CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(Amended After Comments)

902 KAR 10:120. Kentucky public swimming and bathing facility operations[facilities].

RELATES TO: KRS Chapter 13B, 211.015, 211.205,[211.090, 211.210, 211.220,] 211.990(2), **15 U.S.C. 8003**[322.110, 323.020, 29 C.F.R. 1910.119, 15 U.S.C. 8003]

STATUTORY AUTHORITY: KRS 194A.050[(1)], 211.180(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) authorizes the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of Kentucky citizens and to operate programs and fulfill the responsibilities vested in the cabinet[]. KRS 194A.050(2) authorizes the secretary to promulgate regulations to establish a fee schedule for permitting and annual inspection of efforts regarding compliance with program standards administered by the cabinet. KRS 211.180 authorizes the cabinet to adopt administrative regulations relating to public facilities and their operation and maintenance in a safe and sanitary manner to protect public health and prevent health hazards. This administrative regulation establishes uniform standards for public swimming pools and bathing facilities.

Section 1. Definitions.

(1) [~~"Accessible" means having access to a fixture, connection, appliance or equipment, even if it is necessary to remove an access panel, door, or similar obstruction.~~]

[~~(2)~~] ["Agitation" means the mechanical or manual movement to dislodge the filter aid and dirt from the filter element.]

[~~(3)~~] ["Air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other device, and the flood level rim of the receptacle.]

[~~(4)~~] "Alkalinity" or "total alkalinity" means the amount of carbonates or bicarbonate present in water solution as expressed in parts per million (ppm).

(2) [~~(5)~~] "Approved" means that which is acceptable to the cabinet.

(3) [~~(6)~~] "Backwash" means the flow of water through the filter element or media in the reverse direction sufficient to dislodge the accumulated dirt and filter aid and remove them from the filter tank.

(4) [~~(7)~~] ["Backwash cycle" means the time required to backwash the filter system thoroughly.]

[~~(8)~~] ["Backwash rate" means the rate of application of water through a filter during the backwash cycle expressed in gallons per minute per square foot of effective filter area.]

[~~(9)~~] "Bather" means a person using a public swimming and bathing facility.

(5) [~~(10)~~] "Cabinet" is defined by KRS 211.015(1)(a).

(6) [~~(11)~~] ["Cartridge filter" means a filter that utilizes a porous cartridge as its filter media.]

[~~(12)~~] "Diatomaceous earth (DE) filter" means a filter that utilizes a thin layer of diatomaceous earth as its filter media that will need to be periodically replaced.

(7) [~~(13)~~] "Disinfectant" means an approved chemical compound designed for the destruction of pathogenic organisms in bathing facilities and includes chlorine and bromine.

(8) [~~(14)~~] ["Equalizer line" means the connection from the skimmer housing to the pool, spa, or hot tub below the weir box, which:]

[(a)] [Is sized to satisfy pump demand and prevent air lock or loss of prime; and]
[(b)] [Contains a float valve assembly and pop-up valve.]
[(15)] "Facility operator" means a person or employee of that person who is responsible for the proper operation and maintenance of the facility.
(9) [(16)] "Filter" means a device that separates solid particles from water by recirculating it through a porous substance.
(10) [(17)] "Filter aid" means an enhancement to the efficiency of the filter media.
(11) [(18)] "Filter cycle" means the operating time between cleaning or replacing the filter media or backwash cycles.
(12) [(19)] "Filter element" means a device within a filter tank designed to entrap solids and conduct water to a manifold, collection header, pipe, or similar conduit.
(13) [(20)] ["Filtration rate" means the rate of water flow through a filter while in operation.]
[(21)] ["Float valve assembly" means a mechanism designed to disengage the skimmer in order to prevent air from entering the pump if the water level drops below the skimmer level.]
[(22)] "Flow meter" means a device that measures the flow of water through piping.
(14) [(23)] ["Head loss" means the total pressure drop between the inlet and the outlet of a component.]
[(24)] "Holding tank" means a storage vessel to retain water for a spray pad recirculation system.
(15) [(25)] ["Hydrojet" means a fitting which blends air and water, creating a high velocity, turbulent stream of air enriched water.]
[(26)] "Inlet" means a fitting or fixture through which filtered water returns to a pool or spa.
(16) [(27)] "Main outlet" means an outlet fitting at the deepest point of the horizontal bottom of a pool through which water passes to a recirculating pump or surge tank, and is often referred to as a "main drain".
(17) [(28)] ["Modulating valve" means a valve that automatically regulates the flow of water from the main drain through the use of a float ball.]
[(29)] "Perimeter overflow system" means a channel at normal water level that extends completely around the pool perimeter and is used to remove surface debris, also known as an overflow or scum gutter.
(18) [(30)] ["Perlite filter" means a filter that utilizes a thin layer of perlite as its filter media deposited on a septum that must be periodically replaced.]
[(31)] "Play feature" means a structure or feature that is added to a pool for the purpose of entertainment.
(19) [(32)] "Plunge pool" means a pool or area within a pool designed as the termination point for a water slide or water ride.
(20) [(33)] ["Pop-up valve" means a mechanism located under the float valve assembly that opens to allow water to reach the pump when the float valve is activated.]
[(34)] ["Positive shutoff valve" means a valve that completely stops the flow of water.]
[(35)] "Precoat" means the process of depositing a layer of diatomaceous earth or perlite on the filter element at the start of a filter cycle.
(21) [(36)] "Public swimming and bathing facility" or "facility" means a natural or artificial body or basin of water that is modified, improved, constructed, or installed for the purpose of swimming or bathing, except for a pool at a private single family residence intended only for the use of the occupant[owner] and guests.
(22) "Public swimming and bathing facility enclosure" means an enclosure that surrounds and secures the public swimming and bathing facility which includes decking and pool.
(23) [(37)] "Readily accessible" means direct access without the necessity of removing any panel, door, or similar obstruction.

(24) ~~[(38)]~~ "Septum" means that part of the filter element consisting of cloth, closely woven fabric, or other porous material on which the filter **media**~~**[cake]**~~ is deposited.

(25) ~~[(39)]~~ "Skimmer" means a device designed to continuously remove surface film and water and return it through the filter.

(26) ~~[(40)]~~ "Splash pad" means a public swimming and bathing facility that ~~["Spray pad"means an area that]~~:

(a) Has aquatic play features that spray or drop water for the purpose of wetting people;

(b) Is designed so that there is no accumulation or ponding of water on the ground;~~[]~~ ~~[and]~~

(c) Includes both recirculating and non-recirculating water systems; and

(d) Includes splash pads operated by local governments as defined in KRS 211.205.

(27) ~~[(41)]~~ ~~["State Building Code" means the requirements established in 815 KAR Chapter 7.]~~

~~[(42)]~~ ~~["State Plumbing Code" means the requirements established in 815 KAR Chapter 20.]~~

~~[(43)]~~ "Strainer" means a device used to remove hair, lint, leaves, or other coarse material on the suction side of a pump.

(28) ~~[(44)]~~ ~~["Suction piping" means that portion of the circulation piping located between the facility structure and the inlet side of a pump.]~~

~~[(45)]~~ "Superchlorinate" means the addition to the public swimming and bathing facility water of an amount of chlorine sufficient to produce a free available chlorine that is at least equal to ten (10) times the amount of combined chlorine plus the required minimum level of free available chlorine in order to oxidize the ammonia and nitrogenous materials which may be dissolved in the facility water.

(29) ~~[(46)]~~ ~~["Surge tank" means a storage vessel within the pool recirculation system used to retain the water displaced by bathers.]~~

~~[(47)]~~ ~~["Total discharge head" means the amount of water that a pump will raise water above its center line.]~~

~~[(48)]~~ ~~["Total dynamic head" means the arithmetical difference between the total discharge head and total suction head (a vacuum reading is considered as a negative pressure). This value is used to develop the published performance curve.]~~

~~[(49)]~~ "Total residual chlorine" means the arithmetical sum of free available chlorine and combined chlorine, which is composed of the following components:

(a) Free available chlorine, which is the amount of chlorine available to inactivate microorganisms and that has not reacted with ammonia, nitrogenous material, and other contaminants in facility water; and

(b) Combined chlorine (also called "chloramine"), which is the amount of chlorine that has reacted and combined with ammonia and other nitrogenous material to form chloro-ammonia compounds.

(30) ~~[(50)]~~ ~~["Total suction head" means the amount of water that a pump will lift by suction.]~~

~~[(51)]~~ ~~["Turnover rate" means the time requirements, in hours or minutes, for the circulation system to filter and recirculate a volume of water equal to the facility volume.]~~

~~[(52)]~~ "Wading pool" means a pool or area within a pool where the water depth is twenty-four (24) inches or less.

~~[(53)]~~ ~~["Weir box" means an overflow system placed at normal operating water surface level to remove surface debris and does not form a continuous loop around the pool perimeter.]~~

Section 2. Submission of Plans, Annual Permit Fee, and Inspection Fees.

(1) Submission of Plans.

(a) All new construction, changes in construction and equipment shall be in accordance with the requirements set forth in 902 KAR 10:123.

(b) New facilities shall receive final construction approval inspections by the cabinet, and other affected state and local regulatory agencies, prior to placing the facility in operation. It shall be the owner or operator's responsibility to notify the cabinet and other involved agencies of construction completion and call for inspection.

(2) Annual Permit Fee.

(a) An annual permit fee of $110 for all public swimming and bathing facilities shall be:

1. Paid no later than May 1 each year; and

2. Paid to the Kentucky Department for Public Health by check or money order made payable to the Kentucky State Treasurer.

(b) A late payment fee of fifty-five (55) dollars shall be assessed on all annual permits not received by May 1 each year.

(c) Permits shall not be transferable.

