

Model Aquatic Health Code

Draft Regulatory (formerly Regulatory Program Administration) Module CODE Section Modified

After the First 60-day Review that Closed on 02/05/12

Informational Copy: NOT Currently Open for Public Comment

This version of the MAHC Regulatory Module has been modified based on the first round of public comments received. It is being re-posted so users can view how it was modified but is not currently open to public comment. The complete draft MAHC, with all of the individual module review comments addressed will be posted again for a final review and comment before MAHC publication. This will enable reviewers to review modules in the context of other modules and sections that may not have been possible during the initial individual module review. The public comments and MAHC responses can be viewed on the web at <http://www.cdc.gov/healthywater/swimming/pools/mahc/structure-content/index.html>

The MAHC committees appreciate your patience with the review process and commitment to this endeavor as we all seek to produce the best aquatic health code possible.

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NOTE: A large number of comments correctly pointed out that a model code cannot “regulate the regulators”. Therefore we have pulled all information speaking to the Authority Having Jurisdiction (AHJ) into a separate document that will be specifically for pool programs. From the beginning of the MAHC process all partners have agreed that the success of this health and safety effort will depend on improvements in both aquatic facilities and operation as well as in regulatory pool programs. The information for AHJ’s will be retained and posted separately on the MAHC site at a later date.

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MAHC Regulatory Module Abstract

Regulatory guidance forms the framework around which an effective model aquatic health code is built. The Regulatory Module follows a best practice and research-based protocol to ensure the AQUATIC FACILITY is operating safely. The guidance reflected in this module promotes all parties working together from the initial building permits to the code enforcement process. The Regulatory Module contains requirements for but not limited to:

- 1) Plans and permits guidelines
- 2) Delineation of imminent aquatic health hazards and corresponding remediation and enforcement procedures.
- 3) Establishment of facility staffing requirements based on facility size and type.
- 4) Recordkeeping requirements

The Regulatory Code Module shows a Table of Contents giving the context of the Regulatory Module in the Design, Construction, Operation, Maintenance, Policies and Management in the overall Model Aquatic Health Code's Strawman Outline (<http://www.cdc.gov/healthywater/pdf/swimming/pools/mahc/structure-content/mahc-strawman.pdf>).

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Acronyms and Initialisms in this Module

AED	Automated external defibrillator
AHAC	Aquatic Health Advisory Committee
AHJ	Authority having jurisdiction
CPR	Cardiopulmonary resuscitation
GFCI	Ground-fault circuit interrupter
MAHC	Model Aquatic Health Code

Glossary Terms in this Module

“Aquatic Facility” means a physical place that contains one or more aquatic venues and support infrastructure under a single management structure.

“Aquatic Feature” means an individual recreational component within an aquatic venue. Examples include mushrooms, slides, buckets, and spray guns/nozzles, and other play features.

“Aquatic Venue” means an artificially constructed or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purpose. Such structures do not necessarily contain standing water so water exposure may occur via contact, ingestion, or aerosolization. Examples include swimming pools, wave pool, river, spas (including spa pools and hot tubs), interactive fountains, therapeutic pools, and spray pads.

“Authority Having Jurisdiction” (AHJ) means an agency, organization, office, or

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individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

“Backflow” means a hydraulic condition caused by a difference in water pressure that causes non-potable water or other liquid to enter the potable water system by either backpressure or back-siphonage.

“Bather” means a person at an aquatic venue who has contact with water either through spray or partial or total immersion. The term Bather as defined, also includes staff members, and refers to those users who can be exposed to contaminated water as well as potentially contaminate the water. Bathers can be exposed to contaminated water as well as potentially contaminate the water.

“Bather Load” means the maximum number of persons allowed in the water of an AQUATIC VENUE. Bather load is used to determine the number of RINSE and CLEANSING SHOWERS. Bather Load is not the same as OCCUPANT LOAD which refers to maximum aquatic facility loads.

“Code” means a systematic statement of a body of law, especially one given statutory force.

“Contamination Response Plan” means a plan for handling contamination from formed-stool, diarrheal-stool, vomit, and contamination involving blood.

“Disinfection” means a treatment that kills microorganisms (e.g., bacteria, viruses, and parasites); in water treatment, a chemical (commonly chlorine, chloramine, or ozone) or physical process (e.g., ultraviolet radiation) can be used.

“Diaper-Changing Station” means a hygiene station that includes a safe and approved diaper-changing unit, adjacent hand-washing sink, soap dispenser, hand drying device or paper towels and dispenser, and trash receptacle, and disinfectant products to clean the changing surface after use.

“Ground-Fault Circuit Interrupter” means a device for protection of personnel that de-energizes an electrical circuit or portion thereof in the event of excessive ground current.

“Imminent Health Hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illness and the nature, severity, and duration of the anticipated injury or illness.

“Lifeguard Assist” means where the lifeguard enters the water or uses a reaching pole or other equipment to help a struggling swimmer.

“Pool” means a subset of aquatic venues designed to have captured water for total or partial bather immersion.

“Pool Deck” means surface areas serving the aquatic venue, beyond perimeter deck, which is expected to be regularly trafficked and made wet by bathers.

“Qualified Operator” means a person who meets the requirements specified in MAHC 6.1.1.

