

adopted by the West Virginia State Board of Health pursuant to the authority granted by these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment as provided in Chapter 16, Article 1, Section 20 of the Public Health Laws of West Virginia West Virginia Code. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

## ARTICLE 6.

### SWIMMING POOL AND BATHING BEACH REGULATIONS.

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| Sec.  | Sec.   |
| 1.0. General.   | 9.0. Supervision of bathers.                                     |
| 2.0. Definitions.   | 10.0. Safety requirements.                                       |
| 3.0. Prohibited pools.  | 11.0. Routine maintenance and operation.                         |
| 4.0. Submission of plans and specifications for construction certificate of approval. | 12.0. Bath houses, concessions and other appurtenant facilities. |
| 5.0. Operating permits.   | 13.0. Compliance requirements.                                   |
| 6.0. Inspections.   | 14.0. Repeal of former regulations.                              |
| 7.0. Water quality requirements.  | 15.0. Severability.  |
| 8.0. Control tests and operational records.   | 16.0. Penalties.   |

#### SEC. 1.0. GENERAL.

##### 1.1 Scope

1.1.1 These regulations amend and readopt Chapter 1, Article 6, Swimming Pool and Bathing Beach Regulations, of the West Virginia Board of Health.

1.1.2 These regulations establish the rules and requirements of the West Virginia Board of Health governing swimming pools and bathing beaches.

1.2 **Authority** — The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia. These regulations are hereby established as the minimum requirements for swimming pools, wading pools and bathing beaches.

1.3 **Filing Date** — On May 30, 1975, as prescribed by state laws, these regulations were filed with the Office of the Secretary of State, State of West Virginia.

1.4 **Certification** — These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia on May 30, 1975.

1.5 **Effective Date** — These regulations shall be in full force and effect on July 1, 1975.

**2.0. DEFINITIONS.**

Following definitions shall apply in the interpretation and enforcement of these regulations.

**Approved** — A procedure of construction or operation is in accordance with design standards, specifications and instructions issued by the Division of Sanitary Engineering.

**Bathing Beach** — A public bathing place located on a natural stream, pond or lake, or on an artificial lake or pond which is formed by impounding natural water.

**Certificate of Approval** — A written document issued by the Division of Sanitary Engineering giving a specific person permission to construct, alter or renovate a specific swimming pool, wading pool or bathing beach.

**Division of Sanitary Engineering** — As used in this regulation, it is the Division of Sanitary Engineering, Environmental Health Services, State Department of Health.

**Health Officer** — The State Director of Health, the executive officer of the local board of health or their duly authorized representative.

**Operator** — A person who is responsible for the operation of a swimming pool, wading pool, or bathing beach.

**Permit** — A written document issued by the Health Officer giving a person permission to operate a specific swimming pool, wading pool or bathing beach.

**Person** — An individual, city, town, partnership, association, company, corporation, governmental corporation, institution, department, division, bureau, agency, apartments, motels, country clubs, camps, or any other entity recognized by law.

**Swimming Pool** — Any artificial basin, chamber, or tank used or intended to be used by the public for swimming, diving or recreational type bathing. It does not include baths where the main purpose is cleaning the body, nor individual type therapeutic tubs or tanks. Swimming pools are classified according to the following:

**2.9.1 Recirculation Type** — A pool from which the water is withdrawn, treated, and returned to the pool

**2.9.2 Fill and Draw Type** — A pool to which water is added, used for a period, then discarded.

**2.9.3 Flow Through Type** — A pool to which water is added continuously thereby replacing and causing water to overflow to waste.

**Wading Pool** — Any artificial basin, chamber, or tank constructed of an impervious material used or intended to be used by the public for wading, particularly by small children.

**3.0. PROHIBITED POOLS.**

On or after the effective date of these regulations, no swimming or wading pool of the Fill and Draw type shall be permitted.

## Ch. 1

## PUBLIC HEALTH LAWS OF WEST VIRGINIA

- 3.2 On or after the effective date of these regulations, no swimming or wading pools of the Flow Through Type shall be constructed unless an assured continuous flow of an approved water is available to fill the pool in eight hours or less.

### SEC. 4.0. SUBMISSION OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION CERTIFICATE OF APPROVAL.

- 4.1 On or after the effective date of these regulations, no person shall establish, construct or renovate any swimming pool, wading pool or bathing beach within the State of West Virginia without first obtaining a Certificate of Approval from the Division of Sanitary Engineering.
- 4.2 Four (4) sets of completed applications, plans and specifications shall be submitted to the Division of Sanitary Engineering for approval at least ten days prior to the date on which a Certificate of Approval from the Division of Sanitary Engineering is desired.
- 4.3 An application for the Certificate of Approval shall be made to the Division of Sanitary Engineering on forms prescribed by the Division of Sanitary Engineering and shall be accompanied by, but not limited to, vicinity and site plans, detailed construction drawings, water source and treatment details, and specifications concerning filtration, chlorination, testing equipment and any other pertinent factors necessary for a complete operative system.
- 4.4 In addition to meeting all applicable requirements of these regulations, all swimming pools, wading pools or bathing beaches constructed or renovated after the effective date of these regulations shall be constructed in accordance with all applicable design standards contained in the Division of Sanitary Engineering, Bulletin ER-33, "Design Standards for Swimming Pools and Bathing Beaches."
- 4.5 A Certificate of Approval may be suspended or revoked by the Division of Sanitary Engineering for failure to comply with any provisions of the Certificate of Approval or these regulations.
- 4.6 The Division of Sanitary Engineering shall deny a Certificate of Approval if the information on the application form is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of these regulations cannot be met.
- 4.7 Any person whose application for a Certificate of Approval has been denied or whose Certificate of Approval has been suspended or revoked may request and shall be granted a hearing date on the matter within ten (10) days after the Division of Sanitary Engineering has received a written request for such hearing.

### SEC. 5.0. OPERATING PERMITS.

- 5.1 Ninety days after the date these regulations become effective, no person directly or indirectly shall in any manner conduct, control, manage,

maintain, or operate a swimming pool, wading pool or bathing beach in the State of West Virginia unless said person has in his possession a valid permit issued by the Health Officer to operate such specific swimming pool, wading pool or bathing beach.

