



# Aquatic Facility Regulations

Subtitle

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# Why Present New Regulations Now?

- Current state Regulations are antiquated
  - Major content from 1974
  - Minor updates in 1988 & 1996
  - Terminology and technology is obsolete
- Board of Health requested a regulation update for pools dating back to January 2012
  - BOH discussed the need for new pool regulations at length during the January, February and March meetings of 2012
  - 2012 the State of Nevada put a moratorium on new regulations

# Vegas Industry is more complex -

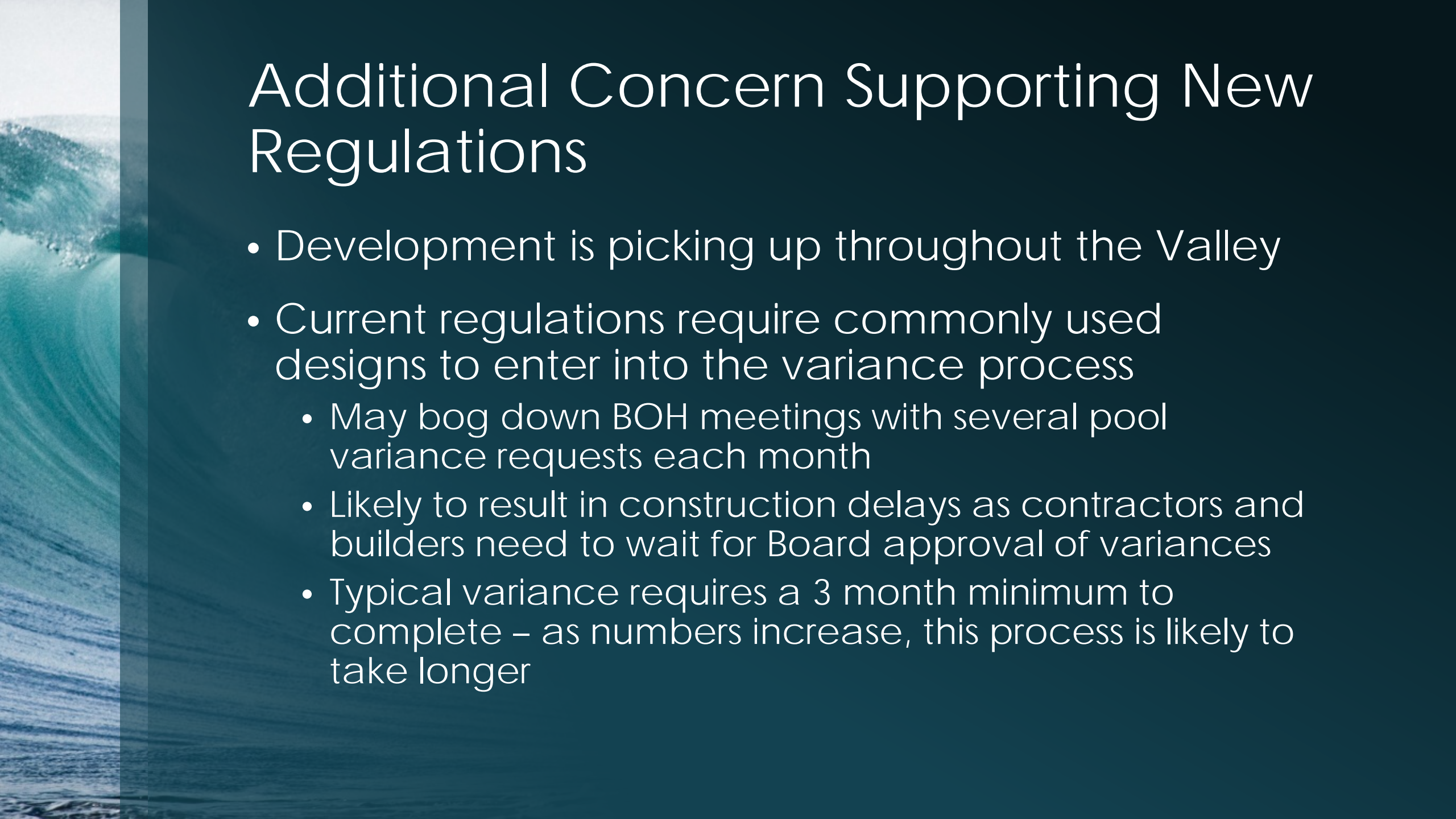
**NRS 444.070 Health authority to supervise public swimming pools and bathhouses; regulations.**

1. The health authority shall supervise the sanitation, healthfulness, cleanliness and safety of public swimming pools and bathhouses and the State Board of Health or local board of health may adopt and enforce such rules and regulations pertaining thereto as it deems necessary to carry out the provisions of [NRS 444.065](#) to [444.120](#), inclusive.



