer, Environmental**
**and Occupational Health Service**
**P. O. Box 369**
**Trenton, NJ 08625-0369**

**FATAL/SERIOUS**
**ACCIDENT REPORT**

1. **Date of Incident**
   - Month / Day / Year

2. **Time of Incident**
   - __:__ AM / PM

3. **Date of Report**
   - Month / Day / Year

4. **Activity of Victim (Check ALL that apply)**
   - 1 ☐ Swimming (SW)
   - 2 ☐ Bathing (Hot Tub) (BH)
   - 3 ☐ Wading (WD)
   - 4 ☐ Surfing (SF)
   - 5 ☐ Skiing (SK)
   - 6 ☐ SCUBA/Snorkeling (SC)
   - 7 ☐ Playing by Water (PW)
   - 8 ☐ Diving (DV)
   - 9 ☐ Using Swimming Accessories, Inflatable (SI)
   - 10 ☐ Using Swimming Accessories, Other (SO)
   - 11 ☐ Fell into Water (FW)
   - 12 ☐ Fell Elsewhere (FE)
   - 13 ☐ Attempting Rescue, Lifeguard (LG)
   - 14 ☐ Attempting Rescue, Other (AR)
   - 15 ☐ Boating (BT)
   - 16 ☐ Other (OT)

5. **Victim Number**

6. **Age of Victim**

7. **Sex**
   - ☐ Male
   - ☐ Female

8. **Race**
   - 1 ☐ White
   - 2 ☐ Black
   - 3 ☐ Hispanic
   - 4 ☐ Other

9. **Height**
   - __ Feet __ Inches

10. **Weight**
    - __ Pounds

11. **Physical Condition/Limitations**
    - ☐ Intoxicated/Alcohol Consumed
    - ☐ Drugs or Narcotics Used

12. **Name of Facility or Body of Water**

13. **County**

14. **Street Address**

15. **City, State, Zip Code**

16. **Site (Landmarks, Guard Tower Numbers, etc.)**

17. **Body of Water**
   - ☐ Ocean
   - ☐ Bay
   - ☐ Lake
   - ☐ Pond/Pit
   - ☐ Ditch/Canal
   - ☐ River/Creek/Stream
   - ☐ Swimming and Wading Pool
   - ☐ Hot Tub/Spa
   - ☐ Other

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### FATAL/SERIOUS ACCIDENT REPORT
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#### INCIDENT INFORMATION

<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
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| 18. Was there immersion by the victim into water involved?               | 1. Yes, Entry Voluntary  
2. Yes, Entry Involuntary  
3. Yes, Unknown Whether Voluntary or Involuntary  
4. Incident Did Not Involve Immersion |
| a. If yes, what was the victim’s swimming ability?                       | 1. Good  
2. Fair  
3. Poor  
4. Unknown |
| b. What was the victim’s attire?                                         | 1. Street Clothes  
2. Swimming Clothes  
3. No Clothing Worn  
4. Other |
| c. Was a personal flotation device worn?                                 | 1. Yes  
2. No |
| d. What was the water depth?                                             | Feet  
Inches |
| 19. What were the Weather/Water conditions?                              |  |
| (FOR ALL RECREATIONAL BATHING FACILITIES)                               |  |
| a. Air Temperature:                                                      | Degrees Fahrenheit |
| b. Water Temperature:                                                    | Degrees Fahrenheit |
| c. Did Water/Weather conditions contribute?                              | 1. Yes  
2. No |
| (FOR POOLS AND HOT TUBS ONLY)                                            | |
| d. Was Water Cloudy?                                                     | 1. Yes  
2. No |
| (FOR BATHING BEACHES ONLY)                                               | |
| e. Wind:                                                                 | 1. None  
2. Light  
3. Moderate  
4. Strong |
| f. Wind Direction:                                                       | 1. From Shore  
2. From Water  
3. Along Shore |
| g. Riptide current involved (ocean only)                                 | 1. Yes  
2. No |
| h. Longshore current?                                                    | 1. Yes  
2. No |
| 20. Was it a public recreational bathing place?                          | 1. Yes  
2. No |
| a. If Yes, was the facility licensed/approved?                           | 1. Yes  
2. No |
| 21. Did the incident occur in a guarded area?                            | 1. Yes  
2. No |
| 22. Were other people around?                                            | 1. Yes  
2. No |
| 23. Was the facility open for public use at the time?                    | 1. Yes  
2. No |
| a. If yes, was a lifeguard on duty?                                      | 1. Yes  
2. No |
| 24. Was there any violation of NJAC 8:26 “Public Recreational Bathing” regulation that may have contributed to the incident? | 1. Yes  
2. No |
| If yes, list citation numbers and describe:                              | |

#### MEDICAL ATTENTION

| Question                                                                 | Options | |
|--------------------------------------------------------------------------|---------|
| 25. What kind of incident occurred at the scene?                         | 1. Drowning  
2. Near Drowning  
3. Suspected Neck Injury and Central Nervous System Trauma  
4. Other: |
| 26. Was the victim unconscious at any time?                              | 1. Yes  
2. No |
| 27. Was medical attention given?                                         | 1. Yes  
2. No |
| a. If Yes, by whom?                                                     |         |
| 28. Was CPR administered?                                                | 1. Yes  
2. No |
| a. If yes, by whom?                                                     |         |
| 29. Were emergency medical services called?                              | 1. Yes  
2. No |
| a. If yes, type of provider?                                             | 1. Doctor  
2. Ambulance  
3. Other: |
### FATAL/SERIOUS ACCIDENT REPORT

(Continued)

30. What was the outcome of medical attention?
- [ ] Treated at Scene and Released
- [ ] Victim Transferred to Medical Care
- [ ] Victim Refused Medical Care
- [ ] Dead at Scene
- [ ] Other

a. If the victim was transferred to medical care, give name of facility:

b. Was the victim admitted to a hospital?
- [ ] Yes
- [ ] No
- [ ] Unknown

31. Did the victim die as a result of this accident?
- [ ] Yes
- [ ] No
- [ ] Unknown

32. Was the local health department notified by the owner/operator?
- [ ] Yes
- [ ] No

a. If Yes, when?

b. If Yes, by whom?

c. If No, how did the local health department become aware?

### DESCRIPTION OF INCIDENT

Describe incident, including all pertinent information. Elaborate as necessary. Also describe any measures that might prevent a future incident of this nature. Use additional continuation sheets if necessary.

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Name of Health Official Completing Form (Print)  Title

Signature  Date

Distribution: Original - NJDOH
Copy - Local Health Department

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