(3) A fee shall be required for inspections conducted by the cabinet or the local health department to determine compliance with this administrative regulation for public swimming and bathing facilities.

(4) For public swimming and bathing facilities the annual inspection fee shall be:

(a) Assessed according to the total square footage of the water surface area;

(b) Calculated as established in this paragraph:

1. 1,000 square feet or less, the fee shall be ninety-nine (99) dollars;

2. 1,001 to 1,500 square feet, the fee shall be $165;

3. 1,501 to 2,000 square feet, the fee shall be $220; and

4. 2,001 and above, the fee shall be $220 plus fifty-five (55) dollars for each additional 500 square feet of water surface area; and

(c) Include eighty-two (82.50) dollars and fifty cents for interactive water features.

(5) For splash pads, the annual inspection fee shall be $275 per year.

(6) For spas and hot tubs, the annual inspection fee shall be $165 per year.

(7) The inspection fee required by this section shall be:

(a) Paid to the local health department having jurisdiction by check or money order made payable to the Kentucky State Treasurer;

(b) Deposited in the environmental fee account; and

(c) Sent to the Department for Public Health for deposit with the Kentucky State Treasury. ~~[and Specifications for Approval.]~~

~~[(1)] [A person shall not construct, alter, or reconstruct a public swimming and bathing facility until approval of detailed plans and specifications, with supporting design data as required in this administrative regulation, is granted in writing by the state or local agency having jurisdiction.]~~

~~[(2)] [The original plans and five (5) copies shall be submitted to the local health department with payment pursuant to 902 KAR 10:121.]~~

~~[(3)] [The front page of the plans submitted for review and approval shall contain the:]~~

~~[(a)] [Name of the swimming and bathing facility;]~~

~~[(b)] [Location by city and county;]~~

~~[(c)] [Name and contact information for the facility owner;]~~

~~[(d)] [Name of the installer; and]~~

~~[(e)] [Name of the engineer, architect, or person preparing the plans.]~~

~~[(4)] [Plans submitted by an engineer or architect shall bear the individual's official seal.]~~

~~[(5)] [Plans and specifications on public swimming and bathing facilities constructed by the state or local government, or for a facility with surface area greater than 1,600 square feet, shall be prepared by an engineer or architect registered in the State of Kentucky.]~~

[(6)] [The plans shall be:]

[(a)] [Drawn to scale;]

[(b)] [Accompanied by proper specifications to permit a comprehensive review of the plans, including the piping and hydraulic details; and]

[(c)] [Include:]

[1.] [A site plan of the general area with a plan and sectional view of the facility complex with all necessary dimensions;]

[2.] [A piping diagram showing all appurtenances including treatment facilities in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system;]

[3.] [The specifications on all treatment equipment, including performance ranges of pumps, disinfecting equipment, chemical feeders, filters, strainers, lights, skimmers, suction outlets or return inlets, diving boards, safety equipment, and other related equipment; and]

[4.] [Drawing of equipment room showing placement of equipment.]

[(7)] [One (1) set of approved plans shall be kept at the job site and available for inspection.]

[(8)] [Upon completion of recirculation piping system construction and prior to the piping being tested for air pressure at ten (10) pounds per square inch of pressure for fifteen (15) minutes and covered, the owner or builder shall contact the cabinet for inspection.]

[(9)] [Upon completion of construction, a notarized statement certifying the facility was constructed in accordance with the approved plans and this administrative regulation shall be submitted to the cabinet.]

[(10)] [The facility shall not be used before receiving a final inspection and written approval from the cabinet.]

[(11)] [Unless construction is begun within one (1) year from the date of approval, the approval shall expire. Extension of approval may be considered upon written request to the cabinet.]

[(12)] [No change in location, construction, design, materials, or equipment shall be made to approved plans or the facility without the written approval of the cabinet.]

Section 3. Water Supplies.

(1) Potable water from an approved municipal water system or water district shall be supplied to all public swimming and bathing facilities. If these supplies are not available, a potable water supply meeting the approval of the Energy and Environment Cabinet shall be provided.

(2) The water supply shall be capable of providing:

(a) Sufficient quantities of water under pressure to all water-using fixtures and equipment at the facility; and

(b) Enough water to raise the water level by at least one (1) inch in three (3) hours in:

1. Swimming, diving, or wave pools; and
2. Water slide plunge pools.

Section 4. [Water Quality and Sanitary Requirements for Bathing Beaches.]

[(1)] [Prior to the issuance of plan and construction approval, the cabinet shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical, chemical, and bacteriological characteristics of the bathing beach area and the watershed.]

[(2)] [Physical quality. The following characteristics shall not be present in the beach area or watershed:]

[(a)] [Sludge deposits, solid refuse, floating waste solids, oils, grease, and scum; or]

[(b)] [Hazardous substances being discharged into bathing beach water or watershed.]

[(3)] [Bacteriological quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:]

[(a)] [It shall meet the requirements of 401 KAR 10:031. Satisfactory bacteriological results shall be obtained before approval for construction is considered; and]

[(b)] [There shall not be any sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate watershed.]

[(4)] [Chemical quality. There shall not be any discharges of chemical substances, other than disinfecting agents, capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.]

[Section 5.] Sewage and Wastewater Disposal.

(1) Sewage or wastewater generated from the operation of a public swimming and bathing facility shall discharge to a public sanitary sewer.

(2) If a public sanitary sewer is not available, sewage or wastewater shall be discharged to a system which complies with 902 KAR 10:085.

(3) Outdoor deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or to the ground surface without additional treatment. This drainage shall not result in nuisance conditions that create an offensive odor, a stagnant wet area, or an environment for the breeding of insects.

(4) Filter backwash shall be discharged to public sanitary sewers, or if unavailable, to a system approved by the cabinet.

Section 5. [Section 6.] Refuse Disposal.

(1) All refuse at a public swimming and bathing facility shall be disposed of in a manner approved by the Energy and Environment Cabinet in KAR Title 401.

(2) An adequate number of refuse containers with tight fitting lids shall be provided at readily accessible locations at all public swimming and bathing facilities.

(3) Refuse containers in women's restrooms shall be kept covered.

(4) Bulk refuse storage areas shall be designed and maintained to prevent rodent harborage.

(5) Bulk refuse containers shall be:

(a) Of approved design and construction;

(b) Kept closed; and

(c) Placed upon an impervious surface within a suitable enclosure to prevent access by animals.

Section 6. [Section 7.] Facility Design and Construction.

(1) All public swimming and bathing facilities, and attendant structures, such as bathhouses, dressing rooms, or restrooms[, except for beach areas at bathing beaches,] shall meet the design, materials, fixture, and construction requirements of 815 KAR 7:120 and 815 KAR Chapter 20.

(2) Bathhouses, restrooms, and drinking fountains shall not be required for the design and construction of splash pads. [The wading and swimming areas at beaches where the water is less than five (5) feet deep shall be separated from swimming and diving areas by lines securely anchored and buoyed. Safe limits of swimming shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within these limits of safe swimming there shall not be any boating, underwater obstructions, or other hazards that may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing these markers and stating that they indicate the limits of safe bathing. The bottom of the swimming area shall consist of sand or gravel and be of a uniform slope.]

[(3)] [If diving facilities are provided at beaches, the design and layout of the facilities and associated unobstructed water depths shall be in accordance with the State Building

~~Code requirements for swimming and diving pools. The water surrounding any floats or inflatable features where diving is permitted shall be at least nine (9) and one-half (1/2) feet deep.]~~

~~[(4)] [Depth markings and lane lines.]~~

~~[(a)] [On all facilities other than beaches, the depth of the water shall be marked plainly at or above the water surface on the vertical wall of the facility, if possible, and on the edge of the deck next to the facility. Depth markers shall be placed at the following locations:]~~

~~[1.] [At the points of maximum and minimum depths;]~~

~~[2.] [At the point of change of slope between deep and shallow portions or transition point;]~~

~~[3.] [At intermediate two (2) feet increments of water depth; and]~~

~~[4.] [If the facility is designed for diving, at appropriate points to denote the water depths in the diving area.]~~

~~[(b)] [Depth markers shall be spaced so that the distance between adjacent markers is not greater than twenty-five (25) feet as measured peripherally.]~~

~~[(c)] [Depth markers shall be in Arabic numerals at least four (4) inches high and of a color contrasting with the background. If depth markers cannot be placed on the vertical walls at or above the water level, other means shall be used, so that markings shall be plainly visible to persons in the facility.]~~

~~[(d)] [Lane lines or other markings on the bottom of the facility shall be a minimum of ten (10) inches in width and be of a contrasting color.]~~

~~[(e)] [A safety line supported by buoys shall be provided across the section of the pool where the break between the shallow and deep water occurs (five (5) feet) except when the pool is being used for organized activities or during operation as a wave pool. The line shall be placed one (1) foot toward the shallow end from where the break occurs.]~~

Section 7. ~~[Section 8.]~~ Facility Water Treatment Systems.

(1) Â

~~[(a)]~~ A recirculation system, consisting of pumps, piping, filters, water conditioning, disinfection equipment, and other accessory equipment shall be provided to clarify, chemically balance, and disinfect the water for all swimming and bathing facilities~~[, except bathing beaches]~~.