# Examples of common designs not accommodated by the NAC 444

- The following commonly installed designs require a variance approved by the Board of Health:
  - Zero depth entry pools
  - ADA compliance options
    - Raised edge pools/spas
  - Cold plunge pools/spas
  - Deck obstructions greater than 10%
  - Signage
  - Innovative designs unique to the industry in Southern Nevada



# Additional Concern Supporting New Regulations

- Development is picking up throughout the Valley
- Current regulations require commonly used designs to enter into the variance process
  - May bog down BOH meetings with several pool variance requests each month
  - Likely to result in construction delays as contractors and builders need to wait for Board approval of variances
  - Typical variance requires a 3 month minimum to complete – as numbers increase, this process is likely to take longer



# Scientific and Safety concerns not current with industry standards

- Suction outlet cover terminology and requirements established by the Pool and Spa Safety Act
- The inhibitory effects of Cyanuric Acid on Chlorine disinfection
- Modern lifeguard staffing requirements designed to increase attentiveness and response time
- Addition of secondary disinfection systems on high risk aquatic venues – associated safety requirements on supplemental systems

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# Tailored to the Target Audience

- Aquatic Facility Regulations apply to a large diverse group with specific skill sets that apply at various stages of a pool or spa.
  - Designers
  - Contractors and Builders
  - Pool Operators
  - Apartment managers, hotel/ motel managers, management companies, HOA boards
  - Resort management staff, pool managers
  - Lifeguards

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# The Process

- Model Aquatic Health Code published in 2014
- Internal Review of MAHC November 2014
- Collaborative draft process with industry representatives February thru April 2015
- Draft in legal review/ Request by Board to slow down the process
- Update meeting with industry to resume the regulation adoption processes January 2016



# The Process Cont.

- Revisions advised by legal department completed July 2016 – mostly language clean up
- Staff Review and input late July through August 2016
- Initial Business Impact Survey mid August – mid September
- Public workshops October 2016
- 2<sup>nd</sup> set of Public Workshops November 2016 due to extensive changes in response to the initial public Workshops



# The Process Cont.

- Public Comments accepted September – December 9
- Aquatic Facility Regulations presented to BOH February 2017
- Additional Business Impact Survey conducted April 2017
- Review of Business Impact Survey responses and corresponding regulatory changes May 2017
- Re-Submission to BOH for approval August 2017



# Major changes made in response to public comment

- Following the first set of public workshops:
  - Removal of all references to Party Pools and spas – Special Event Pools/ Party Pools will be handled by the Waiver Process
  - Updated several construction requirements
  - Added the ability to consume beverages from a durable container while in or next to a pool or spa



# Major changes made in response to public comment

- Following the second set of public workshops:
  - Clarification of non-substantial alteration definition
  - Addition of a 5 day window to notify SNHD of equipment replacement
  - Clarification of equipment room requirements
  - Eliminated lifeguard requirement to provide patrons with their ID



# Major changes made in response to the business impact survey

- Clarification of the “Responsible Person” definition
- Removed “the alteration of water volume” from the definition of Substantial Alteration
- Removal of emergency egress lighting requirement
- Removal of the requirement for a spare set of cartridges for cartridge filters

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# Major changes made in response to the business impact survey

- Removal of the requirement for existing facilities to install Automated chemical feeders
- Removal of the requirement to phase out Cyanuric Acid within 5 years
  - Acceptable levels adjusted to 50 ppm with closure at 80 ppm
- Rephrased hygiene facility cleaning requirements with HOA style facilities in mind



# Why must HOA's be regulated?

- HOA pools and spas fall under the NRS and NAC definitions of "public swimming pool"
- SNHD lacks authority to deregulate a group that has not been exempted by the state through the NRS

# NRS 444.065 “Public swimming pool” defined.

- 1. Except as otherwise provided in subsection 2, as used in [NRS 444.065](#) to [444.120](#), inclusive, “public swimming pool” means any structure containing an artificial body of water that is intended to be used collectively by persons for swimming or bathing, regardless of whether a fee is charged for its use.
- 2. The term does not include any such structure at:
  - (a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.
  - (b) A family foster home as defined in [NRS 424.013](#).
  - (c) A child care facility, as defined in [NRS 441A.030](#), furnishing care to 12 children or less.
  - (d) Any other residence or facility as determined by the State Board of Health.
  - (e) Any location if the structure is a privately owned pool used by members of a private club or invited guests of the members.