“Responsible Supervisor” means an individual responsible for water treatment operations when a “qualified operator” is not on-site at an aquatic facility.

“Safety” (as it relates to construction items) means a design standard intended to prevent inadvertent or hazardous operation or use (i.e., a passive engineering strategy).

“Substantial Alteration” means the alteration, modification, or renovation of an aquatic venue where the total cost of the work exceeds 50% of the replacement cost of the aquatic venue.

***Preface:** This document does not address all health and safety concerns, if any, associated with its use. It is the responsibility of the user of this document to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to each use.*

Model Aquatic Health Code
Regulatory Draft CODE
4.0 Design Standards and Construction

Key word	Section	Code	Grade
<i>Design Standards & Construction</i>	4.0	Design Standards and Construction	
<i>Plans and Permits</i>	4.1	Plans and Permits	
<i>Plan Submittal</i>	4.1.1	Plan Submittal	B
<i>Purpose</i>	4.1.1.1	AQUATIC FACILITY construction plans shall be designed to provide sufficient clarity to indicate the location, nature, and extent of the work proposed	
<i>Conform</i>	4.1.1.2	AQUATIC FACILITY construction plans shall show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the AHJ and to protect the health and SAFETY of the facility's BATHERS and patrons.	
<i>Approved Plans</i>	4.1.1.3	No person shall begin to construct a new AQUATIC FACILITY or shall SUBSTANTIALLY ALTER an existing AQUATIC FACILITY without first having the construction plans detailing the construction or substantial alteration submitted to and approved by the AHJ.	
<i>Plan Preparation</i>	4.1.1.4	All plans shall be prepared by a design professional who is registered or licensed to practice their respective design profession as defined by the state or local laws governing professional practice within the jurisdiction in which the project is to be constructed.	
<i>Required Statements</i>	4.1.1.5	All construction plans shall include the following statements: 1) "The proposed AQUATIC FACILITY and all equipment shall be constructed and installed in conformity with the approved plans and specifications or approved amendments," and	

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		2) "No substantial alteration, changes, additions, or equipment not specified in the approved plans or allowed in the code can be made or added until the plans for such substantial alteration, changes, additions, or equipment are submitted to and approved by the AHJ."	
<i>Content of Design Report</i>	4.1.2	Content of Design Report	B
<i>Basis of Design Report</i>	4.1.2.1	Basis of Design Report	
<i>Names / Addresses</i>	4.1.2.1.1	AQUATIC FACILITY plans shall include the name, address, and contact information for the owner, designer, and POOL contractor if available at the time of submission.	
<i>Site Information</i>	4.1.2.1.2	AQUATIC FACILITY plans shall include site information indicating at a minimum the location of all utilities, wells, topography, natural water features, and potential sources of surface drainage and pollution which may affect the proposed AQUATIC FACILITY.	
<i>Plot Plan</i>	4.1.2.1.3	AQUATIC FACILITY plans shall include a site plot plan including: <ul style="list-style-type: none"> 1) A general map and detailed scaled drawings of the AQUATIC FACILITY site plan or floor plan with detailed locations of the AQUATIC VENUES and features; and 2) The locations of all water supply facilities, sources of drinking water, public or private sewers, and relative elevations of paved or other walkways and the equipment room floor shall be shown on the plans with the elevations of storm and sanitary sewer inverts and street grade. 	
<i>Plans and Specifications</i>	4.1.2.2	Plans and Specifications	B
<i>Drawings</i>	4.1.2.2.1	Detailed scaled and dimensional drawings for each individual AQUATIC VENUE shall include a venue area plan and layout plan along with dimensioned longitudinal and transverse cross sections of the AQUATIC VENUE.	

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<i>Venue Attributes</i>	4.1.2.2.2	<p>Detailed scaled and dimensional drawings for each individual AQUATIC VENUE shall include location and type of:</p> <ol style="list-style-type: none"> 1) Inlets, 2) Overflows, 3) Drains, 4) Suction outlets, 5) Overflow gutters or devices, 6) Piping, 7) Designed POOL water elevation, 8) AQUATIC FEATURES such as ladders, stairs, diving boards, slides, and play features, and 9) Lighting. 	
<i>Area Design</i>	4.1.2.2.3	<p>Detailed scaled and dimensional drawings of the AQUATIC FACILITY and for each individual AQUATIC VENUE, as appropriate, shall include location and type of:</p> <ol style="list-style-type: none"> 1) Design of deck, curb, or walls enclosing the POOL, 2) Deck drains, 3) Paved walkways and other hardscape features, 4) Non-slip flooring, 5) AQUATIC VENUE area finishes, 6) Drinking fountains or other sources of drinking water, 7) Entries and exits, 8) Hose bibs, 9) Fences, 10) Telephones, and 11) Area lighting. 	
<i>Venue Recirculation and Treatment Design</i>	4.1.2.2.4	<p>Detailed scaled and dimensional drawings for each individual AQUATIC VENUE shall contain a flow diagram showing the location, plan, elevation, and isometrics of:</p> <ol style="list-style-type: none"> 1) Filters, 2) Pumps, 3) Chemical feeders, 4) Ventilation devices, 5) Heaters, 	

