

**TITLE 64  
LEGISLATIVE RULES  
DEPARTMENT OF HEALTH**

**SERIES 16  
SWIMMING POOL AND BATHING BEACH**

**§64-16-1. General.**

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

1.2. Authority - W.Va. Code §16-1-7

1.3. Filing Date - April 11, 1980

1.4. Effective Date - May 5, 1980

**§64-16-2. 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.

**§64-16-3. 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(a) Recirculation Type - A pool from which the water is withdrawn, treated, and returned to the pool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.

**§64-16-4. 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.

**§64-16-5. 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, chlorination, 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 health 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.

#### **§64-16-6. 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.

#### **§64-16-7. 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.

#### **§64-16-8. 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.

### §64-16-9. 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.

### §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.

### §64-16-11. 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.

#### **§64-16-12. 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.

#### **§64-16-13. 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."

#### **§64-16-14. 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.

#### **§64-16-15. 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.

#### **§64-16-16. 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.

#### **§64-16-17. 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.



John D. Rockefeller IV  
Governor

George E. Pickett, M.D., M.P.H.  
Director

# State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

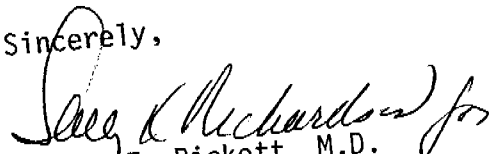
April 11, 1980

The Honorable A. James Manchin  
Secretary of State for West Virginia  
State Capitol Building  
Charleston, West Virginia 25305

Dear Mr. Manchin:

Attached are three (3) copies of the proposed "Swimming Pool and Bathing Beach Regulations" submitted for final filing in the State Register pursuant to Section 10, Article 3, Chapter 29A of the Code of West Virginia. Please return one copy, stamped to indicate the date of receipt, to the Drinking Water Division, Department of Health for their files.

Sincerely,

  
George E. Pickett, M.D.  
Director of Health

GEP/VRW/jmh

Enclosures

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 4-11-80



PROPOSED  
SWIMMING POOL AND  
BATHING BEACH REGULATIONS

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THIS DATE 4-11-80

APRIL 11, 1980

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                                                       | 2    |
| SECTION 3.0 PROHIBITED POOLS                                                  | 3    |
| SECTION 4.0 SUBMISSION OF PLANS AND SPECIFICATIONS<br>FOR CONSTRUCTION PERMIT | 3    |
| SECTION 5.0 OPERATING PERMITS                                                 | 4    |
| SECTION 6.0 INSPECTIONS                                                       | 5    |
| SECTION 7.0 WATER QUALITY REQUIREMENTS                                        | 6    |
| SECTION 8.0 CONTROL TESTS AND OPERATIONAL RECORDS                             | 8    |
| SECTION 9.0 SUPERVISION OF BATHERS                                            | 8    |
| SECTION 10.0 SAFETY REQUIREMENTS                                              | 9    |
| SECTION 11.0 ROUTINE MAINTENANCE AND OPERATION                                | 9    |
| SECTION 12.0 BATH HOUSES, CONCESSIONS AND OTHER<br>APPURTENANT FACILITIES     | 10   |
| SECTION 13.0 COMPLIANCE REQUIREMENTS                                          | 10   |
| SECTION 14.0 REPEAL OF FORMER REGULATIONS                                     | 10   |
| SECTION 15.0 SEVERABILITY                                                     | 10   |
| SECTION 16.0 PENALTIES                                                        | 11   |
| SECTION 17.0 CERTIFICATION AND FILING OF REGULATION                           | 11   |