- 5.2 An application for a permit to operate a swimming pool, wading pool or bathing beach shall be made in writing to the Health Officer on a form prescribed by the State Department of Health, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the Health Officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations.
- 5.3 The application for a permit shall be made at least 15 days before the actual or proposed operation of said swimming pool, wading pool or bathing beach is to be effected.
- 5.4 The Health Officer shall deny a permit if the information on the application form is incomplete, inaccurate, false, or misleading, or indicates that the applicable provisions of these regulations cannot be met.
- 5.5 Only persons who comply with the applicable provisions of these regulations shall be entitled to receive and retain a permit.
- 5.6 Swimming pools, wading pools or bathing beaches which are in compliance with these regulations become effective, and meeting the requirements at the time these regulations, shall be deemed to be eligible for a permit applicable prior to the date that any construction or installation taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations.
- 5.7 Swimming pools, wading pools or bathing beaches put into operation after the date these regulations become effective shall comply with all applicable provisions of these regulations.
- 5.8 Permits shall not be transferable or assignable and shall become invalid upon a change of ownership or upon automatic revocation.
- 5.9 A permit to operate shall expire at midnight on the 31st day of the month following the date of issuance.
- 5.10 Application for renewal of permit shall be made at least 15 days prior to the expiration date of existing permit.
- 5.11 In the event of an intended change or an actual change in ownership of a swimming pool, wading pool or bathing beach, an application for a permit to operate shall be made to the Health Officer by the person concerned at least 15 days before the proposed or actual change is effected.
- 5.12 A permit may be suspended or revoked by the Health Officer if it is found that the swimming pool, wading pool or bathing beach is maintained or operated in violation of these regulations, or any law, rule, or ordinance applicable thereto, or in violation of the conditions stated on the permit.

- 5.13 A permit to operate shall not be reinstated until an inspection by the Health Officer determines that the swimming pool, wading pool or bathing beach is in compliance with all applicable provisions of these regulations or any orders, rules or instructions issued by the Health Officer.
- 5.14 Operational permits shall be posted in a conspicuous place at the swimming pool, wading pool or bathing beach facility, and said permit shall be readily available to the Health Officer.
- 5.15 Any person whose application for a permit to operate a swimming pool, wading pool or bathing beach has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within 10 days after the Health Officer has received a written petition for such hearing.

**SEC. 6.0. INSPECTIONS.**

- 6.1 The owner, operator, or person in charge of a swimming pool, wading pool or bathing beach shall provide the Health Officer with immediate access to the entire premises for the purpose of inspection, and shall furnish all requested and necessary information to make the inspection complete.
- 6.2 The Health Officer shall conduct a minimum of two (2) complete inspections per year.
- 6.3 The Health Officer shall have the authority to order changes relative to improving the operation and sanitary conditions of the swimming pool, wading pool or bathing beach and if deemed necessary, can immediately order the closing of such facilities until corrective changes have been made.

**SEC. 7.0. WATER QUALITY REQUIREMENTS.**

- 7.1 Disinfection of all swimming pool and wading pool water is mandatory, and unless otherwise approved in writing by the Division of Sanitary Engineering, chlorine and hypochlorites shall be the only type of disinfectants permitted.
- 7.2 Chlorination shall be practiced in swimming pools and wading pools so as to maintain a free available chlorine residual of 0.4 to 1.0 mg/l.
- 7.3 **Chemical Requirements**
- 7.3.1 Swimming Pools — Chemical limits shall conform to the chemical limits specified in Chapter 1, Article 5, West Virginia Board of Health "Public Water Supply Regulations."
- 7.3.2 Bathing Beaches — Chemical limits shall conform to limits prescribed by Chapter 20, Article 5, Water Resources Board "Administrative Regulations of the State of West Virginia for Water Quality Criteria on Inter and Intra State Streams" for Category A, Water Contact Recreation Waters.

**7.4 Bacteriological Requirements**

7.4.1 To monitor bacteriological quality of swimming pools, wading pools and bathing beaches, samples shall be collected and submitted for bacteriological analysis at a frequency to be determined by the Division of Sanitary Engineering.

7.4.2 When deemed necessary, the Health Officer may require that additional samples for bacteriological analysis be submitted.

7.4.3 The presence of the coliform group as indicated by the samples examined shall not exceed the following limits:

**A. Swimming and Wading Pools**

When 10 ml. standard portions are examined, not more than 10% in any one month shall show the presence of the coliform group. The presence of the coliform group in 3 or more 10 ml. portions of a standard sample will not be allowable if this occurs:

- (a) In two consecutive samples;
- (b) In more than one sample per month when less than 20 are examined per month.
- (c) In more than 5% of the samples when 20 or more are examined per month.

When organisms of the coliform group occur in 3 or more of the 10 ml. portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

When the membrane filter technique is used, the arithmetic mean coliform density of all standard samples examined per month shall not exceed one per 100 ml. Coliform colonies per standard sample shall not exceed 3/50 ml., 4/100 ml., 7/200 ml., or 13/500 ml. in:

- (a) Two consecutive samples;
- (b) More than one standard sample when less than 20 are examined per month; or
- (c) More than 5% of the standard samples when 20 or more samples are examined per month.

**B. Bathing Beaches**

The coliform group is not to exceed 1,000 per 100 ml. as a monthly geometric average value, nor exceed this number in 20 percent of the samples examined during any month nor exceed 2,400 per 100 ml. on any day.

The fecal coliform (either MPN or MF count) shall not exceed 200 per 100 ml. as a 30 day geometric mean based on not less than five (5) samples during any 30 day period nor exceed 400

per 100 ml. in more than ten percent (10%) of all samples during any 30 day period.

**7.5 pH Control**

7.5.1 Swimming pools and wading pools — The pH shall be maintained in an alkaline condition as indicated by a pH of not less than 7.2 nor greater than 7.8 at any time the facility is in use.

7.5.2 Bathing beaches — When the pH is less than 6.5 or greater than 8.5 the beach shall not be used for bathing.

**SEC. 8.0. CONTROL TESTS AND OPERATIONAL RECORDS.**

8.1 All swimming pools and wading pools shall have available at all times, approved testing equipment for making pH, free chlorine residuals, and any other tests as considered necessary by the Division of Sanitary Engineering.

8.2 Written results of the tests listed under subsection 8.1, attendance data, number of hours of equipment operation, and any other information as required by the Division of Sanitary Engineering shall be maintained by the operator for a period of at least one year.

8.3 Weekly, or as otherwise directed by the Division of Sanitary Engineering, the operator shall submit to the Health Officer on forms prescribed by or approved by the Division of Sanitary Engineering, a summary of operation.

8.4 Tests to determine the pH, free chlorine residual, and any other parameters, as directed by the Division of Sanitary Engineering, shall be conducted by a qualified operator at least twice daily, and the results recorded on the operating report.