# NAC 444.058 "Public bathing or swimming facility" defined. (NRS 439.200, 444.070)

- 1. "Public bathing or swimming facility" means any:
  - (a) Artificial swimming lagoon;
  - (b) Isolation and flotation tank;
  - (c) Mineral bath, therapeutic pool or similar facility;
  - (d) Special purpose pool;
  - (e) Spray pool;
  - (f) Swimming pool;
  - (g) Wading pool; or
  - (h) Water recreation attraction, that is used by the public for swimming or bathing.
- 2. The term does not include any facility at a private residence controlled by the owner of the residence, the use of which is limited to members of the family or invited guests of the owner.



# New Regulatory requirements for existing facilities

- The addition of depth markings on horizontal surfaces adjacent to the pool/spa – within 2 years
- The addition of “No Diving” and symbol on horizontal surfaces of pools/ spas with a depth of 5ft or less – within 2 years
- Requirement for recirculation systems to operate 24 hours a day when pool/spa is in use
- Reduction of acceptable Cyanuric acid to 50 ppm and closure above 80 ppm

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# New Regulatory requirements for existing facilities

- Requirement for a designated Responsible Person to take charge and “close” the pool/ spa or contact the proper professional when obvious health and life safety problems are identified
- Requirement for a designated Lifeguard Supervisor when more than one guard is required
- Utilization of the national certification process for qualified operators

# Overview of Changes - By Section

## Section 2

Uniform construction requirements regardless of the feature type ie - a stair is a stair

Requirement for designers and builders to take into consideration and address end user safety concerns

New construction requirement to add secondary disinfectant systems for increased risk aquatic venues

More specific hygiene facility requirements including increased flexibility for pool showers associated with living and lodging units

Specific requirements for designs omitted completely or only vaguely referenced in the NAC (Section 2-10)



## Section 3

- Less ambiguity throughout the regulations – no more guessing
- Better outlines operational responsibilities and considerations for those in charge of recreational water venues

# Section 4

- Provides clarification of staffing requirements and associated certifications – lumps in separate Pool Operator regulations
- Establishes a requirement for a safety plan, Emergency Action Plan, and Biohazard Response Plan
- Additional Signage Requirement

# Section 5

- Establishes a Waiver Procedure to address unique circumstances and special operating procedures.
- Requirement for Facility Staff to notify the Health District when accidents occur.
- Outlines an administrative process ensuring operators are treated consistently and ensures due diligence
- Establishes a process to hold certified professional pool maintenance professionals accountable
- Provides a clear list of Immanent Health Hazards





# Imminent Health Hazards

- Failure to provide adequate supervision of children and required staffing such as: LIFEGUARDS, ATTENDANTS, and a QUALIFIED OPERATOR for the AQUATIC FACILITY as prescribed in these Regulations;
- Failure to provide disinfectant residual levels within the minimum and maximum limits designated in these Regulations;
- Failure to treat and achieve proper disinfection following a body fluid contamination event;



# Imminent Health Hazards

- pH level below 6.5;
- pH level above 8.0;
- Failure to continuously operate the AQUATIC VENUE filtration and DISINFECTION equipment;
- Failure to maintain CYA levels below 80 PPM;
- Use of an unapproved or contaminated water supply source for potable water;



# Imminent Health Hazards

- Non-GFCI protected electrical receptacles within 20 feet of the inside wall of the AQUATIC VENUE;
- Failure to maintain GFCI protection for underwater lighting as required;
- Absence of all required lifesaving equipment on DECK;
- AQUATIC VENUE bottom not clearly visible;
- Total absence of or improper depth markings at an AQUATIC VENUE;



# Imminent Health Hazards

- Plumbing cross-connections between the drinking water supply and aquatic venue water or between the sewage system and the aquatic venue including filter backwash facilities
- Failure to provide and maintain an enclosure or barrier to inhibit unauthorized access to the aquatic facility or aquatic venue as required
- Use of unapproved chemicals or the application of chemicals by unapproved methods to the aquatic venue water



# Imminent Health Hazards

- Broken, unsecured, or missing submerged suction outlet covers in the aquatic venue
- Gates that are not self closing and self latching and/or enclosure breaches or gaps
- Broken glass or sharp objects in the aquatic venue or on the deck area
- Any other item determined to be an imminent health hazard by the health authority



# In Conclusion

- Despite the length of the process – Industry has had a vital role in shaping the final product proposed for adoption today. From the initial drafting of the regulation through the many public workshops held and the business impact survey, constant feedback has been both provided and incorporated into the proposed regulations.
- Thank you to all who participated in the process.