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		6) Surge tanks, including operating levels, 7) BACKFLOW prevention assemblies and air gaps, 8) Valves, 9) Piping, 10) Flow meters, 11) Gauges, 12) Thermometers, 13) Test cocks, 14) Sight glasses, and 15) Drainage system for the disposal of AQUATIC VENUE water and filter wastewater.	
Equipment Room Design	4.1.2.2.5	Detailed scaled and dimensional drawings for each individual AQUATIC VENUE shall contain a schematic layout of the AQUATIC VENUE equipment room (or equipment area if permitted by the local AHJ) showing accessibility for installation and maintenance.	
Chemical Storage Design	4.1.2.2.6	Detailed scaled and dimensional drawings for each individual AQUATIC VENUE shall contain a schematic layout of the aquatic chemical storage area(s).	
Sanitary Facility Design	4.1.2.2.7	Detailed scaled and dimensional drawings for each AQUATIC FACILITY shall show the location and number of all available Regulatory Program Administration provided including dressing rooms, lockers and basket storage, showers, lavatory, toilet fixtures, and DIAPER-CHANGING STATIONS.	
Technical Specifications	4.1.2.3	Technical Specifications	B
Accompany Drawings	4.1.2.3.1	Technical specifications for the construction of each AQUATIC VENUE and all appurtenances shall accompany the drawings for the AQUATIC FACILITY plans.	
Technical Details	4.1.2.3.2	The technical specifications for each AQUATIC FACILITY and each AQUATIC VENUE shall include all construction details not shown on the plans that relate to the AQUATIC FACILITY.	
Water Sources	4.1.2.3.3	The technical specifications for each AQUATIC FACILITY shall include the sources of all water supplies.	

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<i>Area and Volume</i>	4.1.2.3.4	Technical specifications shall include the water surface area and volume of each AQUATIC VENUE and associated water features, if applicable.	
<i>Bather Load</i>	4.1.2.3.5	The technical specifications for each AQUATIC FACILITY and each AQUATIC VENUE shall include anticipated maximum BATHER LOAD, respectively.	
<i>Equipment Characteristics and Rating</i>	4.1.2.3.6	The technical specifications and supplemental engineering data for each AQUATIC FACILITY and each AQUATIC VENUE shall include: <ol style="list-style-type: none"> 1) Detailed information on the type, size, operating characteristics, and rating of all mechanical and electrical equipment; 2) Hydraulic computations for head loss in all piping and recirculation equipment; and 3) Pump curves that demonstrate that the selected recirculation pump(s) are adequate for the calculated required flows. 	
<i>Recirculation Rate and Turnover</i>	4.1.2.3.7	The technical specifications for each AQUATIC VENUE shall include the recirculation rate and turnover time.	
<i>Filter Media</i>	4.1.2.3.8	The technical specifications for each AQUATIC VENUE shall include information on the filter media such as diatomaceous earth, sand, gravel or other approved material.	
<i>Equipment Specifications</i>	4.1.2.3.9	The technical specifications for each AQUATIC VENUE shall include information on each piece of equipment associated with that venue.	
<i>Safety Equipment Specifications</i>	4.1.2.3.10	The technical specifications for each AQUATIC FACILITY shall include information on all aquatic SAFETY equipment.	
<i>Other Specifications</i>	4.1.2.3.11	The technical specifications for each AQUATIC FACILITY and each AQUATIC VENUE shall include additional information related to the project requested by the AHJ for the purposes of the construction of the AQUATIC FACILITY and each AQUATIC VENUE and all appurtenances.	

Key word	Section	Code	Grade
<i>Plan Approval</i>	4.1.3	Plan Approval	B
<i>New Construction</i>	4.1.3.1	New Construction	
<i>Approval Limitations</i>	4.1.3.1.1	The AHJ shall clearly state on the plans the limitations of their approval.	
<i>Plan Review Training</i>	4.1.3.1.2	The AHJ staff shall be adequately trained to conduct plan reviews.	
<i>Owner Responsibility</i>	4.1.3.1.3	The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation.	
<i>Other Approvals</i>	4.1.3.1.4	The approval shall also state that it is independent of all other required approvals such as Building, Zoning, Fire, Electrical, Structural and any other approvals as required by local or state law or CODE and the applicant must separately obtain all other required approvals and permits.	
<i>Plan Review Coordination</i>	4.1.3.1.5	The AHJ shall coordinate their AQUATIC FACILITY plan review and communicate their approval with other agencies involved in the AQUATIC FACILITY construction.	
<i>Plan Review Report</i>	4.1.3.1.6	The AHJ shall provide a plan submission compliance review list to the AQUATIC FACILITY owner with the following information: <ol style="list-style-type: none"> 1) Categorical items marked satisfactory, unsatisfactory, not applicable, or insufficient information; 2) A comment section keyed to the compliance review list shall detail unsatisfactory and insufficient; 3) Indication of the AHJ approval or disapproval of the AQUATIC FACILITY construction plans; 4) In the case of a disapproval, specific reasons for disapproval and procedure for resubmittal; and 5) Reviewer's name, signature and date of review. 	