(2) ~~[(b)]~~ The recirculation system shall comply with the requirements set forth in 902 KAR 10:123. ~~[All system components, including piping, shall bear the NSF International (NSF) potable water (NSF-pw) mark.]~~

~~[(c)] [Pumps greater than seven and five-tenths (7.5) horse power that are not required to meet NSF testing standards shall be considered on a case-by-case basis.]~~

~~[(2)] [Pumping equipment.]~~

~~[(a)] [The recirculation pump and motor shall deliver the flow necessary to obtain the turnover required in the table below. A valve for flow control and a flow meter shall be provided in the recirculation pump discharge piping.]~~

~~[(b)] [The turnover rate shall be:]~~

~~[Type of Facility]~~	~~[Turnover Required]~~
~~[Diving pools]~~	~~[8 hours or less]~~
~~[Wading pools, Spas, Therapy pools, Spray pad holding tanks, Facility equipped with a spray feature not providing additional filtered and disinfected water to the spray feature]~~	~~[30 minutes or less]~~

[Wave pools, Lazy rivers, Water rides]	[2 hours or less]
[Vortex pools, Plunge pools]	[1 hour or less]
[All other pools]	[6 hours or less]

[(c)] [Higher flow rates may be necessary in pools with skimmers so that each skimmer will have a minimum flow rate of thirty (30) gallons per minute.]

[(d)] [The pump shall be of sufficient capacity to provide a minimum backwash rate of fifteen (15) gallons per square foot of filter area per minute in sand filter systems.]

[(e)] [The pump or pumps shall supply the required recirculation rate of flow to obtain the turnover rate required at a total dynamic head of at least:]

[1.] [Fifty (50) feet for all vacuum filters;]

[2.] [Seventy (70) feet for pressure sand or cartridge filters; or]

[3.] [Eighty (80) feet for pressure diatomaceous earth filters and perlite filters.]

[(f)] [If the pump is located at an elevation higher than the facility water line, it shall be self-priming.]

[(g)] [If vacuum filters are used, a vacuum limit control shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of eighteen (18) inches of mercury.]

[(h)] [A compound vacuum-pressure gauge or vacuum gauge shall be installed on the suction side of the pump.]

[(i)] [A pressure gauge shall be installed on the pump discharge line adjacent to the pump.]

[(j)] [Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection of hair and lint strainers.]

[(k)] [A hair or lint strainer with openings no more than one-eighth (1/8) inch is required except for pumps that are used with vacuum filter systems.]

[(3)] [Water heaters shall be installed at all indoor swimming and bathing facilities, and shall comply with the following:]

[(a)] [A water heater piping system shall be equipped with a bypass. A valve shall be provided at the bypass and on the influent and effluent heater piping. The influent and effluent heater piping shall be metallic and installed in accordance with heater manufacturer's recommendations;]

[(b)] [A heating coil, pipe, or steam hose shall not be installed in any swimming and bathing facility;]

[(c)] [Thermometers shall be provided in the piping to check the temperature of the water returning from the facility and the temperature of the blended water returning to the facility;]

[(d)] [An automatic temperature limiting device with thermostatic control that prevents the introduction of water in excess of 100 degrees Fahrenheit to swimming and diving pools and in excess of 104 degrees Fahrenheit for spas shall be provided and shall be accessible only to the facility operator;]

[(e)] [A pressure relief valve shall be provided and shall be piped to within six (6) inches of the floor;]

[(f)] [Venting of gas or other fuel burning water heaters shall be provided in accordance with the State Building Code;]

[(g)] [Heaters for indoor swimming and diving pools shall be capable of maintaining an overall pool water temperature between seventy-six (76) degrees Fahrenheit and eighty-four (84) degrees Fahrenheit;]

[(h)] [Combustion and ventilation air shall be provided for fuel burning water heaters in accordance with manufacturer recommendations or the State Building Code;]

[(i)] [Heaters for indoor swimming and diving pools shall be sized on a basis of 150 British Thermal Units per hour input per square foot of pool water surface area; and]

[(j)] [All heaters shall meet the latest standards of applicable recognized testing agencies.]

[(4)] [A flow meter shall be:]

[(a)] [Located so that the rate of recirculation may be easily read;]

[(b)] [Installed on a straight length of pipe at a distance of at least ten (10) pipe diameters downstream, and five (5) pipe diameters upstream from any valve, elbow, or other source of turbulence, except for those specifically designed without separation parameters; and]

[(c)] [Installed on each recirculation system, spray pad feature, waterslide, any other type of spray feature, and on multiple filtration units.]

[(5)] [Vacuum cleaning system.]

[(a)] [A vacuum cleaning system shall be:]

[1.] [Provided for all facilities except beaches; and]

[2.] [Capable of reaching all parts of the facility bottom.]

[(b)] [A vacuum system that utilizes the attachment of a vacuum hose to the suction piping through the skimmer may be provided.]

[(c)] Â

[1.] [If the vacuum cleaning system is an integral part of the facility recirculation system, a wall fitting shall be provided:]

[a.] [Eight (8) to twelve (12) inches below the normal water level; and]

[b.] [With a cap or plug that is not removable by bathers.]

[2.] [Piping from this connection shall be:]

[a.] [To the suction side of the pump ahead of the hair and lint strainer;]

[b.] [At least one and one-half (1-1/2) inches in diameter; and]

[c.] [Equipped with a control valve near the junction with the pump suction line.]

[3.] [The size of the vacuum hose shall be at least one and one-half (1-1/2) inches in diameter and be of sufficient strength to prevent collapsing and allow adequate flow for proper cleaning.]

[(d)] [Automatic vacuum systems may be used to supplement the built-in vacuum system provided they are capable of removing all debris from the facility bottom.]

[(e)] [Vacuum systems shall only be used when the facility is closed to bathers.]

[(6)] [Piping, skimmer, and overflow system.]

[(a)] [Piping shall comply with the material specifications listed in the Kentucky State Plumbing Code for potable water.]

[(b)] [All piping, valves, and fittings shall be color coded, suitably labeled, or marked to denote its purpose within the facility water treatment system.]

[(c)] [The piping shall be designed to carry the required quantities of water at velocities not exceeding five (5) feet per second in suction piping and ten (10) feet per second in pressure piping.]

[(d)] [Gravity piping shall be sized so that the head loss in piping, fittings, and valves does not exceed the difference in water levels between the facility and the maximum operating level in the surge or filter tank.]

[(e)] [The following waste lines shall be provided with six (6) inch air gaps at their points of discharge to the waste pump or sewer:]

[1.] [Main outlet bypass or other connections to waste;]

[2.] [Surge tank drain and overflow lines;]

[3.] [Pump discharge to waste lines; and]

[4.] [Gutter bypass to waste lines.]

[(7)] [Inlets.]

[(a)] [Each inlet shall be directionally adjustable.]

[(b)] [The velocity of flow through any inlet orifice shall be in the range of five (5) to twenty (20) feet per second, except that facilities equipped with skimmers shall have a velocity of flow in the range of ten (10) to twenty (20) feet per second.]

[(c)] [Inlets shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire facility without the existence of dead spots.]

[(d)] [Inlets in facilities with skimmers shall be twelve (12) inches below the midpoint on the skimmer throat.]

[(e)] [Inlets in facilities with a prefabricated perimeter overflow system shall be eight (8) inches or more below the lip of the gutter.]

[(f)] [Inlets shall be placed completely around the pool with each serving a linear distance of not more than fifteen (15) feet on center. The pipe serving the inlets shall form a loop completely around the pool.]

[(g)] [The number of inlets shall be determined by dividing the perimeter of the pool measured in feet, by fifteen (15). Any fraction thereof would represent one (1) additional inlet.]

[(h)] [Pools greater than forty-five (45) feet wide shall be equipped with floor inlets in a grid pattern located no more than seven and five-tenths (7.5) feet from a wall and no more than fifteen (15) feet apart. The grid shall form a continuous loop with no reduction in loop pipe sizing.]

[(i)] [A minimum of two (2) inlets is required on all pools, holding tanks, and bathing facilities, regardless of size.]

[(j)] [At least one (1) inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.]

[(k)] [Prefabricated perimeter overflow systems shall be approved on a case-by-case basis by the cabinet.]

[(8)] [Outlets.]

[(a)] [All facilities, including holding tanks, shall be provided with a minimum of two (2) main outlets at the deepest horizontal point plumbed in parallel to permit the facility to be completely and easily drained.]

[(b)] [Openings and grates shall:]

[1.] [Conform to 15 U.S.C. 8003;]

[2.] [Be covered by a proper grating that is not removable by bathers;]

[3.] [Be at least four (4) times the area of the main outlet pipe;]

[4.] [Have sufficient area so that the maximum velocity of the water passing through the grate does not exceed one and one-half (1-1/2) feet per second at maximum flow; and]

[5.] [Have a maximum grate opening width of one-fourth (1/4) inch.]

[(c)] [Additional outlets shall be provided in all facilities where the width of the facility is more than sixty (60) feet. In these cases, outlets shall be spaced not more than thirty (30) feet apart, nor more than fifteen (15) feet from side walls, and shall be connected in parallel, not series.]

[(d)] [A hydrostatic relief valve may be provided for in-ground swimming and diving pools. Subsurface drainage, if provided, shall not be directly connected to a sanitary sewer.]

[(e)] [Main outlet piping shall be sized for water removal at a rate of at least 100 percent of the design recirculation flow rate and at velocities specified in subsection (6)(c) of this section. It shall function as a part of the recirculation system. The piping system shall be valved to permit adjustment of flow through it.]

[(9)] [Perimeter overflow systems.]

[(a)] [Swimming and bathing facilities with a water surface area greater than 1,600 square feet shall have a continuous perimeter overflow system.]

[(b)] [A perimeter overflow system shall:]

[1.] [Extend completely around the facility;]

[2.] [Permit inspection, cleaning, and repair;]

[3.] [Be designed so that no ponding or retention of water occurs within any portion of the system;]

[4.] [Be designed to prevent entrapment of bathers or the passage of small children into an enclosed chamber;]

[5.] [Have an overflow lip which is rounded, provides a good handhold, and is level within two-tenths (0.2) inch;]

[6.] [Provide for the rapid removal of all water and debris skimmed from the pool's surface;]

[7.] [Be designed for removal of water from the pool's upper surface at a rate equal to 100 percent of the design turnover flow rate;]

[8.] [Discharge to the recirculation system;]

[9.] [Be provided with a minimum of two (2) outlet pipes that will not allow the overflow channel to become flooded when the facility is in normal use;]

[10.] [Require additional outlet pipes provided at one (1) per 150 lineal feet of perimeter overflow system or fraction thereof; and]

[11.] [Have drain gratings with surface area at least equal to two (2) times the area of the outlet pipe.]

