

Agency Amendment

Cabinet for Health and Family Services
Department for Public Health
Division of Public Health Protection and Safety

902 KAR 10:120. Kentucky public swimming and bathing facilities. (Amended After Comments)

Page 12
Section 7(4)(e)
Line 21

After “deep water occurs (five (5) feet)”, insert the following:
except when the pool is being used for organized activities or during operation as a wave pool.

Page 40
Section 13
Line 8

Insert the following:
(12)(a) A facility submitting an alternative lifeguard staffing plan pursuant to Section 12(2)(e) of this administrative regulation may submit a request for a variance to the safety equipment requirements of this section to the Environmental Management Branch in the Department for Public Health.
(b) The variance requested shall not affect the safe and healthful operation of the facility.
(c) Before granting a variance, the cabinet shall require adequate proof from the applicant that the requested variance will comply with the basic intent of this section and that no safety or health hazard would be created if the variance is granted.

Page 49
Section 23(1)(a)
Line 18

After “Bathing Facilities Inspection”, insert “7/2022”.
Delete “5/2021”.

Page 49
Section 23(1)(b)
Lines 19 and 20

After “Beach Inspection Report”, insert “7/2022”.
Delete “5/2021”.

Material incorporated by reference

Public Swimming and Bathing Facilities Inspection Form (DFS-349)

Header

After "DFS-349", insert "(Rev. 7/2022)".
Delete "5/2021".

Facility Type:

After "Wading Pool ", insert the following:

Spa Splash Pad.

Delete "Spray Pool".

Before "Spa", insert "Government Owned Splash Pad", delete "Spa".

After "Other ", insert the following new section:

Variance: Alternative Lifeguard Plan filed with Public Safety Branch
 Safety Variance approved by Environmental Management Branch

Water Quality

*27.

After "Cyanuric acid (", insert "0".
Delete "25".

Bath Houses & Attendant Structures

34.

After "hand-drying", insert "device".
Delete "towels".

Safety

37.

Insert an asterisk before "37."
After "regulations posted,", insert "enforced".
After "good repair", insert "3".
Delete "2".

General Facility Operation

40.

After "40.", insert "Designated facility operator available 1".
Delete "Facility regulations enforced 2".

Public Swimming and Bathing Facilities Beach Inspection Report (DFS-350)

Header

After "DFS-350", insert "(Rev. 7/2022)".
Delete "5/2021".

Beach Frontage

After "Beach Frontage (", insert "linear".

Water Supply & Wastewater Disposal

*1.

After "adequate supply", insert "6".
Delete "3".

*2.

After "satisfactory operation", insert "6".
Delete "3".

Refuse Disposal

*3.

After "Approved disposal", insert "6".
Delete "3".

4.

After "good repair, adequate", insert "2".
Delete "1".

Facility Maintenance

5.

After "free of litter," insert "debris,".
After "prohibited", insert "4".
Delete "2".

6.

After "uniform slope", insert "4".
Delete "2".

*7.

After "conditions, turbidity", insert "6".
Delete "3".

*8.

After "properly located, conspicuous", insert "6".
Delete "3".

*9.

After "good repair, conspicuous", insert "6".
Delete "3".

*10.

After "water depth maintained", insert "6".
Delete "3".

11.

After "in good repair", insert "4".
Delete "2".

*12.

After "chemical discharges", insert "6".
Delete "3".

Bath Houses and Attendant Structures

13.

After "good repair", insert "2".
Delete "1".

14. After "good repair", insert "4".
Delete "2".
15. After "hand-drying", insert "devices".
Delete "towels".
After "soap provided", insert "2".
Delete "1".

Safety

- *16. After "on duty", insert ", if applicable".
After "sign posted", insert "6".
Delete "3".
17. After "Lifeguard Chairs", insert ", if applicable".
After "good repair", insert "4".
Delete "2".
- *18. After "location, maintained", insert "6".
Delete "3".
- *19. After "good repair", insert "6".
Delete "3".
20. Insert an asterisk before "20".
After "posted", insert "enforced".
After "good repair", insert "6".
Delete "2".
21. After "Facility", insert "operator available 2".
Delete the following:
 regulations enforced.....1
 22. Premises maintained free of debris, refuse 1.

Rating

- After "Rating", insert the following:
 ORDER OF IMMEDIATE CLOSURE OF FACILITY
 (ACTION CODE Z).
- Delete the following:
 (Multiply points marked times 2 for rating).