Key word	Section	Code	Grade
<i>Plans Maintained</i>	4.1.3.1.7	The AQUATIC FACILITY owner shall maintain at least one set of their own approved plans made available to AHJ for as long as the AQUATIC FACILITY is in operation.	
<i>Non-substantial Alterations</i>	4.1.3.2	<i>Non-Substantial Alterations</i>	
<i>Alteration Review</i>	4.1.3.2.1	The AQUATIC FACILITY owner planning a non-substantial alteration shall contact the AHJ to review proposed changes prior to starting the non-substantial alteration.	
<i>Alteration Scope</i>	4.1.3.2.2	The AQUATIC FACILITY operator shall consult with the AHJ to determine if new or modified plans must be submitted for plan review and approval for other non-substantial alterations proposed.	
<i>Plan Review Fee</i>	4.1.3.2.3	A plan review fee shall be paid if new or modified plans are required.	B
<i>Established</i>	4.1.3.2.3.1	The fees for the review of plans and associated construction inspections shall be established by the AHJ.	
<i>Equipment Replacements</i>	4.1.3.3	<i>Replacements</i>	
<i>Replacement Equipment Equivalency</i>	4.1.3.3.1	The replacement of pumps, filters, feeders, controllers, skimmers, flow-meters, valves, or other similar equipment with identical or substantially similar equipment may be done without submission of new or altered AQUATIC FACILITY plans.	
<i>Replacement Approval</i>	4.1.3.3.2	The AQUATIC FACILITY owner shall submit to the AHJ the replacement equipment technical specification that verifies the proposed replacement equipment's equivalency to the originally approved and installed equipment prior to equipment's replacement.	
<i>Emergency Replacement</i>	4.1.3.3.3	In emergencies, the replacement may be made prior to receiving the AHJ's approval, with the owner accepting responsibility for proper immediate replacement, if the equipment is not deemed equivalent by the AHJ.	

Key word	Section	Code	Grade
Documentation	4.1.3.3.1	The owner shall submit documentation of the replacement to the AHJ for formal approval within 45 days of installation for review and approval.	
Replacement Record Maintenance	4.1.3.3.4	The AHJ shall provide the AQUATIC FACILITY owner written approval or disapproval of the proposed replacement equipment's equivalency.	
Documentation	4.1.3.3.5	Documentation of proposed, approved, and disapproved replacements shall be maintained in the AHJ's AQUATIC FACILITY files.	
Compliance Certificate	4.1.4	Compliance Certificate	
Construction Compliance Certificate	4.1.4.1	A certificate of construction compliance shall be submitted to the regulatory authority for all AQUATIC FACILITY plans for new construction and alterations requiring AHJ approvals.	
Certificate Preparation	4.1.4.2	This certificate shall be prepared by a licensed professional and be within the scope of their practice as defined by the state or local laws governing professional practice within the jurisdiction of the permit issuing official.	
Certificate Statement	4.1.4.3	The certificate shall also include a statement that the AQUATIC FACILITY, all equipment, and appurtenances have been constructed in accordance with approved plans and specifications.	
Systems Commissioning	4.1.4.4	Commissioning or testing reports for systems such as AQUATIC FACILITY lighting, ventilation, recirculation, filtration, DISINFECTION, and BATHER SAFETY shall be included in furnished documentation.	
Maintenance	4.1.4.5	Documentation of AQUATIC FACILITY new construction and renovation plan compliance shall be maintained in the AHJ's AQUATIC FACILITY files.	
Permits	4.1.5	Construction Permits	B
Building Permit for Construction	4.1.5.1	Construction permits required in this code and all other applicable permits shall be obtained before any AQUATIC FACILITY may be constructed.	

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<i>Remodeling Building Permit</i>	4.1.5.2	A construction permit or other applicable permits may be required from the appropriate regulatory authority before remodeling of an AQUATIC FACILITY.	
<i>Permit Issuance</i>	4.1.5.3	After receiving a certificate of completion from the design professional verifying information submitted and when new construction, alterations, or annual renewal requirements of this CODE have been met, the AHJ shall issue a permit to operate the AQUATIC FACILITY to the owner.	
<i>Permit Denial</i>	4.1.5.4	The permit (license) to operate may be withheld, revoked or denied by the AHJ for noncompliance of the AQUATIC FACILITY with the requirements of this CODE, provided: <ul style="list-style-type: none"> 1) Specific reasons for disapproval and procedure for resubmittal; 2) Notice of the rights to appeal this denial and procedures for requesting an appeal; and 3) Reviewer's name, signature and date of review and denial. 	
<i>Documentation</i>	4.1.5.5	Documentation of AQUATIC FACILITY permit renewal or denial shall be maintained in the AHJ's AQUATIC FACILITY files.	
	4.2	Materials	
	4.3	Equipment Standards	
	4.4	Pool Operation and Facility Maintenance	
	4.5	Pool Structure	
	4.6	Indoor/Outdoor Environment	
	4.7	Recirculation and Water Treatment	
	4.8	Decks and Equipment	
	4.9	Filter/Equipment Room	
	4.10	Regulatory Program Administration	

Model Aquatic Health Code
Regulatory Administration Program Draft CODE
5.0 Operation and Maintenance