[(10)] [All facilities that have perimeter overflow systems shall have a net surge capacity of at least one (1.0) gallon per square foot of water surface area. Surge capacity shall be provided either in a vacuum filter tank, surge tank, or a combination of these. Main drain piping shall terminate eighteen (18) inches above the surge tank floor and be equipped with a modulating valve and a positive shutoff valve. Surge capacity for a diatomaceous earth (DE) filter is measured eighteen (18) inches above the filter media and the bottom of the gutter pipe.]

[(11)] [Skimmers are permitted on facilities whose width does not exceed thirty (30) feet and whose water surface area is 1,600 square feet or less. If skimmers are used, the following shall be met:]

[(a)] [At least one (1) skimmer shall be provided for each 500 square feet of water surface area or fraction thereof with a minimum of two (2) skimmers provided, except for spas, holding tanks, or wading pools with a water surface area of 144 square feet or less, where a minimum of one (1) skimmer shall be required.]

[(b)] [Skimmers shall be located to minimize interference with each other.]

[(c)] [The rate of flow per skimmer shall not be less than thirty (30) gallons per minute, and all skimmers shall be capable of handling at least eighty (80) percent of required flow rate.]

[(d)] [Surface skimmer piping shall have a separate valve in the equipment room to permit adjustment of flow.]

[(e)] [Each skimmer shall be provided with an equalizer line at least one and one-half (1 1/2) inches in diameter, located at least one (1) foot below the lowest overflow level of the skimmer, and be provided with a self-closing valve and cover that conforms to 15 U.S.C. 8003.]

[(f)] [All overflow water shall pass through a basket that can be removed without the use of tools.]

[(g)] [All pools not equipped with a perimeter overflow system shall have a smoothly contoured handhold coping not over two and one-half (2 1/2) inches thick for the outer two (2) inches or an equivalent approved handhold. The handhold shall be no more than nine (9) inches above the normal water line.]

[(12)] [All facilities shall be equipped for the addition of make-up water from a potable water source pursuant to the following:]

[(a)] [Discharge through an air gap of at least six (6) inches to a surge tank or a vacuum filter tank. If make-up water is added directly to the facility, the fill-spout shall be located under or immediately adjacent to a ladder rail, grab rail, or lifeguard platform. If added to a surge tank or vacuum filter tank, the six (6) inch air gap shall be measured above the top lip of the tank; and]

[(b)] [Through piping with vacuum breaker, antisiphon, or other protection as specified by the State Plumbing Code.]

[(13)] [Filtration.]

[(a)] [Filters shall comply with the following:]

[1.] [Pressure filters shall have:]

[a.] [Pressure gauges;]

[b.] [An observable free fall, or a sight glass installed on the backwash discharge line; and]

[c.] [A manual air-relief valve at the high point;]

[2.] [The filter backwash disposal facility shall have sufficient capacity to prevent flooding during the backwash cycle;]

[3.] [All filters shall be designed so that they can be completely drained. Filters shall be drained through a six (6) inch air gap to a pump or sanitary sewer; and]

[4.] [Filter media shall be listed as NSF approved.]

[(b)] [Each facility shall have separate filtration and treatment systems.]

[(c)] [Filter equipment and treatment systems shall operate continuously twenty-four (24) hours per day, except if the facility is closed for repairs or at the end of the swimming season.]

[(d)] [Rapid sand or gravity sand filters shall be designed for a filter rate not to exceed three (3) gallons per minute per square foot of bed area at time of maximum head loss with sufficient area to meet the design rate of flow required by the prescribed turnover.]

[(e)] [At least eighteen (18) inches of freeboard shall be provided between the upper surface of the filter media and the lowest portion of the pipes or drains that serve as overflows during backwashing.]

[(f)] [The filter system shall be designed with necessary valves and piping to permit filtering to the pool.]

[(g)] [High rate sand filters. The design filtration rate shall be a minimum of five (5) gallons per minute per square foot of filter area. The maximum design filtration rate shall be the lesser of fifteen (15) gallons per minute per square foot of filter area or seventy-five (75) percent of the NSF listed filtration rate. The backwash rate shall be fifteen (15) gallons per minute per square foot of filter area.]

[(h)] [Diatomaceous earth filters shall comply with the following requirements:]

[1.] [The design filtration rate shall not exceed one and one-half (1 1/2) gallons per minute per square foot of filter area on diatomaceous earth filters, except that the rate of filtration may be increased to two (2) gallons per minute per square foot of filter area if continuous feeding of diatomaceous earth is employed;]

[2.] [A precoat pot shall be provided on the pump suction line for pressure diatomaceous earth systems. All diatomaceous earth filter systems shall have piping arranged to allow recycling of the filter effluent during precoating;]

[3.] [If equipment is provided for the continuous feeding of diatomaceous earth to the filter influent, the equipment shall have a capacity to feed at least one and one-half (1 1/2) ounces of this material per square foot of filter area per day;]

[4.] [Overflow piping on vacuum diatomaceous earth filters shall be provided on the filter tank to discharge overflow water;]

[5.] [All filters shall be equipped for cleaning by one (1) or more of the following methods:]

[a.] [Backwashing;]

[b.] [Air-pump assist backwashing;]

[c.] [Spray wash;]

[d.] [Water pressure to wash vacuum filter; or]

[e.] [Agitation; and]

[6.] [Perlite may be used in filters listed by NSF for perlite, but it may not be substituted for diatomaceous earth without NSF listing.]

[(i)] [Vacuum sand filters shall comply with the following requirements:]

[1.] [The design filtration rate shall be seventy-five (75) percent of that listed by NSF or fifteen (15) gallons per minute, whichever is lesser. The backwash rate shall be at fifteen (15) gallons per minute per square foot of filter area; and]

[2.] [Overflow piping shall be provided in order to drain overflow water.]

[(j)] [Cartridge filters shall comply with the following requirements:]

[1.] [Cartridge filters shall not be used on facilities with a capacity larger than 80,000 gallons;]

[2.] [Cartridge filters shall only be used on indoor pools;]

[3.] [The design filtration rate shall not exceed fifteen hundredths (0.15) gallons per minute per square foot of filter surface area; and]

[4.] [A clean duplicate set of cartridges shall be maintained at the facility.]

[(14)] [Disinfectant and chemical feeders.]

[(a)] [The minimum chemical feed equipment required at any facility shall include a unit for feed of a disinfectant and a unit for feed of a chemical for pH control.]

[(b)] [Equipment capacity.]

[1.] [Equipment for supplying chlorine or compounds of chlorine shall be of sufficient capacity to feed the chlorine at a rate of:]

[a.] [Eight (8) ppm or two and seven-tenths (2.7) pounds per day chlorine gas or its equivalent for each 10,000 gallons of pool volume for outdoor facilities; or]

[b.] [Three (3) ppm or one (1) pound per day for chlorine gas or its equivalent for each 10,000 gallons of pool volume for indoor facilities based on the turnover rates specified in subsection (2)(b) of this section.]

[2.] [The equipment for supplying chlorine shall not be controlled by a day-date clock.]

[3.] [The injection point for chlorine shall be placed on the discharge side of the pump and downstream of the flow meter unless the chlorine injection point is located within the surge tank.]

[4.] [Pot feeders for supplying bromochlorodimethylhydantoin sticks shall contain at least five tenths (0.50) a pound of bromochlorodimethylhydantoin per thousand gallons of facility capacity, or fraction thereof. The feeder shall have a method of feed rate adjustment.]

[5.] [Supplemental NSF listed ultraviolet (UV) light disinfection systems:]

[a.] [Shall be provided on all splash pads with a recirculating water system;]

[b.] [Shall be installed on a bypass line; and]

[c.] [Shall be equipped with a flow indicator; and]

[d.] [May be used on other facilities as supplemental disinfection.]

[6.] [Ozone may be used as a supplement to chlorination or bromination. Ozonation equipment will be considered by the cabinet on a case-by-case basis.]

[7.] [No more than one (1) gram per day of ozone per ten (10) gallons per minute of flow rate will be allowed. The ambient air ozone concentration shall be less than five hundredths (.05) ppm at all times either in the vicinity of the ozonator or at the pool water surface.]

[(c)] [If positive displacement pumps, or hypochlorinators, are used to inject the disinfectant solution into the recirculation line, they shall be of variable flow type and shall be of sufficient capacity to feed the amount of disinfectant required by paragraph (b)1 of this subsection. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed five (5) percent. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in paragraph (b)1 of this subsection.]

[(d)] [Gas chlorinators shall only be used in a pre-existing facility and shall comply with applicable sections of 29 C.F.R. 1910.119.]

[(e)] [pH control feeders. All facilities shall install a chemical feeder of positive displacement type for the purpose of applying chemicals to maintain pH of facility water within the range of seven and two-tenths (7.2) to seven and eight-tenths (7.8). A solution tank of adequate capacity shall be provided.]

[(15)] Â

[(a)] [Testing equipment shall be provided at all swimming and bathing facilities, maintained with fresh reagents, and consist of a DPD (Diethyl-P-Phenylene-Diamine) colorimetric test kit used to determine free disinfectant residual, combined disinfectant residual, total alkalinity, and pH of the facility water. Test kits using orthotolidine reagents shall not be acceptable.]

[(b)] [Test kits shall be used to determine the total residual chlorine either directly or by summation of free chlorine and combined chlorine test results. Chlorine standards shall range from one-tenth (0.1) to five (5.0) ppm.]