**SEC. 9.0. SUPERVISION OF BATHERS.**

9.1 A qualified operator trained in first aid and resuscitation shall be on duty at all times the swimming pool, wading pool or bathing beach is open for swimming.

9.2 The swimming pool, wading pool or bathing beach operator shall be in full charge and have the authority to exclude from the premises any person who does not abide by the safety and sanitation rules which shall include but not limited to:

9.2.1 Spitting, spouting of water, blowing of nose, urination and defecation in the swimming pool, wading pool or bathing beach water shall be strictly prohibited.

9.2.2 Persons having any infectious or communicable disease or open sores shall be excluded from using the swimming pool, wading pool or bathing beach.

9.2.3 No running, boisterous or rough play, except for supervised water sports shall be permitted on the premises.

- 9.2.4 All bathers shall shower before entering the swimming pool or wading pool.

#### SEC. 10.0. SAFETY REQUIREMENTS.

- 10.1 Swimming pool and bathing beaches shall have a minimum of one unit of life saving equipment as determined by the Division of Sanitary Engineering which shall be readily accessible for emergency use. All equipment shall be kept in good repair.
- 10.2 Every pool and bathing beach shall be equipped with a standard American Red Cross 24-unit first aid kit or equivalent type kit which shall be kept stocked and ready for use.
- 10.3 Every pool or bathing beach shall have lifeguards on duty at all times when the area is open for use. The lifeguards shall be adequately trained in life saving and first aid and possess certification of completing a Red Cross Senior Life Saving Course or other accredited and acceptable certification.
- 10.4 Telephone service shall be available at the pool or bathing beach.
- 10.5 All outdoor swimming pools and wading pools shall be enclosed with a 6 foot chain link fence and lockable gate.

#### SEC. 11.0. ROUTINE MAINTENANCE AND OPERATION.

- 11.1 Visible debris on the bottom of the pool shall be removed every 12 hours or more frequently as required.
- 11.2 Visible scum or floating matter on the water surface shall be removed as frequently as required.
- 11.3 Deck areas, sidewalks and other areas around the pool and bath house shall be hosed and brushed as required to keep them clean.
- 11.4 Bath house dressing rooms, showers, and toilet areas shall be kept in a clean condition.
- 11.5 All pools shall be drained as necessary so that the pool can be inspected, cleaned and/or repaired.
- 11.6 Swimming pool water treatment facilities shall be operated 24 hours per day.

#### SEC. 12.0. BATH HOUSES, CONCESSIONS AND OTHER APPURTENANT FACILITIES.

- 12.1 Bath house, clothing storage facilities, toilet and shower facilities shall be kept in good repair and in a clean and sanitary condition.
- 12.2 All doors, shower curtains, windows, faucets, drains or other parts of the building, including plumbing, electrical switches, lighting and controls, shall be kept in good repair and replaced immediately if defective.
- 12.3 All concession stands shall be operated in accordance with Chapter 1, Article 3, West Virginia Board of Health "Food Service Sanitation Regulation."



The seal of the State of West Virginia is a circular emblem. It features a landscape with a river, a bridge, and two figures standing on a rocky shore. The text "STATE OF WEST VIRGINIA" is inscribed around the top inner edge, and "MONTANI SEMPER LIBERI" is at the bottom.

**JAMES E. MCCARTNEY**

THIS DATE MAY 30 1975

DEPARTMENT OF HEALTH  
CHARLESTON 25305

The Honorable James R. McCartney  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Enclosed are two copies of "Swimming Pool and Bathing Beach Regulations" designated Chapter 16-1, Series II which should be inserted in your odd size file as item number 5. These regulations cancel and supersede the following:

- (1) "Swimming Pool and Bathing Beach Regulations," which were filed with your office on January 1, 1950.
- (2) "Suggested Ordinance and Regulations Covering Public Swimming Pools," which were filed in your office February 16, 1968, in your odd size file as item number 5.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by the West Virginia State Board of Health on May 21, 1975.

Sincerely,

N. H. Dyer, M.D., M.P.H.  
State Director of Health

NHD:jm

## Enclosures

MAY 30 1975

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
State Department of Health

Chapter 16-1  
Series II  
(1975)

Subject: Suggested Ordinances and Regulations Covering Public Swimming  
Pools

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1. This regulation is filed in the odd size file as item  
number 5.

MAY 30 1975

WEST VIRGINIA STATE BOARD OF HEALTH

CHAPTER 1, ARTICLE 6

SWIMMING POOL AND BATHING BEACH REGULATIONS

	PAGE
SECTION 1.0 GENERAL	1
SECTION 2.0 DEFINITIONS	1
SECTION 3.0 PROHIBITED POOLS	3
SECTION 4.0 SUBMISSION OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION CERTIFICATE OF APPROVAL	3
SECTION 5.0 OPERATING PERMITS	4
SECTION 6.0 INSPECTIONS	6
SECTION 7.0 WATER QUALITY REQUIREMENTS	6
SECTION 8.0 CONTROL TESTS AND OPERATIONAL RECORDS	8
SECTION 9.0 SUPERVISION OF BATHERS	9
SECTION 10.0 SAFETY REQUIREMENTS	10
SECTION 11.0 ROUTINE MAINTENANCE AND OPERATION	10
SECTION 12.0 BATH HOUSES, CONCESSIONS AND OTHER APPURTENANT FACILITIES	11
SECTION 13.0 COMPLIANCE REQUIREMENTS	11
SECTION 14.0 REPEAL OF FORMER REGULATIONS	11
SECTION 15.0 SEVERABILITY	12
SECTION 16.0 PENALTIES	12
SECTION 17.0 CERTIFICATION AND FILING OF THE REGULATION	12

WEST VIRGINIA STATE BOARD OF HEALTH

CHAPTER 1, ARTICLE 6

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	PAGE
SECTION 1.0 GENERAL	1
SECTION 2.0 DEFINITIONS	1
SECTION 3.0 PROHIBITED POOLS	3
SECTION 4.0 SUBMISSION OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION CERTIFICATE OF APPROVAL	3
SECTION 5.0 OPERATING PERMITS	4
SECTION 6.0 INSPECTIONS	6
SECTION 7.0 WATER QUALITY REQUIREMENTS	6
SECTION 8.0 CONTROL TESTS AND OPERATIONAL RECORDS	8
SECTION 9.0 SUPERVISION OF BATHERS	9
SECTION 10.0 SAFETY REQUIREMENTS	10
SECTION 11.0 ROUTINE MAINTENANCE AND OPERATION	10
SECTION 12.0 BATH HOUSES, CONCESSIONS AND OTHER APPURTENANT FACILITIES	11
SECTION 13.0 COMPLIANCE REQUIREMENTS	11
SECTION 14.0 REPEAL OF FORMER REGULATIONS	11
SECTION 15.0 SEVERABILITY	12
SECTION 16.0 PENALTIES	12
SECTION 17.0 CERTIFICATION AND FILING OF THE REGULATION	12

# WEST VIRGINIA STATE BOARD OF HEALTH

## CHAPTER 1, ARTICLE 6

### SWIMMING POOL AND BATHING BEACH REGULATIONS

#### SECTION 1.0 GENERAL

##### 1.1 Scope

1.1.1 These regulations amend and readopt Chapter 1, Article 6, Swimming Pool and Bathing Beach Regulations, of the West Virginia Board of Health.