Key word	Section	Code	Grade
<i>Operation and Maintenance</i>	5.0	Operation and Maintenance	
<i>Operating Permits</i>	5.1	Operating Permits	
<i>Owner Responsibilities</i>	5.1.1	Owner Responsibilities	
<i>Operating Permit Required</i>	5.1.1.1	Prior to opening an AQUATIC VENUE to the public, the AQUATIC VENUE owner shall apply to the AHJ for a permit to operate an AQUATIC VENUE by: <ul style="list-style-type: none"> 1) Submitting a permit application, 2) Paying the applicable fees, and 3) Showing compliance with the CODE. 	
<i>Separate</i>	5.1.1.2	A separate permit is required for each AQUATIC VENUE.	
<i>Prior to Issuance</i>	5.1.1.3	Before a permit (license) is issued, the AQUATIC FACILITY owner shall supply information showing that : <ul style="list-style-type: none"> 1) The AQUATIC FACILITY is in compliance with the requirements of this CODE, 2) All required application fees have been paid, and 3) The AQUATIC FACILITY has been approved by the AHJ. 	
<i>Permit Details</i>	5.1.1.4	The permit shall be issued in the name of the owner for the calendar year, or if a seasonal AQUATIC FACILITY, for the period during the calendar year the facility will be in operation.	
<i>Permit expiration</i>	5.1.1.5	Operating permits shall terminate according to AHJ calendar schedule.	
<i>Permit Renewal</i>	5.1.1.6	The AQUATIC FACILITY owner shall renew the permit to operate annually using forms and paying permit fees prescribed by the AHJ prior to the scheduled expiration of an existing permit to operate an	

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		AQUATIC FACILITY.	
<i>Permit Denial</i>	5.1.1.7	The permit (license) to operate may be withheld, revoked or denied by the AHJ for noncompliance of the AQUATIC VENUE with the requirements of this CODE	
<i>Owner Responsibilities</i>	5.1.1.8	The owner of an AQUATIC FACILITY is responsible for the facility being operated, maintained, and managed in accordance with the requirements of this CODE.	
<i>Permits</i>	5.1.2	Operating Permits	
<i>Permit Location</i>	5.1.2.1	The operating permit shall be posted in a location conspicuous to the public on the premises of the facility.	
<i>Operating Without a Permit</i>	5.1.2.2	Operation of an AQUATIC VENUE without a permit is prohibited.	
<i>Required Closure</i>	5.1.2.3	The AHJ may order the AQUATIC VENUE without a permit to close until the facility has obtained a permit.	
<i>Inspections</i>	5.2	Inspections	
<i>Preoperational Inspections</i>	5.2.1	Preoperational Inspections	
<i>Terms of operation</i>	5.2.1.1	The facility may not be placed in operation until an inspection approved by the AHJ shows compliance with the requirements of this CODE.	
<i>Multiple Inspections</i>	5.2.1.2	Where more than one annual pre-operational inspection is required for a facility before it can be approved for operation, the AHJ shall assess a re-inspection fee for each additional inspection after the initial inspection.	
<i>Exemptions</i>	5.2.2	Exemptions	
<i>Applying for Exemption</i>	5.2.2.1	An AQUATIC FACILITY seeking an initial exemption or an existing facility claiming to be exempt according to applicable regulations shall contact the AHJ for application details/forms.	

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Key word	Section	Code	Grade
<i>Change in Exemption Status</i>	5.2.2.2	An AQUATIC FACILITY that sought and received an exemption from a public regulation, shall contact the AHJ if the conditions upon which the exemption was granted change so as to eliminate the exemption status.	
<i>Variance</i>	5.2.3	Variances	
<i>Variance Authority</i>	5.2.3.1	The AHJ may grant a variance to the requirements of this CODE.	
<i>Applying for a Variance</i>	5.2.3.2	An AQUATIC FACILITY that seeks a variance shall apply in writing with the appropriate forms to the AHJ. The application shall include but not be limited to: <ol style="list-style-type: none"> 1) A citation of the CODE section to which the variance is requested; 2) A statement as to why the applicant is unable to comply with the CODE section to which the variance is requested; 3) The nature and duration of the variance requested; 4) A statement of how the intent of the code will be met and the reasons why the public health or safety would not be jeopardized if the variance was granted, and 5) A full description of any policies, procedures or equipment that the applicant proposes to use to rectify any potential increase in health or safety risks created by granting the variance. 	
<i>Variance Requests</i>	5.2.4	Variance Requests	
<i>Revoked</i>	5.2.4.1	Each variance is revoked when the permit attached to it is revoked.	
<i>Not Transferable</i>	5.2.4.2	A variance is not transferable unless otherwise provided in writing at the time the variance is granted.	

**Model Aquatic Health Code:
Regulatory Administration Program Draft CODE
6.0 Policies and Management**

Key word	Section	Code	Grade
<i>Policies and Management</i>	6.0	Policies and Management	
<i>Operator Training</i>	6.1	Operator Training	
<i>Lifeguard Training</i>	6.2	Lifeguard Training	
<i>Facility Staffing</i>	6.3	Facility Staffing	
<i>Operators Availability</i>	6.3.1	Operator Availability	
<i>Requirements</i>	6.3.1.1	On-Site Qualified Operator	B
<i>At Adoption</i>	6.3.1.1.1	The following MAHC sections shall be required for all aquatic facilities at time of adoption: <ol style="list-style-type: none"> 1) 6.3.1.1: On-Site Qualified Operators, and 2) 6.3.1.2: Contracted Off-Site Qualified Operators. 	
<i>Size and Use</i>	6.3.1.1.2	A QUALIFIED OPERATOR shall be on-site or immediately available within two hours during all hours of operation at an AQUATIC FACILITY that has: <ol style="list-style-type: none"> 1) More than two AQUATIC VENUES; or 2) An AQUATIC VENUE of over 50,000 gallons of water; or 3) Venues that include spray features with recirculated water; or 4) A venue used for therapy; or 5) A venue used to provide swimming training. 	
<i>Bathers and Management</i>	6.3.1.1.3	A QUALIFIED OPERATOR shall be on site or immediately available within two hours during all hours of operation at an AQUATIC FACILITY that is: <ol style="list-style-type: none"> 1) Permitted BATHER LOAD is greater than 200 BATHERS daily; or 2) Operated by a municipality; or 3) Operated by a school. 	