[(c)] [pH standards shall range from six and eight-tenths (6.8) to eight and four-tenths (8.4).]

[(d)] [Both tests shall be accurate to within two-tenths (0.2) units.]

[(e)] [Facilities using cyanurates for stabilization shall have a test kit to measure the cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 ppm.]

Section 8. [Section 9.] Operational Water Quality Standards.

(1) Disinfectant residuals for swimming and diving pools, holding tanks, wading pools, water slides, and wave pools:

(a) Chlorine residual shall be maintained between one (1) and five (5) ppm as free available chlorine.

(b) Bromine residual shall be maintained between two (2) and six (6) ppm as free available disinfectant.

(c) Pools stabilized with cyanuric acid shall meet the following criteria:

1. Be an outdoor facility;

2. Maintain one and five-tenths (1.5) to five (5) ppm free available chlorine residual; and

3. Cyanuric acid concentration not to exceed fifty (50) ppm.

(d) If the presence of chloramines is determined, superchlorination is required, and the chloramine level shall not exceed two-tenths (0.2) ppm.

(2) Disinfectant residuals for spas:

(a) Chlorine residual shall be maintained between two (2)[one (1)] and five (5) ppm as free available chlorine;

(b) Bromine residual shall be maintained between two (2) and six (6) ppm as free available disinfectant; and

(c) If the level of chloramines exceeds two-tenths (0.2) ppm, superchlorination is required. During the superchlorination process and until the time that free chlorine levels return to five (5) ppm or less, the facility shall be closed.

(3) The pH of the facility water shall be maintained in a range of seven and two-tenths (7.2) to seven and eight-tenths (7.8). For corrosive water supplies, the alkalinity level shall be suitably adjusted to allow maintenance of the pH level.

(4) Turbidity. Facility water shall have sufficient clarity at all times so that:

(a) A black disc, six (6) inches in diameter, is readily visible when placed on a white field at the deepest point of the pool; and

(b) The openings of the main outlet grate are clearly visible by an observer on the deck.

(5) Total alkalinity. The alkalinity of the facility water shall not be less than fifty (50) nor more than 180 ppm, as determined by suitable test kits.

(6) Temperature.

(a) The water temperature for indoor swimming and bathing facilities other than spas shall not be less than seventy-six (76) degrees Fahrenheit nor more than eighty-four (84) degrees Fahrenheit. The cabinet may allow variances from the above temperature limits for special use purposes as competition, physical therapy, or instruction of children. Variances may be approved if proof is presented showing that a variance from the temperature requirements is necessary for the special uses stated and that the variance will not jeopardize public health.

(b) Air temperature at an indoor facility shall be higher than the water temperature, except for spas.

(c) Water temperatures for any facility including spas shall not exceed 104 degrees Fahrenheit.

(d) All facilities with heated water shall have at least one (1) break proof thermometer located within the facility water in a conspicuous location. The thermometer shall be securely mounted to prevent tampering by bathers.

(7) Testing Equipment.

(a) Testing equipment shall be provided at all swimming and bathing facilities, maintained with fresh reagents, and consist of a DPD (Diethyl-P-Phenylene-Diamine) colorimetric test kit used to determine free disinfectant residual, combined disinfectant residual, total alkalinity, and pH of the facility water. Test kits using orthotolidine reagents shall be prohibited.

(b) Test kits shall be used to determine the total residual chlorine either directly or by summation of free chlorine and combined chlorine test results. Chlorine standards shall range from one-tenth (0.1) to five (5.0) ppm.

(c) pH standards shall range from six and eight-tenths (6.8) to eight and four-tenths (8.4).

(d) Both tests shall be accurate to within two-tenths (0.2) units.

(e) Facilities using cyanurates for stabilization shall have a test kit to measure the cyanuric acid concentration. The cyanuric acid test kit shall permit readings up to 100 ppm.

(8) The facility operator shall perform tests for each of the above water quality characteristics before opening and during all hours of operation based on the frequency schedule listed below, and record all test results on a daily operational log sheet:

(a) Disinfectant residual, temperature, and pH shall be checked at least three (3) times daily with a greater frequency if bather load or climatic conditions warrant.

(b) Turbidity shall be checked daily, or more often as needed.

(c) The following shall be checked weekly, or more often as needed:

1. Alkalinity; and
2. Cyanuric acid, if used.

(9) ~~[(8)]~~ All spas shall be completely drained, thoroughly cleaned, and refilled with potable water at least once per week. Cleaners used shall be compatible with facility wall and bottom finishes.

Section 9. ~~[Section 10.]~~ General Facility Operation and Maintenance.

(1) All facilities shall be maintained:

(a) Free from sediment and debris; and

(b) In good repair.

(2) Decks shall be kept clean. Indoor decks shall be disinfected at least weekly.

(3) Perimeter overflow and skimmers. The perimeter overflow system or automatic surface skimmers shall be clean and free of leaves or other debris. The strainer baskets for skimmers shall be cleaned daily. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action. The facility water shall be maintained at an elevation so that effective surface skimming is accomplished. The flow returning from the facility shall be balanced or valved so that the majority of flow is returned through the perimeter overflow or skimmer system.

(4) Inlet fittings. Inlets shall be checked frequently to ensure~~[insure]~~ that the rate of flow through each inlet is correct so that a uniform distribution pattern is established.

(5) Bather preparation facilities.

(a) The floors of dressing rooms, shower stalls, and other interior rooms shall be cleaned and disinfected daily.

(b) Toilet rooms and fixtures shall be kept clean, free of dirt and debris, and in good repair.

(c) Floors shall be maintained in a nonslip condition.

(d) Soap dispensers shall be filled and operable.

(e) Adequate supplies of toilet tissue, disposable hand drying towels, or suitable hand drying devices shall be maintained.

(6) Street attire. Street shoes shall not be worn on the facility decks or wet areas of the bather preparation facilities, except for those persons engaged in official duties.

(7) Safety.

(a) All public swimming and bathing facility enclosures shall~~[facilities shall have adequate enclosures that]~~ meet the specifications of Department of Housing, Buildings and Construction. Doors or gates in the facility enclosure shall be kept closed and locked if the facility is closed.

(b) Facility enclosures shall not be required for splash pads.

(8) Electrical systems. Repairs to any electrical system shall be made by an electrician. All repairs shall be in accordance with the National Electrical Code and shall be approved by a certified electrical inspector.

(9) Diving equipment, ladders, hand rails, and other similar equipment, shall be maintained in good repair, be securely anchored, and have a nonslip surface.

(10) Operation of mechanical equipment.

(a) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the facility.

(b) Pumps, filters, disinfectant feeders, pH controls, flow indicators, gauges, and all related components of the facility water recirculation system shall be kept in continuous operation twenty-four (24) hours a day.

(c) Recirculation pumps. The pump shall not be throttled on the suction side during normal operation, except for the **main drain**~~**[bottom drain valve]**~~, and shall be kept in good repair and condition. The flow control valve on the discharge side shall be adjusted as necessary to maintain the design flow rate.

(11) Filtration.

(a) Sand filters.

1. The filter air release valve shall be opened, as necessary, to remove air which collects in the filter and following each backwash.

2. The filter shall be backwashed if the design flow rate can no longer be achieved, or as specified by the filter manufacturer, whichever occurs first.

(b) Diatomaceous earth filters.

1. The dosage of diatomaceous earth precoat shall be at least one and one-half (1 1/2) ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed if the design flow rate can no longer be achieved or as specified by the filter manufacturer, whichever occurs first. If the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed if the design flow rate can no longer be achieved or as specified by the filter manufacturer, whichever occurs first;

2. Following the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced; and

3. If continuous diatomaceous earth feed is required (filter loading rate exceeds one and five-tenths (1.5) gallons per minute per square foot of filter surface area), it shall be applied at a rate of one-half (1/2) to one and one-half (1 1/2) ounces per square foot of surface area per day, or as needed to extend filter cycles.

(12) Hair and lint strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened. In all cases, the hair strainer basket shall be cleaned during the time the filter is being backwashed.

(13) Flow meters. Flow meters shall be maintained in an accurate operating condition and readily accessible. The glass and the connecting tubes shall be kept clean.

(14) Vacuum and pressure gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.

(15) Positive displacement feeders.

(a) Positive displacement feeders shall be periodically inspected and serviced;

(b) To minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used. If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit; and

(c) Sludge accumulations shall be cleaned periodically from the unit.

(16) Chlorinated cyanurates. The use of chlorinated cyanurates shall be prohibited.

(17) pH adjustment.

(a) Soda ash or caustic soda may be used to raise the facility water pH.

(b) Caustic soda shall only be used in accordance with the manufacturer's instructions. If caustic soda is intended for use, the cabinet shall be notified in writing. Protective equipment and clothing, including rubber gloves and goggles, shall be available for the handling and use of this chemical.

(c) Sodium bisulfate or muriatic acid may be used to lower pool water pH.

(d) Hydrochloric (muriatic) acid may only be used with proper supervision and care. Protective equipment and clothing, including rubber gloves and goggles, shall be available for handling this chemical.

(e) The cabinet shall be consulted if there are unusual pH problems including corrosion, scaling, or wide fluctuations in pH.

(18) Algae control.

(a) The development of algae shall be eliminated by superchlorinating. The facility shall not be open for use during this treatment. If superchlorination fails to eliminate the algae, the cabinet shall be consulted for further advice.

(b) Treated algae which cling to the bottom and sides of the facility shall be brushed loose and removed by the suction cleaner and filtration system.

(19) Miscellaneous chemicals.

(a) Chemicals other than approved disinfectants shall be used only with the advice and under the supervision of the cabinet.

(b) Chemicals shall be kept covered and stored in the original container, away from flammables and heat, and in a clean, dry, and well-ventilated place that prevents unauthorized access to the chemicals.