1.1.2 These regulations establish the rules and requirements of the West Virginia Board of Health governing swimming pools and bathing beaches.

1.2 Authority - The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia. These regulations are hereby established as the minimum requirements for swimming pools, wading pools and bathing beaches.

1.3 Filing Date - On May 30, 1975, as prescribed by state laws, these regulations were filed with the Office of the Secretary of State, State of West Virginia.

1.4 Certification - These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia on May 30, 1975.

1.5 Effective Date - These regulations shall be in full force and effect on July 1, 1975.

#### SECTION 2.0 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations.

2.1 APPROVED - A procedure of construction or operation is in accordance with design standards, specifications and instructions issued by the Division of Sanitary Engineering.

- 2.2 BATHING BEACH - A public bathing place located on a natural stream, pond or lake, or on an artificial lake or pond which is formed by impounding natural water.
- 2.3 CERTIFICATE OF APPROVAL - A written document issued by the Division of Sanitary Engineering giving a specific person permission to construct, alter or renovate a specific swimming pool, wading pool or bathing beach.
- 2.4 DIVISION OF SANITARY ENGINEERING - As used in this regulation, it is the Division of Sanitary Engineering, Environmental Health Services, State Department of Health.
- 2.5 HEALTH OFFICER - The State Director of Health, the executive officer of the local board of health or their duly authorized representative.
- 2.6 OPERATOR - A person who is responsible for the operation of a swimming pool, wading pool, or bathing beach.
- 2.7 PERMIT - A written document issued by the Health Officer giving a person permission to operate a specific swimming pool, wading pool or bathing beach.
- 2.8 PERSON - An individual, city, town, partnership, association, company, corporation, governmental corporation, institution, department, division, bureau, agency, apartments, motels, country clubs, camps, or any other entity recognized by law.
- 2.9 SWIMMING POOL - Any artificial basin, chamber, or tank used or intended to be used by the public for swimming, diving or recreational type bathing. It does not include baths where the main purpose is cleaning the body, nor individual type therapeutic tubs or tanks. Swimming pools are classified according to the following:
- 2.9.1 RECIRCULATION TYPE - A pool from which the water is withdrawn, treated, and returned to the pool.
- 2.9.2 FILL AND DRAW TYPE - A pool to which water is added, used for a period, then discarded.
- 2.9.3 FLOW THROUGH TYPE - A pool to which water is added continuously thereby replacing and causing water to overflow to waste.

- 2.10 WADING POOL - Any artificial basin, chamber, or tank constructed of an impervious material used or intended to be used by the public for wading, particularly by small children.

### SECTION 3.0 PROHIBITED POOLS

- 3.1 On or after the effective date of these regulations, no swimming or wading pool of the Fill and Draw type shall be permitted.
- 3.2 On or after the effective date of these regulations, no swimming or wading pools of the Flow Through Type shall be constructed unless an assured continuous flow of an approved water is available to fill the pool in eight hours or less.

### SECTION 4.0 SUBMISSION OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION CERTIFICATE OF APPROVAL

- 4.1 On or after the effective date of these regulations, no person shall establish, construct or renovate any swimming pool, wading pool or bathing beach within the State of West Virginia without first obtaining a Certificate of Approval from the Division of Sanitary Engineering.
- 4.2 Four (4) sets of completed applications, plans and specifications shall be submitted to the Division of Sanitary Engineering for approval at least 45 days prior to the date on which a Certificate of Approval from the Division of Sanitary Engineering is desired.
- 4.3 An application for the Certificate of Approval shall be made to the Division of Sanitary Engineering on forms prescribed by the Division of Sanitary Engineering and shall be accompanied by, but not limited to, vicinity and site plans, detailed construction drawings, water source and treatment details, and specifications concerning filtration, chlorination, testing equipment and any other pertinent factors necessary for a complete operative system.
- 4.4 In addition to meeting all applicable requirements of these regulations, all swimming pools, wading pools or bathing beaches constructed or renovated after the effective date of these regulations shall be constructed in accordance with all applicable design standards contained in the Division of Sanitary Engineering, Bulletin ER-33, "Design Standards for Swimming Pools and Bathing Beaches."

- 4.5 A Certificate of Approval may be suspended or revoked by the Division of Sanitary Engineering for failure to comply with any provisions of the Certificate of Approval or these regulations.
- 4.6 The Division of Sanitary Engineering shall deny a Certificate of Approval if the information on the application form is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of these regulations cannot be met.
- 4.7 Any person whose application for a Certificate of Approval has been denied or whose Certificate of Approval has been suspended or revoked may request and shall be granted a hearing date on the matter within ten (10) days after the Division of Sanitary Engineering has received a written request for such hearing.

#### SECTION 5.0 OPERATING PERMITS

- 5.1 Ninety days after the date these regulations become effective, no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a swimming pool, wading pool or bathing beach in the State of West Virginia unless said person has in his possession a valid permit issued by the Health Officer to operate such specific swimming pool, wading pool or bathing beach.
- 5.2 An application for a permit to operate a swimming pool, wading pool or bathing beach shall be made in writing to the Health Officer on a form prescribed by the State Department of Health, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the Health Officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations.
- 5.3 The application for a permit shall be made at least 15 days before the actual or proposed operation of said swimming pool, wading pool or bathing beach is to be effected.
- 5.4 The Health Officer shall deny a permit if the information on the application form is incomplete, inaccurate, false, or misleading, or indicates that the applicable provisions of these regulations cannot be met.
- 5.5 Only persons who comply with the applicable provisions of these regulations shall be entitled to receive and retain a permit.