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Compliance History	6.3.1.1.4	A QUALIFIED OPERATOR shall be available on-site or immediately available within two hours during all hours of operation at an AQUATIC FACILITY that has a history of CODE violations which in the opinion of the permit issuing official require one or more on-site QUALIFIED OPERATORS.	
Off-Site Qualified Operator	6.3.1.2	<i>Contracted Off-site Qualified Operators</i>	B
Onsite or Contract Qualified Operator	6.3.1.2.1	All other AQUATIC FACILITIES shall have an on-site QUALIFIED OPERATOR immediately available within two hours or a contract with a QUALIFIED OPERATOR for a minimum of weekly visits and assistance whenever needed.	
Visit Documentation	6.3.1.2.2	Written documentation of these visits for contracted off-site QUALIFIED OPERATOR visits and assistance consultations shall be available at the AQUATIC FACILITY.	
Documentation Details	6.3.1.2.3	The written documentation shall indicate the following: <ol style="list-style-type: none"> 1) Recirculation, filtration, and DISINFECTION systems have been checked, 2) Safety equipment is noted available on-site, 3) AQUATIC VENUE stairs and deck are in good condition, and 4) Water quality parameters required by this CODE have been tested and their resulting values recorded on the report. 	
Visit Corrective Actions	6.3.1.2.4	The written documentation shall indicate what corrective actions, if any, were taken by the contracted off-site QUALIFIED OPERATOR during the scheduled visits or assistance requests.	
Onsite Responsible Supervisor	6.3.1.2.5	All AQUATIC FACILITIES without a full time, on-site QUALIFIED OPERATOR shall have a designated on-site RESPONSIBLE SUPERVISOR.	
Onsite Responsible Supervisor Duties	6.3.1.2.6	The designated on-site RESPONSIBLE SUPERVISOR shall: <ol style="list-style-type: none"> 1) Be capable of testing and recording the water quality parameters required by this CODE; 	

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		<ol style="list-style-type: none"> 2) Know how to make adjustments, as needed, to maintain required water quality parameters required by this CODE; 3) Know general maintenance procedures as required by daily operational verifications or adjustments required by this CODE; 4) Know when the AQUATIC FACILITY or individual AQUATIC VENUE should be closed; and 5) Know how and when to contact the contracted off-site QUALIFIED OPERATOR. 	
<i>Facility Management</i>	6.4	Facility Management	
<i>Operations</i>	6.4.1	Operations	
<i>Operations Manual</i>	6.4.1.1	Operations Manual	
<i>Systems Check Program</i>	6.4.1.2	Systems Check Program	
<i>Recordkeeping</i>	6.4.1.3	Recordkeeping	B
<i>Daily Operation Records</i>	6.4.1.3.1	Daily Operation Records	
<i>Operator Inspections</i>	6.4.1.3.1.1	The qualified operator or responsible supervisor shall make daily inspections before the AQUATIC FACILITY opens and record the results in a log or form maintained at the AQUATIC FACILITY for 3 years.	
<i>Daily Inspection Items</i>	6.4.1.3.1.2	<p>The operator's daily AQUATIC FACILITY inspections shall include:</p> <ol style="list-style-type: none"> 1) Drain covers, vacuum fitting covers, skimmer equalizer covers, and any other suction outlet covers are in place, secure, and unbroken, 2) Skimmer baskets, weirs, lids, flow adjusters, and suction outlets are free of any blockage, 3) Inlet and return covers and any other fittings are in place, secure, and unbroken, 4) Safety warning signs and safety equipment as required by this CODE are in place and in good repair, 5) Entrapment prevention systems are 	

Key word	Section	Code	Grade
		operational, 6) Recirculation and DISINFECTION systems are operating, 7) Secondary and/or supplemental DISINFECTION systems are operating, 8) Underwater lights are intact with no exposed wires or water in lights, 9) Emergency communication systems are operational, 10) Fecal/vomit/blood incident CONTAMINATION RESPONSE protocols, materials, and equipment are available, 11) Water features and amenities are functioning in accordance with the manufacturer's recommendations, 12) Fencing/barriers, gates, and locks are tested and functioning properly, and 13) Alarms, if required, are tested and functioning properly.	
<i>Monitoring and Testing Records</i>	<i>6.4.1.3.2</i>	<i>Monitoring and Testing Records</i>	
<i>Illness and Injury Reports</i>	<i>6.4.1.3.3</i>	<i>Illness and Injury Reports</i>	
<i>Record</i>	6.4.1.3.3.1	The AQUATIC FACILITY operator shall make a record of all complaints of illness and injury, and all lifesaving activities that require resuscitation, CPR, Oxygen or AED use, or transportation of the victim to a medical facility.	
<i>Available</i>	6.4.1.3.3.1.1	These records shall be available for inspection by the AHJ.	
<i>Include</i>	6.4.1.3.3.2	Illness and injury report information shall include <ol style="list-style-type: none"> 1) Date, 2) Time, 3) Names and addresses of the individuals involved, 4) Actions taken, 5) Equipment used, and 6) Outcome of the incident. 	
<i>Notify</i>	6.4.1.3.3.3	In addition to making such records, the operator shall notify the AHJ within 24 hours of the occurrence of such activities or complaints.	