(c) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions.

(d) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed ten (10) ppm.

(20) Equipment rooms shall comply with the following requirements:

(a) Equipment necessary for facility operation shall be housed in a lighted, ventilated room that affords protection from the weather and[,] prevents unauthorized access.

(b) [, has ceilings of at least seven (7) feet in height, and is of sufficient size for operation and inspection;]

[(b)] [The equipment room floor shall slope toward drains and shall have a nonslip finish;]

[(c)] [A hose bib with a vacuum breaker shall be installed in the equipment room;]

[(d)] Suitable space, if not provided in the equipment room, shall be provided for storage of chemicals, tools, equipment, supplies, and records where they can be acquired by the facility operator without leaving the premises. The storage space shall be dry and protected from unauthorized access; and

(c) [(e)] The equipment room and all other storage areas shall be maintained in a clean, uncluttered condition, and shall not be used for storage of materials not essential to operation and maintenance of the facility.

[(21)] [Maintenance of bathing beaches.]

[(a)] [Beach areas shall be maintained free of litter and water borne debris. Beverage containers of glass or metal containers with detachable pull tabs shall be prohibited.]

[(b)] [A layer of sand or gravel of sufficient depth to prevent the creation of mud holes or slicks and to reduce shallow water turbidity shall be maintained on all beach areas and shall extend beneath the water of all wading and swimming areas.]

[(c)] [Wading, swimming, and diving areas shall be examined by the facility operator on a routine basis and immediately after high water conditions for floating or sunken debris, obstructions at diving areas, and high water turbidity, which may present safety hazards to bathers.]

Section 10. [Section 11.] Facility Records.

(1) The operator of each facility shall keep a daily record of information regarding operation of the facility on the DFS-352, Swimming Pool Log Sheet. This data shall be kept on file by the operator and submitted to the cabinet as requested. Proper operating records shall be kept showing daily or weekly results, as applicable, for:

(a) Disinfectant residuals;

(b) pH readings, total alkalinity, cyanuric acid level, if applicable; and

(c) Equipment malfunctions.

(2) If two (2) or more facilities are operated on the same site, separate records shall be maintained for each facility.

Section 11. [Section 12.] Safety. [Personnel.]

(1) Operator. A facility operator shall be responsible for the operation and maintenance of all swimming and bathing facilities. The operator shall be available at all times when the facility is open for use.

(2) Lifeguards shall comply with the requirements set forth in 902 KAR 10:125 Section 2.

(3) Safety equipment shall comply with the requirements set forth in 902 KAR 10:125 Section 3. ~~[Lifeguards.]~~

~~[(a)] [Lifeguards shall be on duty at a facility that has 2,000 square feet or greater of water surface area at a rate of one (1) per 2,000 square feet or fraction thereof.]~~

~~[(b)] [Lifeguards shall be provided at all facilities, regardless of water surface area, that allow bathers seventeen (17) years of age or under to enter the facility area without a responsible adult present at a rate of one (1) lifeguard per 2,000 square feet of water surface area or fraction thereof.]~~

~~[(c)] [All facilities that are not required to provide lifeguards shall post and enforce the following rules at all entrance points: "No Lifeguard on Duty" and "No person may enter the facility area alone or swim alone."]~~

~~[(d)] [Additional lifeguards shall be provided if necessary depending on bather load, bather activities, size, and configuration of the facility, and the amount of surface area for shallow and deep water areas, emergencies, and the lifeguard's ability to see bathers.]~~

~~[(e)] [A facility may submit an alternative lifeguard staffing plan that:]~~

~~[1.] [Has been certified by an independent third-party compliance specialist;]~~

~~[2.] [Designates the number of lifeguards necessary to ensure each lifeguard is capable of viewing the entire area of the assigned zone of patron surveillance; and]~~

~~[3.] [Ensures the lifeguard is able to reach the furthest extent of the assigned zone of patron surveillance within twenty (20) seconds.]~~

~~[(f)] [The alternative lifeguard staffing plan shall be:]~~

~~[1.] [On file with the Public Safety Branch within the Department for Public Health;]~~

~~[2.] [Submitted to the local health department of jurisdiction; and]~~

~~[3.] [Resubmitted if there is a change in:]~~

~~[a.] [The shape or size of the swimming pool;]~~

~~[b.] [The surrounding areas that would obstruct the lifeguard's view of the bottom of the pool; or]~~

~~[c.] [Ownership of the facility.]~~

~~[(g)] [Lifeguards shall be provided at all bathing beaches that allow bathers seventeen (17) years of age or younger without a responsible adult at a rate of one (1) per 100 linear feet of beach front or a fraction thereof. Bathing beaches that do not provide lifeguards shall post the following warnings: "No lifeguard on duty. Swim at your own risk. No person seventeen (17) years of age or younger may swim without a responsible adult present.".]~~

~~[(h)] [A bathing beach that has an inflatable water attraction shall have a minimum of one (1) lifeguard per attraction, with additional lifeguards provided to ensure all areas surrounding the attraction are clearly visible at all times.]~~

~~[(3)] [Lifeguards shall comply with the following:]~~

~~[(a)] [Lifeguards shall have a current lifesaving certificate. Current training as a lifesaver or water safety instructor by the American Red Cross or equivalent shall satisfy this requirement. The certificate of competency shall be prominently posted;]~~

~~[(b)] [Lifeguards shall be dressed in swimming attire; and]~~

~~[(c)] [Lifeguards assigned to the supervision of the facility shall not be subject to duties that would:]~~

~~[1.] [Distract their attention from proper observation of persons in the facility area; or]~~

~~[2.] [Prevent immediate assistance to persons in distress in the water.]~~

~~[Section 13.] [Safety Equipment.]~~

[(1)] [Facilities requiring lifeguards shall have a minimum of one (1) elevated lifeguard chair per on-duty lifeguard. A lifeguard chair shall be provided for each 2,000 square feet of water surface area or major fraction more than half thereof. They shall be located to provide a clear view of the facility bottom in the area under surveillance.]

[(2)] [Beaches requiring lifeguards shall provide an elevated lifeguard chair for each 100 linear feet of beach front, with an additional lifeguard chair for each additional 100 linear feet of beach front or fraction thereof. The chairs shall be located on the beach to provide a clear view of all areas under surveillance and to provide the quickest response time.]

[(3)] [One (1) unit consisting of the following lifesaving equipment shall be provided for 2,000 square feet of water surface area and an additional unit for each additional 2,000 square feet or fraction thereof:]

[(a)] [A U.S. Coast Guard approved ring buoy no more than fifteen (15) inches in diameter with a three-sixteenths (3/16) inch rope attached that measures one and one-half (1 1/2) times the maximum pool width;]

[(b)] [Rescue tubes may be used when lifeguards are present;]

[(c)] [A shepherd's hook securely attached to a one (1) piece pole not less than twelve (12) feet in length; and]

[(d)] [One (1) backboard with head immobilizer and at least three (3) straps, for back and neck injuries.]

[(4)] [Facilities limited to small spas, with less than 144 square feet of water surface area, shall not be required to provide the equipment listed in subsection (3) of this section, but shall meet the requirements of subsections (7), (10), and (11) of this section.]

[(5)] [In addition to subsection (3) of this section, a beach shall provide the following lifesaving equipment:]

[(a)] [Paddle board or surfboard;]

[(b)] [At least one (1) lifeboat and one (1) unit of lifesaving equipment; and]

[(c)] [A torpedo shaped buoy.]

[(6)] [All facilities shall be equipped with a minimum of one (1) standard twenty-four (24) unit first aid kit or its equivalent that is kept filled and ready for use. Additional units shall be provided for each additional 2,000 square feet of facility area or major fraction thereof.]

[(7)] [Lifesaving equipment shall be mounted in conspicuous places at lifeguard chairs or other readily accessible locations. Its function shall be plainly marked, and this equipment shall be kept in repair and ready condition. Bathers or other persons shall not be permitted to tamper with, use for any purpose other than its intended use, or remove this equipment from its established location. This equipment at beaches shall be centrally located in a conspicuous place that is readily accessible, with the lifeboat required by subsection (5)(b) of this section being located in the most central location.]

[(8)] [The hydrojet auxiliary air or water pump for a spa shall be controlled by an on-off switch with a fifteen (15) minute timer located and labeled at least five (5) feet away from the spa.]

[(9)] [All facilities shall provide an emergency automatic pump shut off located adjacent to the telephone.]

[(10)] Â

[(a)] [All facilities shall have a non-pay landline telephone, continuously connected to a power source and operational at all times, capable of direct dialing 911 without going through a switchboard located on the deck that is readily accessible and conspicuously located. A cordless telephone shall be prohibited.]

[(b)] [A two (2) way radio communication system to a manned telephone system may be substituted at an isolated beach facility.]

[(c)] [The address of the facility and the telephone number of the police department, fire department, emergency medical service, or a hospital shall be posted in a

~~conspicuous place near the telephone.]~~

~~[(11)]~~ ~~[All drownings and injuries requiring hospitalization shall be immediately reported to the local health department and the Department for Public Health.]~~

~~[(12)]~~ Â

~~[(a)]~~ ~~[A facility submitting an alternative lifeguard staffing plan pursuant to Section 12(2)(c) 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.]~~

Section 12. ~~[Section 14.]~~ Spectator and Bather Administrative Regulations.

(1) Management of each facility shall adopt rules for controlling of food, drink, and smoking in the facility and surrounding areas.