- 5.6 Swimming pools, wading pools or bathing beaches in operation at the time these regulations become effective, and meeting all applicable prior regulations, shall be deemed to be eligible for a permit to operate, provided that any construction or installation taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations.
- 5.7 Swimming pools, wading pools or bathing beaches put into operation after the date these regulations become effective shall comply in full with all applicable provisions of these regulations.
- 5.8 Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.
- 5.9 A permit to operate shall expire at midnight on the 31st day of December following the date of issuance.
- 5.10 Application for renewal of permit shall be made at least 15 days prior to expiration date of existing permit.
- 5.11 In the event of an intended change or an actual change in ownership of a swimming pool, wading pool or bathing beach, an application for a permit to operate shall be made to the Health Officer by the person concerned at least 15 days before the proposed or actual change is effected.
- 5.12 A permit may be suspended or revoked by the Health Officer if it is found that the swimming pool, wading pool or bathing beach is maintained or operated in violation of these regulations, or any law, rule, or ordinance applicable thereto, or in violation of the conditions stated on the permit.
- 5.13 A permit to operate shall not be reinstated until an inspection by the Health Officer determines that the swimming pool, wading pool or bathing beach is in compliance with all applicable provisions of these regulations or any orders, rules or instructions issued by the Health Officer.
- 5.14 Operational permits shall be posted in a conspicuous place at the swimming pool, wading pool or bathing beach facility, and said permit shall be readily available to the Health Officer.

- 5.15 Any person whose application for a permit to operate a swimming pool, wading pool or bathing beach has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within 10 days after the Health Officer has received a written petition for such hearing.

#### SECTION 6.0 INSPECTIONS

- 6.1 The owner, operator, or person in charge of a swimming pool, wading pool or bathing beach shall provide the Health Officer with immediate access to the entire premises for the purpose of inspection, and shall furnish all requested and necessary information to make the inspection complete.
- 6.2 The Health Officer shall conduct a minimum of two (2) complete inspections per year.
- 6.3 The Health Officer shall have the authority to order changes relative to improving the operation and sanitary conditions of the swimming pool, wading pool or bathing beach and if deemed necessary, can immediately order the closing of such facilities until corrective changes have been made.

#### SECTION 7.0 WATER QUALITY REQUIREMENTS

- 7.1 Disinfection of all swimming pool and wading pool water is mandatory, and unless otherwise approved in writing by the Division of Sanitary Engineering, chlorine and hypochlorites shall be the only type of disinfectants permitted.
- 7.2 Chlorination shall be practiced in swimming pools and wading pools so as to maintain a free available chlorine residual of 0.4 to 1.0 mg/l.
- 7.3 Chemical Requirements
- 7.3.1 Swimming Pools - Chemical limits shall conform to the chemical limits specified in Chapter 1, Article 5 West Virginia Board of Health "Public Water Supply Regulations."

- 7.3.2 Bathing Beaches - Chemical limits shall conform to limits prescribed by Chapter 20, Article 5 Water Resources Board "Administrative Regulations of the State of West Virginia for Water Quality Criteria on Inter and Intra State Streams" for Category A, Water Contact Recreation Waters.

7.4 Bacteriological Requirements

- 7.4.1 To monitor bacteriological quality of swimming pools, wading pools and bathing beaches, samples shall be collected and submitted for bacteriological analysis at a frequency to be determined by the Division of Sanitary Engineering.
- 7.4.2 When deemed necessary, the Health Officer may require that additional samples for bacteriological analysis be submitted.
- 7.4.3 The presence of the coliform group as indicated by the samples examined shall not exceed the following limits:

A. Swimming and Wading Pools

When 10 ml. standard portions are examined, not more than 10% in any one month shall show the presence of the coliform group. The presence of the coliform group in 3 or more 10 ml. portions of a standard sample will not be allowable if this occurs:

- (a) In two consecutive samples;
- (b) In more than one sample per month when less than 20 are examined per month.
- (c) In more than 5% of the samples when 20 or more are examined per month.

When organisms of the coliform group occur in 3 or more of the 10 ml. portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

When the membrane filter technique is used, the arithmetic mean coliform density of all standard samples examined per month shall not exceed one per 100 ml. Coliform colonies per standard sample shall not exceed 3/50 ml., 4/100 ml., 7/200 ml., or 13/500 ml. in:

- (a) Two consecutive samples;
- (b) More than one standard sample when less than 20 are examined per month; or
- (c) More than 5% of the standard samples when 20 or more samples are examined per month.

#### B. . Bathing Beaches

The coliform group is not to exceed 1,000 per 100 ml. as a monthly geometric average value, nor exceed this number in 20 per cent of the samples examined during any month nor exceed 2,400 per 100 ml. on any day.

The fecal coliform (either MPN or MF count) shall not exceed 200 per 100 ml. as a 30 day geometric mean based on not less than five (5) samples during any 30 day period nor exceed 400 per 100 ml. in more than ten percent (10%) of all samples during any 30 day period.

#### 7.5 pH Control

7.5.1 Swimming pools and wading pools - The pH shall be maintained in an alkaline condition as indicated by a pH of not less than 7.2 nor greater than 7.8 at any time the facility is in use.

7.5.2 Bathing beaches - When the pH is less than 6.5 or greater than 8.5 the beach shall not be used for bathing.

### SECTION 8.0 CONTROL TESTS AND OPERATIONAL RECORDS

8.1 All swimming pools and wading pools shall have available at all times, approved testing equipment for making pH, free chlorine residuals, and any other tests as considered necessary by the Division of Sanitary Engineering.

- 8.2 Written results of the tests listed under subsection 8.1, attendance data, number of hours of equipment operation, and any other information as required by the Division of Sanitary Engineering shall be maintained by the operator for a period of at least one year.
- 8.3 Weekly, or as otherwise directed by the Division of Sanitary Engineering, the operator shall submit to the Health Officer on forms prescribed by or approved by the Division of Sanitary Engineering, a summary of operation.
- 8.4 Tests to determine the pH, free chlorine residual, and any other parameters, as directed by the Division of Sanitary Engineering, shall be conducted by a qualified operator at least twice daily, and the results recorded on the operating report.