WEST VIRGINIA STATE BOARD OF HEALTH

CHAPTER 1, ARTICLE 6

SWIMMING POOL AND BATHING BEACH REGULATIONS

SECTION 1.0 GENERAL

- 1.1 SCOPE - This article amends and readopts Chapter 1, Article 6, "Swimming Pool and Bathing Beach Regulations." These Regulations establish the rules and minimum requirements of the West Virginia State Board of Health governing owners and operators of public 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, 1931, as amended.
- 1.3 INITIAL FILING DATE - On November 7, 1979, as prescribed by Chapter 29A, Article 3, Section 8, of the Code, these Regulations were filed with the Secretary of State, with an attached notice of time, date, and place for opportunity to submit comments.
- 1.4 NOTIFICATION OF OPPORTUNITY TO SUBMIT COMMENTS - On December 17, 1979, at 7:00 P.M. in Morgantown and Beckley; and December 20, 1979, at 7:00 P.M. in Charleston, interested parties were given the opportunity to submit data, objections, suggested amendments, views, evidence, and arguments, either orally or in writing, as prescribed by Chapter 29A, Article 3, Section 8 of the Code.
- 1.5 FINAL ADOPTION - On January 16, 1980, the Regulations were adopted by the State Board of Health as prescribed by Chapter 29A, Article 3, Section 10, of the Code.
- 1.6 FINAL FILING - On April 11, 1980, the final version of the Regulations, as adopted by the State Board of Health, with the proposed effective date were filed in the state register, pursuant to Chapter 29A, Article 3, Section 10, of the Code.
- 1.7 GOVERNORS FILING - On April 11, 1980, as prescribed by Chapter 29A, Article 3, Section 7, of the Code, the Regulations were filed with the Governor.
- 1.8 LEGISLATIVE RULE MAKING COMMITTEE - On April 11, 1980, as prescribed by Chapter 29A, Article 3, Section 7, of the Code, the Regulations were filed with the Legislative Rule Making Committee for review.

- 1.9 EFFECTIVE DATE - On \_\_\_\_\_, the regulations became effective, as approved by the Legislative Rule Making Committee.

## SECTION 2.0 DEFINITIONS

- 2.1 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.
- 2.2 DIRECTOR - Director of the State Department of Health or his designee.
- 2.3 OPERATOR - A person responsible for the operation of a swimming pool, wading pool or bathing beach.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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 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 PERMIT

- 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 Construction Permit from the Director.
- 4.2 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.
- 4.3 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, 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 and wading pools constructed or renovated after the effective date of these Regulations shall be in accordance with the West Virginia State Department of Health Bulletin ER-33 "Design Standards For Swimming Pools."
- 4.5 A Permit may be suspended or revoked by the Director for failure to comply with any provisions of the Permit or these Regulations.
- 4.6 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 5.0 OPERATING PERMITS

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 Only persons who comply with the applicable provisions of these Regulations shall be entitled to receive and retain an Operating 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 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.
- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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 6.0 INSPECTIONS

- 6.1 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.
- 6.2 The Director shall conduct a minimum of two (2) complete inspections per year.
- 6.3 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 7.0 WATER QUALITY REQUIREMENTS

- 7.1 Disinfection of all swimming pool and wading pool water is mandatory.
- 7.2 Chlorination of swimming and wading pools shall be accomplished by means of a continuously operated mechanical chlorinator. Hand batch feeding is prohibited.
- 7.3 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.
- 7.4 Cyanurate acid, when used as a stabilizer, must be maintained at a level between 30 and 100 mg/l.
- 7.5 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.
- 7.6 Other disinfectants, registered by the United States Environmental Protection Agency, may be used with the approval of the Director.
- 7.7 Chemical Requirements
  - A. 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."
  - B. 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.
- 7.8 Bacteriological Requirements
  - A. To monitor bacteriological quality of swimming pools, wading pools and bathing beaches, samples shall be collected and submitted for bacteriological analysis by the Director.
  - B. The presence of the coliform group as indicated by the samples examined shall not exceed the following limits:
    1. 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 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:

- (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.

## 2. 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.

## 7.9 pH Control

- A. 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.

- B. 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.
- C. 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 Director.
- 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 Director shall be maintained by the operator for a period of at least one year.
- 8.3 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.
- 8.4 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 9.0 SUPERVISION OF BATHERS

- 9.1 An operator 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:
  - A. Spitting, spouting of water, blowing of nose, urination and defecation in the swimming pool, wading pool or bathing beach water shall be strictly prohibited.

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

C. 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 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.
- 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 The Director shall prescribe the number of life guards required at any pool or bathing beach.
- 10.4 Telephone service shall be available at the pool or bathing beach and emergency phone numbers for rescue agencies shall be posted.

#### 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 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.
- 13.3 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 7.3 and 7.5 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 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

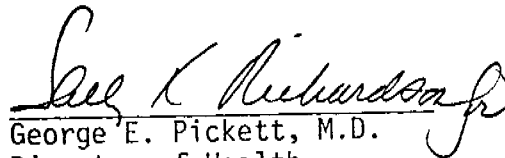
Each section of these Regulations and every part of each Section is an independent Section and a part of a Section, and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other Section or part 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 \$500.00 or by imprisonment for not more than thirty (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 January 16, 1980, and filed pursuant to law in the Office of Secretary of State, State of West Virginia.

  
George E. Pickett, M.D.  
Director of Health

Acknowledgement, that the above Regulations were filed with the Office of Secretary of State on April 11, 1980.

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A. James Manchin  
Secretary of State