(2) Rules governing the use of the facility and instructions to bathers shall be displayed on placards at the entrance to dressing rooms and enforced by the facility operator. Posting of rules and other instructions shall provide that:

(a) Admission to the facility shall be refused to a person:

1. Having any contagious disease or infectious conditions, such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, inflamed eyes, ear discharges, or any other condition that has the appearance of being infectious;

2. Having excessive sunburn, abrasions that have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind; and

3. Under the influence of alcohol, illegal substances, or exhibiting erratic behavior;

(b) Food, drink, gum, tobacco, or vapor producing products shall not be allowed, other than in specially designated and controlled sections of the facility area;

(c) Personal conduct within the facility shall assure that the safety of self and others is not jeopardized;

(d) Running and boisterous or rough play shall not be permitted,except for supervised water sports;

(e) Spitting, spouting of water, blowing the nose, or otherwise introducing contaminants into the facility water shall not be permitted;

(f) Glass, soap, or other material that creates hazardous conditions or interferes with efficient operation of the facility shall not be permitted in the facility or on the deck;

(g) All apparel worn in the facility shall be clean;

(h) Diving in shallow water shall not be permitted;

(i) Caution shall be exercised in the use of diving boards; and

(j) Service animals may be allowed in the deck area but shall be excluded from the water.

(3) Due to the nature of splash pads, animals shall be excluded from the splash pad and deck area~~[bathing beaches, subsection (2)(e), and (f) of this section shall not apply]~~.

(4) In addition to the requirements of subsection (2) of this section, a caution sign shall be mounted adjacent to all spas and contain the following warnings:

"CAUTION

Pregnant women, elderly persons, and persons suffering from any heart condition or disease, diabetes, or high or low blood pressure should not enter the spa without prior medical consultation and permission from their doctor.

Do not use the spa while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness, or that raise or lower blood pressure.

Do not use at water temperatures greater than 104 degrees Fahrenheit.

Do not use alone.

Unsupervised use by children is prohibited.

Enter and exit slowly.

Observe reasonable time limits (that is, ten (10) to fifteen (15) minutes), then leave the water and cool down before returning for another brief stay.

Long exposure may result in nausea, dizziness, fainting, or death.

Keep all breakable objects out of the area.

Shower before entering the spa."

(5) A sign shall be posted in the immediate vicinity of the spa stating the location of the nearest telephone and indicating that emergency telephone numbers are posted at that location.

Section 13. ~~[Section 15.]~~ Swimming Suits and Towels Furnished by Management. All swimming suits and towels used by swimmers and maintained for public use shall be cleaned after each use. These items shall be handled in a sanitary manner.

Section 14. ~~[Section 16.]~~ Facility Inspection.

(1) Seasonal facilities.

(a) All owners or operators of seasonal facilities, prior to opening to the public, shall certify to the cabinet, in writing, that the facility is in compliance with the requirements of this administrative regulation, except in instances where the cabinet has made an inspection prior to its opening. For seasonal facilities, the cabinet shall make at least two (2) full facility inspections during the operating season. The cabinet may require one (1) of the full facility inspections to be performed prior to a facility's opening.

(b) The facility owner or operator shall be responsible for notifying the cabinet of the proposed opening date.

(2) Continuous operation indoor facilities shall receive a full facility inspection by the cabinet at least once each six (6) months.

(3) Facilities ~~[New facilities shall receive final construction approval inspections by the cabinet, and other affected state and local regulatory agencies, prior to placing the facility in operation. It shall be the owner or operator's responsibility to notify the cabinet and other involved agencies of construction completion and call for inspection.]~~

~~[(4)]~~ ~~[Facilities other than beaches]~~ shall be inspected at a minimum of once each thirty (30) day period by the cabinet on a monitoring basis. The monitoring inspection shall consist of:

(a) Disinfectant residual testing and combined disinfectant in ppm;

(b) pH testing;

(c) Total alkalinity testing;

(d) Cyanuric acid testing, if cyanuric acid stabilizers are used;

(e) Turbidity assessment;

(f) Temperature testing, if heated water facility;

(g) Review of operator's daily log;

(h) Visual scanning for algae or debris; and

(i) Other checks as necessary.

(4) ~~[(5)]~~ ~~[Beaches shall be monitored once each month or anytime immediately after periods of heavy rainfall. Monitoring inspections for beaches shall include general sanitation, bacteriological water sampling, and safety checks as necessary.]~~

[(6)] The cabinet may make as many additional inspections and reinspections as necessary for the enforcement of this administrative regulation.

(5) [(7)] When an agent of the cabinet makes an inspection of a public swimming and bathing facility, the findings shall be recorded on the DFS-349, Public Swimming and Bathing Facilities Inspection Report[, or DFS-350, Public Swimming and Bathing Facilities Beach Inspection Report,] and a copy provided to the facility owner or operator. The inspection report shall:

(a) Set forth any violation observed;

(b) Establish a specific and reasonable period of time for the correction of the violation observed; and

(c) State that failure to comply with any notice issued pursuant to the provisions of this administrative regulation may result in closure of the facility.

Section 15. [Section 17.] Water Sampling and Testing.

(1) A water sample may be collected from facilities if inspections or monitoring indicates water quality standards are not being maintained, or there is a suspected water borne disease outbreak. These samples shall be submitted to the Division of Laboratory Services in an approved container and by approved sampling procedures for analysis.

(2) Samples shall be collected and analyzed for any of the following or other contaminants:

(a) Total coliform;

(b) E. coli; and

(c) Pseudomonad organisms.

(3) [Multiple samples shall be collected at beaches to assure adequate representation of the entire facility water area.]

[(4)] If a sample tests positive for a contaminant, the test shall be repeated within one (1) to seven (7) days.

(4) [(5)] For a facility[other than a bathing beach], no more than two (2) consecutive samples shall be positive for:

(a) More than two (2) coliform organisms per 100 milliliter (mL);

(b) Pseudomonas organisms; or

(c) E. coli.

(5) [(6)] [Beaches shall comply with the requirements of Section 4 of this administrative regulation prior to opening for the season and during the operating season.]

[(7)] Additional samples may be requested to ensure compliance with this administrative regulation.

Section 16. [Section 18.] Bacteriological Quality of Facility Water. [(1) For facilitiesother than beaches,] No more than two (2) consecutive samples shall:

(1) [(a)] Contain more than 200 bacteria per mL;

(2) [(b)] Have a positive confirmatory test for coliform organisms in any of the five (5) ten (10) mL portions of a sample or more than two (2) coliform organisms per 100 mL when the membrane filter test is used;

(3) [(c)] Have a positive confirmatory test for pseudomonas organisms; or

(4) [(d)] Have a positive test for fecal coliform organisms.

[(2)] [Beaches shall comply with the standards established in Section 4(3)(a) of this administrative regulation.]

Section 17. [Section 19.] Conditions requiring Closure of a Facility and Enforcement Provisions.

(1) The cabinet shall immediately order the closure of a facility and prohibit any person from using the facility by written notice to the facility owner or operator if:

(a) There is an immediate danger to health or safety;

(b) Violations of the Virginia Graham Baker Act;
(c) The water does not conform to the bacteriological standards contained in this administrative regulation;
(d) ~~[An environmental survey of the area shows evidence of sewage, other pollutants, or toxic materials being discharged to waters tributary to a beach;]~~
~~[(e)]~~ Turbidity levels of facility water do not meet the requirements of Section 8~~[9]~~(4) of this administrative regulation;
(e) ~~[(f)]~~ The disinfectant residual is outside the range prescribed in this administrative regulation;
(f) ~~[(g)]~~ The pH is outside the range prescribed by this administrative regulation;
(g) ~~[(h)]~~ The cyanuric acid level exceeds fifty (50) ppm;
(h) ~~[(i)]~~ There is no pool operator available;
(i) ~~[(j)]~~ There has been a fecal accident in the pool;
(j) ~~[(k)]~~ The owner, operator, an employee, or representative of the owner interferes with duly authorized agents of the cabinet who bear proper identification, in the performance of their duties;
(k) ~~[(l)]~~ If recirculation systems, filtration systems, or disinfectant systems are not in operation, with exceptions for maintenance and seasonal shut down**, or replaced without prior approval**; or
(l) ~~[(m)]~~ If serious or repeated violations of any of the requirements of the administrative regulations are found.

(2) The notice shall state the reasons prompting the closing of the facility, and a copy of the notice shall be posted conspicuously at the facility by the owner or operator.
(3) Any owner or operator affected by an order may request an administrative conference in accordance with 902 KAR 1:400.
(4) If the conditions rendering closure are abated or further analyses prove to not render closure, the cabinet may authorize reopening the facility.
(5) ~~[If a source of sewage, pollution, or toxic material discovered as a result of an environmental survey is eliminated, the cabinet may authorize the reopening of a beach.]~~
~~[(6)]~~ In all other instances of a violation of the provisions of this administrative regulation~~[, or902 KAR 10:121 for the nonpayment of fees,]~~ the cabinet shall serve upon the owner or operator a written notice specifying the violation in question and afford a reasonable opportunity to correct the violation. An owner or operator who fails to comply with any written notice issued under the provisions of this administrative regulation ~~[or 902 KAR 10:121]~~ shall be notified in writing that the facility shall be closed at the end of ten (10) days following service of the notice, unless a written request for a conference pursuant to 902 KAR 1:400 is filed with the cabinet by the owner or operator within the ten (10) day period.
(6) ~~[(7)]~~ All administrative hearings shall be conducted in accordance with KRS Chapter 13B.
(7) ~~[(8)]~~ Any person whose facility has been closed may, at any time, make application for a reinspection for the purpose of reopening the facility. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing closure of the facility have been corrected, the cabinet shall make a reinspection. If the facility is found to be in compliance with the requirements of this administrative regulation, the facility shall be reopened.
(8) ~~[(9)]~~ Â
(a) For serious or repeated violations of any of the requirements of this administrative regulation, or for interference with the agents of the cabinet in the performance of their duties, the facility may be permanently closed after an opportunity for a conference has been provided in accordance with 902 KAR 1:400.