#### SECTION 9.0 SUPERVISION OF BATHERS

- 9.1 A qualified operator trained in first aid and resuscitation shall be on duty at all times the swimming pool, wading pool or bathing beach is open for swimming.
- 9.2 The swimming pool, wading pool or bathing beach operator shall be in full charge and have the authority to exclude from the premises any person who does not abide by the safety and sanitation rules which shall include but not limited to:
  - 9.2.1 Spitting, spouting of water, blowing of nose, urination and defecation in the swimming pool, wading pool or bathing beach water shall be strictly prohibited.
  - 9.2.2 Persons having any infectious or communicable disease or open sores shall be excluded from using the swimming pool, wading pool or bathing beach.
  - 9.2.3 No running, boisterous or rough play, except for supervised water sports shall be permitted on the premises.
  - 9.2.4 All bathers shall shower before entering the swimming pool or wading pool.

## SECTION 10.0 SAFETY REQUIREMENTS

- 10.1 Swimming pool and bathing beaches shall have a minimum of one unit of life saving equipment as determined by the Division of Sanitary Engineering which shall be readily accessible for emergency use. All equipment shall be kept in good repair.
- 10.2 Every pool and bathing beach shall be equipped with a standard American Red Cross 24-unit first aid kit or equivalent type kit which shall be kept stocked and ready for use.
- 10.3 Every pool or bathing beach shall have life guards on duty at all times when the area is open for use. The life guard shall be adequately trained in life saving and first aid and possess certification of completing a Red Cross Senior Life Saving Course or other accredited and acceptable certification.
- 10.4 Telephone service shall be available at the pool or bathing beach.
- 10.5 All outdoor swimming pools and wading pools shall be enclosed with a 6 foot chain link fence and lockable gate.

## SECTION 11.0 ROUTINE MAINTENANCE AND OPERATION

- 11.1 Visible debris on the bottom of the pool shall be removed every 12 hours or more frequently as required.
- 11.2 Visible scum or floating matter on the water surface shall be removed as frequently as required.
- 11.3 Deck areas, sidewalks and other areas around the pool and bath house shall be hosed and brushed as required to keep them clean.
- 11.4 Bath house dressing rooms, showers, and toilet areas shall be kept in a clean condition.
- 11.5 All pools shall be drained as necessary so that the pool can be inspected, cleaned and/or repaired.
- 11.6 Swimming pool water treatment facilities shall be operated 24 hours per day.

SECTION 12.0 BATH HOUSES, CONCESSIONS AND OTHER  
APPURTENANT FACILITIES

- 12.1 Bath house, clothing storage facilities, toilet and shower facilities shall be kept in good repair and in a clean and sanitary condition.
- 12.2 All doors, shower curtains, windows, faucets, drains or other parts of the building, including plumbing, electrical switches, lighting and controls, shall be kept in good repair and replaced immediately if defective.
- 12.3 All concession stands shall be operated in accordance with Chapter 1, Article 3, West Virginia Board of Health "Food Service Sanitation Regulation."

SECTION 13.0 COMPLIANCE REQUIREMENTS

- 13.1 The design, construction, installation, alteration, location, and operation of all public swimming pools, wading pools and bathing beaches shall comply with all applicable provisions of these regulations.
- 13.2 The Health Officer shall have the authority to immediately close any swimming pool, wading pool, or bathing beach which he determines to be unsafe, has not been approved by the Division of Sanitary Engineering, or have willfully violated any provisions of these regulations.
- 13.3 If any inspection or prescribed water quality test conducted on any pool by Health Officer discloses excessive turbidity (as determined by using Division of Sanitary Engineering standard clarity sight disc) or a chlorine residual less than that permitted under Section 7.2 of these regulations, the Health Officer shall have the authority to immediately close the swimming pool or wading pool until such time as the necessary corrections are effected.

SECTION 14.0 REPEAL OF FORMER REGULATIONS

All regulations previously adopted by the West Virginia Board of Health which are in conflict with the provisions of these regulations are hereby repealed.

#### SECTION 15.0 SEVERABILITY


Each section of these regulations and every part of each Section is an independent Section and a part of a Section, and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other Section or part thereof.

#### SECTION 16.0 PENALTIES

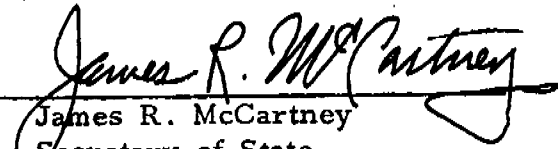
Any person who violates any provision of these regulations or any regulation adopted by the West Virginia State Board of Health pursuant to the authority granted by these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment as provided in Chapter 16, Article 1, Section 20 of the Public Health Laws of West Virginia, West Virginia Code. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

#### SECTION 17.0 CERTIFICATION AND FILING OF THE REGULATION

I hereby certify that the foregoing regulations constitute the official regulations adopted by the State Board of Health on May 21, 1975, and filed pursuant to law in the Office of Secretary of State, State of West Virginia.

  
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N. H. Dyer, M.D., M.P.H.  
State Director of Health

Acknowledgement, that the above regulations were filed with the Office of Secretary of State on May 30, 1975.

  
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James R. McCartney  
Secretary of State



WEST VIRGINIA LEGISLATIVE RULES  
BOARD OF HEALTH

Swimming Pool and Bathing Beach

WEST VIRGINIA LEGISLATIVE RULES  
BOARD OF HEALTH

Swimming Pool and Bathing Beach

Chapter 16-1  
Series XVI  
(1983)

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Definitions	2
Section 4. Prohibited Pools	3
Section 5. Submission of Plans and Specifications for Construction Permit	3
Section 6. Operating Permits	4
Section 7. Inspections	6
Section 8. Water Quality Requirements	7
Section 9. Control Tests and Operational Records	9
Section 10. Supervision of Bathers	10
Section 11. Safety Requirements	11
Section 12. Routine Maintenance and Operation	11
Section 13. Bathhouses, Concessions and Other Appurtenant Facilities	12
Section 14. Compliance Requirements	12
Section 15. Repeal of Former Regulations	13
Section 16. Severability	13
Section 17. Penalties	13

WEST VIRGINIA LEGISLATIVE RULES  
BOARD OF HEALTH

Chapter 16-1  
Series 16  
(1983)

Subject: Swimming Pool and Bathing Beach

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Section 1. General

1.1. Scope - These legislative rules establishes the rules and requirements for swimming pools and bathing beaches.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 1, Section 7 of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These legislative rules were filed on the 11th day of April, 1980, in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 5th day of May, 1980.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December, 1982, in the Secretary of State's Office.

Section 2. Application and Enforcement

2.1. Application - These legislative rules apply to the owners or operators of public swimming pools and bathing beaches.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Definitions

3.1. Bathing Beach - A public bathing place located on a natural stream, pond or lake, or on an artificial pond or lake which is formed by impounding a natural water.