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Lifeguard Assists	6.4.1.3.3.4	The AQUATIC FACILITY operator shall also record all lifeguard assists where the lifeguard enters to water or uses a reaching pole or other equipment to help a struggling patron.	
Include	6.4.1.3.3.4.1	These records shall include the date, time, lifeguard and patron names and reason that assistance was needed.	
Available	6.4.1.3.3.4.2	These records shall also be available for inspection by the AHJ.	
Remediation	6.4.1.3.4	<i>Body Fluids Remediation Log</i>	
Staff Certifications Maintained	6.4.1.3.5	<i>Staff Certifications on File</i>	
Personnel Training	6.4.1.3.5.1	All required lifeguard, safety personnel training, or qualified operator certificates shall be maintained on-site and made available to inspectors, staff, and POOL patrons upon request.	
Multiple Facilities	6.4.1.3.5.2	A copy of the original certificate shall be made available when employees work at multiple aquatic facilities.	
Patron-Related Management Aspects	6.4.2	Patron-Related Management Aspects	
Bather Load	6.4.2.1	<i>Bather Load</i>	
Signage	6.4.2.2	<i>Signage</i>	
User Guidelines	6.4.2.3	<i>User Guidelines</i>	
Swimmer Empowerment Methods	6.4.2.4	<i>Swimmer Empowerment Methods</i>	C
Post Inspection Score	6.4.2.4.1	The permit to operate and the results of the most recent inspection of the facility shall be posted for public view at the AQUATIC FACILITY.	
Certificates Retained	6.4.2.4.2	Originals or legible copies of required QUALIFIED OPERATOR, lifeguard or safety personnel training certificates shall be retained at the pool and readily available for review by the AHJ.	
Contamination Response	6.5	Fecal/Blood/Vomit Contamination Response	

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<i>Inspections</i>	6.6	Inspections	
<i>Inspection Process</i>	6.6.1	Inspection Process	
<i>Inspection Authority</i>	6.6.1.1	The AHJ shall have the right to inspect or investigate the operation and management of an AQUATIC FACILITY.	
<i>Inspection Parameters</i>	6.6.1.2	<p>Upon presenting proper identification, an authorized employee or agent of the AHJ shall be permitted to enter any AQUATIC VENUE area, including the recirculation equipment and piping area, at any reasonable time for the purpose of inspecting the pool or water attraction to do any of the following:</p> <ol style="list-style-type: none"> 1) Inspect the AQUATIC VENUE, 2) Determine if there has been a violation of this CODE, 3) Verify compliance with previously written violation orders, 4) Secure samples or specimens, 5) Examine and copy relevant documents and records, or 6) Obtain photographic or other evidence needed to enforce this CODE. 	
<i>Right</i>	6.6.1.2.1	<p>The AHJ shall have the right to</p> <ol style="list-style-type: none"> 1) inspect, investigate, or evaluate for compliance with this CODE, 2) to review records, collect samples, make copies, take photographs, 3) to question any person, or 4) to locate, to identify, and to assess the condition of the AQUATIC FACILITY. 	
<i>Based on Risk</i>	6.6.1.3	An AQUATIC FACILITY'S inspection frequency may be amended based on a risk of recreational water injury and illness.	
<i>Inspection Interference</i>	6.6.1.4	It is a violation of this CODE for a person to interfere with, deny, or delay an inspection or investigation conducted by the AHJ.	

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<i>Inspection Publication</i>	6.6.2	Publication of Inspection Forms	
<i>Inspection Form Publication</i>	6.6.2.1	The AHJ may publish the reports of AQUATIC FACILITY inspections.	
<i>Forms</i>	6.6.3	Forms	
<i>Applications</i>	6.6.3.1	<p>Upon receipt of the following properly completed forms, the AHJ shall approve or deny the following applications in accordance with the provisions in this CODE as long as the operation will not present a danger</p> <ol style="list-style-type: none"> 1) Application for AQUATIC VENUE Exemption Status 2) Application for Approval of AQUATIC VENUE Plans. 3) Application for AQUATIC VENUE Operating Permit/Authorization. 4) Application for Annual Renewal or Reissuance of AQUATIC VENUE Operating Permit 5) Application for AQUATIC VENUE Variance 	
<i>Imminent Health Hazards</i>	6.6.4	Imminent Health Hazards	
<i>Violations</i>	6.6.4.1	<p>Any of the following violations are imminent health hazards which shall require immediate correction or immediate pool closure:</p> <ol style="list-style-type: none"> 1) Failure to provide adequate supervision and staffing of the AQUATIC FACILITY as prescribed in this CODE; 2) Failure to provide the minimum disinfectant residual levels listed in various sections of this CODE 3) PH level below 6.5; 4) PH level above 8.0; 5) Failure to continuously operate the AQUATIC VENUE filtration and DISINFECTION equipment; 6) Use of an unapproved or contaminated water supply source for potable water use; 7) Unprotected overhead electrical wires within 20 feet horizontally of the AQUATIC 	