(b) Prior to the action, the cabinet shall notify the owner or operator, in writing, stating the reasons for which the facility is subject to closure and advising that the facility shall be permanently closed at the end of ten (10) days following service of the notice unless a request for a conference is filed with the cabinet by the owner or operator, within the ten (10) day period.

Section 18. ~~[Section 20.]~~ Existing Facilities and Equipment. ~~[(1)]~~ Existing facilities and equipment being used prior to the effective date of this administrative regulation~~[August 1, 1996,]~~ that do not fully meet the design, construction, and materials requirements of this administrative regulation, may continue to be used if the facilities and equipment:

(1) ~~[(a)]~~ Are in good repair;

(2) ~~[(b)]~~ Are capable of being maintained in a sanitary condition;

(3) ~~[(c)]~~ Meet facility water quality standards; and

(4) ~~[(d)]~~ Create no health or safety hazard.

~~[(2)] [If existing equipment, components, piping, or fittings involved in the facility water treatment system are replaced to effect repairs, the replacement equipment, components, piping, or fittings shall meet the requirements of this administrative regulation. If replacement occurs, it shall be the owner's or operator's responsibility to notify the cabinet as to what was replaced and what was used for a replacement.]~~

Section 19. ~~[Section 21.]~~ Effect on Local Administrative Regulations. Compliance with this administrative regulation shall not relieve any person from compliance with any other state or local laws dealing with pool operation and maintenance matters or zoning requirements that may also be applicable.

~~[Section 22.] [Variances for Construction Requirements.]~~

~~[(1)] [All facilities shall be constructed or remodeled in compliance with the provisions of this administrative regulation, except that an applicant may request a variance if the cabinet determines that the variance would not affect seriously the safe and healthful operation of the facility.]~~

~~[(2)] [Before granting a variance, the cabinet shall require proof from the applicant documenting that the requested variance will comply with the basic intent of these administrative regulations and that no safety or health hazard would be created if the variance is granted.]~~

Section 20. ~~[Section 23.]~~ Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "DFS-349, Public Swimming and Bathing Facilities Inspection Report", **11/2024~~[3/2024]~~**; and

(b) ~~[5/2021;]~~

~~[(b)] ["DFS-350 Public Swimming and Bathing Facilities Beach Inspection Report", 5/2021; and]~~

~~[(c)]~~ "DFS-352 Swimming Pool Log Sheet", 5/2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Public Health Protection and Safety, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. and online at https://chfs.ky.gov/agencies/dph/dphps/emb/Pages/pools.aspx.

STEVEN J. STACK, MD, MBA, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 12, 2024
FILED WITH LRC: November 13, 2024 at 3:30 p.m.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Julie Brooks or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes the operational requirements for public swimming and bathing facilities.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary to ensure all public swimming and bathing facilities operate in a safe and sanitary manner to reduce the incidence of recreational water related illnesses and outbreaks and reduce pool chemical-associated health events.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 194A.050(1) authorizes the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of Kentucky citizens and to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.180 authorizes the cabinet to adopt administrative regulations relating to public facilities, public and semipublic recreational areas, and their operation and maintenance in a safe and sanitary manner to protect public health and prevent health hazards.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation will ensure public swimming and bathing facilities operate in a safe and sanitary manner, ensure the water quality standard of these facilities to control for contamination, ensure proper disinfection of water and facilities, and ensure all equipment utilized is fully operational.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
The amendment to this administrative regulation removes the engineering, personnel, and safety requirements as those requirements are incorporated into new administrative regulations and adds the fee structure for permitting and inspection from 902 KAR 10:121. The amended after comments version revises definitions for clarity, updates the language regarding the main drain for consistency with federal language, and amends the material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation:
2024 Ky Acts ch. 116 creates a new section of KRS Chapter 211 to define class A and B pools and to establish exceptions for when a lifeguard is required to staff these classes of pools. The amendment to this administrative regulation is necessary to address the requirements of 2024 Ky Acts ch. 116.

(c) How the amendment conforms to the content of the authorizing statutes:
KRS 194A.050(1) authorizes the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of Kentucky citizens and to operate programs and fulfill the responsibilities vested in the cabinet. KRS

194A.050(2) authorizes the secretary to promulgate regulations to establish a fee schedule for permitting and annual inspection of efforts regarding compliance with program standards administered by the cabinet. KRS 211.180 authorizes the cabinet to adopt administrative regulations relating to public facilities, public and semipublic recreational areas, and their operation and maintenance in a safe and sanitary manner to protect public health and prevent health hazards.

(d) How the amendment will assist in the effective administration of the statutes:
The amendment to this administrative regulation will ensure public swimming and bathing facilities operate in a safe and sanitary manner.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
There are currently 2,254 public swimming pools, bathing facilities, and spas regulated by the department. The department receives approximately 115 requests for plan review each year. There are sixty-one (61) local health departments that perform the routine inspection activities to ensure compliance with this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:
Pool operators and owners will need to be aware of the updated requirements and ensure their facilities are in compliance.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):
Regulated facilities are already currently required to be in compliance with these operational standards. There will be no added costs to facilities to be in compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):
Regulated facilities will be able to operate public swimming and bathing facilities in a manner that protects all bathers and reduces the probability of a waterborne disease outbreak at the facility.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:
This is an ongoing program, there is no additional cost.

(b) On a continuing basis:
This is an ongoing program, the costs associated with this administrative regulation will be absorbed by current program funding.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:
This program is funded by a mix of state general fund dollars and fees collected for plan review and inspection activities.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:
The fee structure added to this administrative regulation represents a ten (10) percent increase in the current permitting and inspection fees in 902 KAR 10:121.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

While the amendment to this administrative regulation includes permitting and inspection fees, these are not new fees. The current permitting and inspection fee structure is in 902 KAR 10:121 and that administrative regulation will be repealed per 902 KAR 10:122 to be filed at the same time as this regulation. This will allow the regulated community to have all operational information, including required fees, in one administrative regulation. This administrative regulation proposes to increase the current fees by ten (10) percent.

(9) TIERING: Is tiering applied?

Tiering is not applied. All regulated entities are required to comply with the provisions of this administrative regulation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 194A.050, 211.180, and 2024 Ky Acts ch. 116.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Department for Public Health, Division of Public Health Protection and Safety, is the promulgating agency. The amendment to this administrative regulation will impact Kentucky state parks that have a swimming pool available for guests.

(a) Estimate the following for the first year:

Expenditures:The costs associated with administering the permitting and inspection program is $2,376,885. This is a shared cost between the state and local health departments.

Revenues:The total revenue generated by the amendment to this administrative regulation will be $576,631.

Cost Savings:This administrative regulation does not generate cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures may be impacted by changes in salary, fringe benefits and travel cost for state and local health department employees. These changes cannot be determined at this time. The revenues received will not change in subsequent years without an amendment to this administrative regulation.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

This administrative regulation impacts local health departments who inspect the regulated entities and local governments who operate a public swimming or bathing facility.

(a) Estimate the following for the first year:

Expenditures:The costs associated with administering the permitting and inspection program is $2,376,885. This is a shared cost between the state and local health departments.

Revenues:The total revenue generated by the amendment to this administrative regulation will be $576,631.

Cost Savings:This administrative regulation does not generate cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

(4) Identify additional regulated entities not listed in questions (2) or (3):

Additional regulated entities include hotels, and recreational facilities, such as water parks, health facilities and athletic clubs, schools including colleges and universities, swim clubs and country clubs, youth camps, and any other entity that provides a public swimming and bathing facility.

(a) Estimate the following for the first year:

Expenditures:may be impacted by changes in salary, fringe benefits and travel cost for state and local health department employees. These changes cannot be

determined at this time. The revenues received will not change in subsequent years without an amendment to this administrative regulation.

Revenues:This administrative regulation does not generate revenue for the regulated entities listed in (4).

Cost Savings:This administrative regulation does not generate cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?
The expenditures for the regulated entities listed in (4) will not change without an amendment to this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:
The fees associated with this administrative regulation are not new fees. They are currently listed in 902 KAR 10:121 and that administrative regulation will be repealed per 902 KAR 10:122 to be filed at the same time as this regulation. The proposed fee structure for public swimming and bathing facilities is a ten (10) percent increase of the current fee. The estimated total revenue for this administrative regulation will be $576,631. The total expenditure of $2,376,885 to implement this administrative regulation is a shared cost between the state and local health departments.

(b) Methodology and resources used to determine the fiscal impact:
The estimated total revenue was determined by multiplying the number of current permitted public swimming and bathing facilities in each category by the proposed fee increase. Each public swimming and bathing facility will be assessed an annual permit fee. That estimate was determined by multiplying the total number of permitted facilities by the proposed fee. The estimated inspection fee total and the permit fee total were added together to calculate the total revenue. Proposed Inspection Fee Structure: Public and Semi-public Swimming Pools. Pool size: 1,000 or less square feet of surface water; 1,350 pools; Proposed fee of $99; Potential revenue of $133,650. Pool size: 1,001 to 1,500 square feet of surface water; 419 pools; Proposed fee of $165; Potential revenue of $69,135. Pool size: 1,501 to 2,000 square feet of surface water; 143 pools; Proposed fee of $220; Potential revenue of $31,460. Pool size: 2,001 or more square feet of surface water; 342 pools; Proposed fee of $220 + $55 for each additional 500 square fee; Potential revenue of $94,050 (at a minimum). Total public and semi-public swimming pools: 2,254; total potential revenue: $328,295. Annual Permit Fee for all Public and Semi-public Swimming Pools: 2,254 pools; proposed fee of $110; potential revenue of $247,940.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate)
While the total potential revenue for this administrative regulation is $576,631, no one entity will have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion:
The methodology and resources used to reach this conclusion: The above chart of the proposed fee structure shows that potential revenue is the combined total for all regulated entities.