3.2. Director - Director of the state department of health or his designee.

3.3. Operator - A person responsible for the operation of a swimming pool, wading pool or bathing beach.

3.4. Permit - A written document issued by the director giving a designated person permission to construct, alter or renovate a swimming pool, wading pool or bathing beach or to operate such facility.

3.5. Person - Individual, city, town, partnership, association, company, corporation, governmental corporation, institution, department, division, bureau, agency, apartment, motel, country club, camp, or any other entity recognized by law.

3.6. Swimming Pool - Any artificial basin, chamber, or tank used or intended to be used by the public for swimming, diving or recreational type bathing. It does not include baths where the main purpose is cleaning the body, nor individual type therapeutic tubs or tanks. Swimming pools are classified according to the following:

A. Recirculation Type - A pool from which the water is withdrawn, treated, and returned to the pool.

B. Fill and Draw Type - A pool to which water is added, used for a period, then discarded.

C. Flow Through Type - A pool to which water is added continuously thereby replacing and causing water to overflow to waste.

3.7. Wading Pool - Any artificial basin, chamber, or tank constructed of an impervious material used or intended to be used by the public for wading, particularly by small children.

Section 4. Prohibited Pools

4.1. On or after the effective date of these regulations, no swimming or wading pool of the fill and draw type shall be permitted.

4.2. On or after the effective date of these regulations, no swimming or wading pools of the flow through type shall be constructed unless an assured continuous flow of an approved water is available to fill the pool in eight hours or less.

Section 5. Submission of Plans and Specifications for Construction Permit

5.1. On or after the effective date of these regulations, no person shall establish, construct or renovate any swimming pool, wading pool or bathing beach within the State of West Virginia without first obtaining a construction permit from the director.

5.2. Four (4) sets of completed applications, plans and specifications shall be submitted to the director for approval at least 45 days prior to the date on which a construction permit from the director is desired.

5.3. An application for the permit shall be made to the director on forms prescribed by the director and shall be accompanied by, but not limited to, vicinity and site plans, detailed construction drawings, water source and treatment details, and specifications concerning filtration, chlo-

mination, testing equipment and any other pertinent factors necessary for a complete operative system.

5.4. In addition to meeting all applicable requirements of these regulations, all swimming pools and wading pools constructed or renovated after the effective date of these regulations shall be in accordance with the West Virginia board of rule "design standards for swimming pools."

5.5. A permit may be suspended or revoked by the director for failure to comply with any provisions of the permit or these regulations.

5.6. The director shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of these regulations cannot be met.

#### Section 6. Operating Permits

6.1. After the date these regulations become effective, no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a swimming pool, wading pool or bathing beach in the State of West Virginia unless said person has in his possession a valid operating permit issued by the director to operate such specific swimming pool, wading pool or bathing beach.

6.2. An application for an operating permit to operate a swimming pool, wading pool or bathing beach shall be made in writing to the director on a form prescribed by the director signed by the applicant or his authorized agent, and shall contain such information as may be requested by the director to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations.

6.3. The application for an operating permit shall be made at least 15 days before the actual or proposed operation of said swimming pool, wading pool or bathing beach is to be effected.

6.4. The director shall deny a permit if the information on the application form is incomplete, inaccurate, false, or misleading, or indicates that the applicable provisions of these regulations cannot be met.

6.5. Only persons who comply with the applicable provisions of these regulations shall be entitled to receive and retain an operating permit.

6.6. Swimming pools, wading pools or bathing beaches in operation at the time these regulations become effective, and meeting all applicable prior regulations, shall be deemed to be eligible for a permit to operate, provided that any construction or installation taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations.

6.7. Swimming pools, wading pools or bathing beaches put into operation after the date these regulations become effective shall comply in full with all applicable provisions of these regulations.

6.8. Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

6.9. In the event of an intended change or an actual change in ownership of a swimming pool, wading pool, or bathing beach, an application for an operating permit shall be made to the director by the person concerned at least 15 days before the proposed or actual change is effected.

6.10. A permit may be suspended or revoked by the director if it is found that the swimming pool, wading pool or bathing beach is maintained or operated in violation of these regulations, or any law, rule, or ordinance applicable thereto, or in violation of the conditions stated on the permit.

6.11. An operating permit shall not be reinstated until an inspection by the director determines that the swimming pool, wading pool or bathing beach is in compliance with all applicable provisions of these regulations and any orders, rules or instructions issued by the director.

6.12. Operational permits shall be posted in a conspicuous place at the swimming pool, wading pool or bathing beach facility, and said permit shall be readily available to the Director.

6.13. Any person whose application for an operating permit for a swimming pool, wading pool or bathing beach has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within 10 days after the director has received a written petition for such hearing.

#### Section 7. Inspections

7.1. The owner, operator, or person in charge of a swimming pool, wading pool or bathing beach shall provide the director with immediate access to the entire premises for the purpose of inspection, and shall furnish all requested and necessary information to make the inspection complete.

7.2. The director shall conduct a minimum of two (2) complete inspections per year.



7.3. The director shall have the authority to order changes relative to improving the operation and sanitary conditions of the swimming pool, wading pool or bathing beach and if deemed necessary, can immediately order the closing of such facilities until corrective changes have been made.

Section 8. Water Quality Requirements

8.1. Disinfection of all swimming pool and wading pool water is mandatory.

8.2. Chlorination of swimming and wading pools shall be accomplished by means of a continuously operated mechanical chlorinator. Hand batch feeding is prohibited.

8.3. Chlorination shall be practiced in swimming pools and wading pools so as to maintain a free available chlorine residual of 0.4 to 1.0 mg/l.

8.4. Cyanurate acid, when used as a stabilizer, must be maintained at a level between 30 and 100 mg/l.

8.5. When using chlorinated cyanurates or its chlorinated derivatives as disinfectants, a free chlorine residual shall be maintained between 1.0 and 3.0 mg/l.

8.6. Other disinfectants, registered by the United States environmental protection agency, may be used with the approval of the director.

8.7. Chemical Requirements

8.7.1. Swimming pools - Chemical limits shall conform to the chemical limits specified in West Virginia board of health "public water supply regulations."

8.7.2. Bathing beaches - Chemical limits shall conform to limits prescribed by Chapter 20, Article 5, water resources board "administrative

regulations of the State of West Virginia for water quality criteria on inter and intra state streams" for Category A, water contact recreation waters.