Key word	Section	Code	Grade
		VENUE; 8) Non GFCI protected electrical receptacles within 20 feet of the inside wall of the AQUATIC VENUE; 9) Failure to maintain an emergency lighting source; 10) Absence of all required lifesaving equipment on AQUATIC VENUE DECK; 11) AQUATIC VENUE bottom not visible; 12) Total absence of or improper depth markings at an AQUATIC VENUE; 13) Plumbing cross-connections between the drinking water supply and AQUATIC VENUE water or between sewage system and the AQUATIC VENUE INCLUDING filter backwash facilities; 14) Failure to provide and maintain an enclosure around the AQUATIC VENUE area that will inhibit unauthorized access to the AQUATIC VENUE ; 15) Use of unapproved chemicals or the application of chemicals by unapproved methods to the AQUATIC VENUE water; 16) Broken or missing main drain grate or any submerged suction outlet in the AQUATIC VENUE; 17) Overcrowding of the AQUATIC VENUE that results in poor supervision of BATHERS; 18) Broken glass or sharp objects in AQUATIC VENUE or on deck area; or 19) Any other item determined to be a public health hazard by the AHJ.	
<i>pH Violations</i>	6.6.4.1.1	If pH testing equipment doesn't measure below 6.5, pH level must be at or below the lowest value of the test equipment.	
<i>pH Violations</i>	6.6.4.1.2	If pH testing equipment doesn't measure above 8.0, pH level must be at or above the highest value of the test equipment.	
<i>Enforcement</i>	6.6.5	Enforcement	
<i>Placarding of Pool</i>	6.6.5.1	Where an imminent public health hazard is found, the AQUATIC VENUE shall be placarded to prohibit use until the hazard is corrected in order to protect the public health or safety of BATHERS.	
<i>Placard Location</i>	6.6.5.2	When a placard is used, it shall be conspicuously	

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		posted at each entrance leading to the AQUATIC FACILITY and/or AQUATIC VENUE.	
<i>State Authority</i>	6.6.5.2.1	When placed by the AHJ, the placard shall state the authority responsible for its placement.	
<i>Tampering with Placard</i>	6.6.5.2.2	When placed by the AHJ, the placard shall indicate that concealment, mutilation, alteration or removal of it by any person without permission of the AHJ shall constitute a violation of this CODE and the Public Health Law.	
<i>Operator Follow-up</i>	6.6.5.3	Within 15 days of the AHJ placarding an AQUATIC FACILITY, the operator of such facility shall be provided with an opportunity to be heard and present proof that continued operation of the facility does not constitute a danger to the public health. If the imminent health hazard(s) have been corrected the operator can contact the AHJ prior to the hearing and request a follow-up inspection.	
<i>Hearing</i>	6.6.5.3.1	The hearing shall be conducted by the AHJ.	
<i>Follow-up Inspection</i>	6.6.5.4	The AHJ shall inspect the premises, within two working days of notification that the hazard has been eliminated, to remove the placards after verifying correction.	
<i>Enforcement Penalties</i>	6.6.6	Enforcement Penalties	
<i>Liability and jurisdiction</i>	6.6.6.1	It shall be unlawful for any person to fail to comply with any of the regulations promulgated pursuant to this CODE.	
<i>Failure to Comply</i>	6.6.6.1.1	Any person who fails to comply with any such regulation shall be in violation of this CODE.	
<i>Civil Penalty</i>	6.6.6.1.2	For each such offense, violators shall be liable for a potential civil penalty.	
<i>AHJ Authority</i>	6.6.6.1.3	The AHJ shall have authority to utilize civil penalty as a potential enforcement option.	
<i>Continued violation</i>	6.6.6.2	Each day, or any part thereof, during which a violation of this CODE exists or persists shall	

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		constitute a separate violation of this CODE.	
<i>Falsified Documents</i>	6.6.6.3	Falsifying or presenting to the AHJ falsified documentation and or certificates shall be a civil violation as specified by the AHJ.	
<i>Enforcement process</i>	6.6.6.4	Upon determining that one or more violations of this CODE exists, the AHJ shall cause a written notice of the violation or violations to be delivered to the owner or operator of the AQUATIC FACILITY that is in violation of this CODE.	
<i>Public Nuisance</i>	6.6.7	Public Nuisance	
<i>Public Nuisance</i>	6.6.7.1	Any public AQUATIC FACILITY constructed, operated, or maintained contrary to the provisions of this article is a public nuisance and dangerous to health.	
<i>Fees</i>	6.6.8	Fees	
<i>Owner's Permit</i>	6.6.8.1	The owner's permit application fee shall be paid prior to the issuance of the owner's permit for facilities operating on a seasonal schedule. The AHJ may waive fees as appropriate.	
<i>Re-inspection fees</i>	6.6.8.2	The fees for pre-operational re-inspections are as established by the AHJ.	