8.8. Bacteriological Requirements

8.8.1. To monitor bacteriological quality of swimming pools, wading pools and bathing beaches, samples shall be collected and submitted for bacteriological analysis by the director.

8.8.2. The presence of the coliform group as indicated by the samples examined shall not exceed the following limits:

A. Swimming and Wading Pools - When 10 ml. standard portions are examined, not more than 10% in any one month shall show the presence of the coliform group. The presence of the coliform group in 3 or more 10 ml. portions of a standard sample will not be allowable if this occurs:

- (1) In two consecutive samples;
- (2) In more than one sample per month when less than 20 are examined per month.
- (3) In more than 5% of the samples when 20 or more are examined per month. When organisms of the coliform group occur in 3 or more of the 10 ml. portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

When the membrane filter technic is used, the arithmetic mean coliform density of all standard samples examined per month shall not exceed one per 100 ml. Coliform colonies per standard sample shall not exceed 3/50 ml., 4/100 ml., 7/200 ml., or 13/500 ml. in:

- (1) Two consecutive samples;
- (2) More than one standard sample when less than 20 are examined per month; or
- (3) More than 5% of the standard samples when 20 or more samples are examined per month.

B. Bathing Beaches - The coliform group is not to exceed 1,000 per 100 ml. as a monthly geometric average value, nor exceed this number in 20 per cent of the samples examined during any month nor exceed 2,400 per 100 ml. on any day.

The fecal coliform (either MPN or MF count) shall not exceed 200 per 100 ml. as a 30-day geometric mean based on not less than five (5) samples during any 30-day period nor exceed 400 per 100 ml. in more than ten percent (10%) of all samples during any 30-day period.

8.9. pH Control

8.9.1. Swimming pools and wading pool - The pH shall be maintained in an alkaline condition as indicated by a pH of not less than 7.2 nor greater than 7.8 at any time the facility is in use.

8.9.2. Swimming pools and wading pools which are equipped with gaseous chlorination feeders, must be equipped with a mechanical chemical feeder to continuously control pH. Hand batch feeding into the pool is prohibited.

8.9.4. Bathing beaches - When the pH is less than 6.5 or greater than 8.5 the beach shall not be used for bathing.

Section 9. Control Tests and Operational Records

9.1. All swimming pools and wading pools shall have available at all

times, approved testing equipment for making pH, free chlorine residuals, and any other tests as considered necessary by the director.

9.2. Written results of the tests listed under subsection 8.1, attendance data, number of hours of equipment operation, and any other information as required by the director shall be maintained by the operator for a period of at least one year.

9.3. Weekly, or as otherwise directed by the director, the operator of a swimming pool, wading pool, or bathing beach shall submit to the director on forms prescribed by or approved by the director, a summary of operation and tests.

9.4. Tests to determine the pH, free chlorine residual, and any other parameters, as directed by the director, shall be conducted by a qualified operator of a swimming pool or wading pool at least twice daily, and the results recorded on the operating report.

#### Section 10. Supervision of Bathers

10.1. An operator shall be on duty at all times the swimming pool, wading pool or bathing beach is open for swimming.

10.2. The swimming pool, wading pool or bathing beach operator shall be in full charge and have the authority to exclude from the premises any person who does not abide by the safety and sanitation rules which shall include but not limited to:

10.2.1. Spitting, spouting of water, blowing of nose, urination and defecation in the swimming pool, wading pool or bathing beach water shall be strictly prohibited.

10.2.2. Persons having any infectious or communicable disease or open sores shall be excluded from using the swimming pool, wading pool or bathing beach.

10.2.3. All bathers shall shower before entering the swimming pool or wading pool.

Section 11. Safety Requirements

11.1. Swimming pool and bathing beaches shall have one unit of life saving equipment for each life guard station which shall be readily accessible for emergency use. Pools without lifeguards shall have a minimum of one unit of life saving equipment available. All equipment shall be kept in good repair.

11.2. Every pool and bathing beach shall be equipped with a standard american red cross 24-unit first aid kit or equivalent type kit which shall be kept stocked and ready for use.

11.3. The director shall prescribe the number of life guards required at any pool or bathing beach.

11.4. Telephone service shall be available at the pool or bathing beach and emergency phone numbers for rescue agencies shall be posted.

Section 12. Routine Maintenance and Operation

12.1. Visible debris on the bottom of the pool shall be removed every 12 hours or more frequently as required.

12.2. Visible scum or floating matter on the water surface shall be removed as frequently as required.

12.3. Deck areas, sidewalks and other areas around the pool and bath house shall be hosed and brushed as required to keep them clean.

12.4. Bath house dressing rooms, showers, and toilet areas shall be kept in a clean condition.

12.5. All pools shall be drained as necessary so that the pool can be inspected, cleaned and/or repaired.

12.6. Swimming pool water treatment facilities shall be operated 24 hours per day.

Section 13. Bathhouses, Concessions and Other Appurtenant Facilities

13.1. Bathhouse, clothing storage facilities, toilet and shower facilities shall be kept in good repair and in a clean and sanitary condition.

13.2. All doors, shower curtains, windows, faucets, drains, or other parts of the building, including plumbing, electrical switches, lighting and controls, shall be kept in good repair and replaced immediately if defective.

13.3. All concession stands shall be operated in accordance with Chapter 1, Article 3, West Virginia board of health "food service sanitation regulation."

Section 14. Compliance Requirements

14.1. The design, construction, installation, alteration, location, and operation of all public swimming pools, wading pools and bathing beaches shall comply with all applicable provisions of these regulations.

14.2. The director shall have the authority to immediately close any swimming pool, wading pool, or bathing beach which he determines to be unsafe, has not been approved by the director, or have willfully violated any provisions of these regulations.

14.3. If any inspection or prescribed water quality test conducted on any pool by the director discloses excessive turbidity (as determined by

using a standard clarity sight disc) or a chlorine residual less than that permitted under Sections 8.3 and 8.5 of these regulations, the director shall have the authority to immediately close the swimming pool or wading pool until such time as the necessary corrections are effected.

Section 15. Repeal of Former Regulations - All regulations previously adopted by the West Virginia board of health which are in conflict with the provisions of these regulations are hereby repealed.

Section 16. Severability - If any provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or the application of these rules which can be given effect without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.

Section 17. Penalties - Any person who violates any provision of these regulations or orders issued pursuant thereto shall be punishable by a fine of not more than two hundred dollars or imprisonment for not more than thirty days, or both, as provided under Chapter 16, Article 1, Section 18 of the public health laws of West Virginia, West Virginia Code.