

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Health  
DIVISION Environmental Health  
DIVISION DIRECTOR J. Terry Paul, R.S.  
CONTACT PERSON J. Terry Paul, R.S.  
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NAME OF PRESENTER AT COMMITTEE MEETING J. Terry Paul  
PRESENTER E-MAIL jpaul@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

**RECEIVED**

FEB 13 2012

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1. What is the short title of this rule? R & R. Pertaining to Swimming Pools and Other Related Facilities

2. What is the subject of the proposed rule? Public simming pools and other related facilities

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No

5. Is this a new rule? Yes  No

If yes, please provide a brief summary explaining the regulation.

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Does this repeal an existing rule? Yes  No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

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Is this an amendment to an existing rule? Yes  No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

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6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Ark. Code Ann. § 20-7-109 and Ark. Code Ann. § 20-30-103 et seq.

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7. What is the purpose of this proposed rule? Why is it necessary?

To regulate public swimming pools and other related facilities. To update the rule for clarity and address new industry technology and improve safety of patrons.

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8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

www.healthy.arkansas.gov

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9. Will a public hearing be held on this proposed rule? Yes  No

If yes, please complete the following:

Date: 3-13-2012

Time: 10-11 a.m.

Place: Arkansas Department of Health Lab Training Room 2508

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10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

March 13, 2012

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

September 15, 2012

12. Do you expect this rule to be controversial? Yes  No

If yes, please explain. \_\_\_\_\_

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13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

Pool operators, Pool Service Companies, Pool Builders, Arkansas Hospitality Association, Arkansas Apartment Association, Arkansas Parks and Tourism

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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Health  
**DIVISION** Environmental Health  
**PERSON COMPLETING THIS STATEMENT** J. Terry Paul, R.S.  
**TELEPHONE NO.** 501-661-2171 **FAX** NO. 501-661-2572 **EMAIL:** jpaul@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Rules and Regulation Pertaining to Swimming Pools and Other Related Facilities

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No   
2. Does this proposed, amended, or repealed rule affect small businesses? Yes  No   
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.  
attached

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

<u><b>Current Fiscal Year</b></u>	<u><b>Next Fiscal Year</b></u>
General Revenue _____	General Revenue _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other (Identify) _____	Other (Identify) _____
Total <u>0</u>	Total <u>0</u>

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

<u><b>Current Fiscal Year</b></u>	<u><b>Next Fiscal Year</b></u>
\$ <u>0</u>	\$ <u>0</u>

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

<u><b>Current Fiscal Year</b></u>	<u><b>Next Fiscal Year</b></u>
\$ <u>0</u>	\$ <u>0</u>

**ECONOMIC IMPACT STATEMENT  
OF PROPOSED RULES OR REGULATIONS**

**EO 05-04: Regulatory Flexibility**

**Department** AR Department of Health  
**Contact Person** J. Terry Paul  
**Contact Phone** 501-661-2171

**Division** Environmental Health  
**Date** February 3, 2012  
**Contact Email** jpaul@arkansas.gov

**Title or Subject** Rules and Regulations Pertaining to Swimming Pools and Other Related Facilities

**Benefits of the Proposed Rule or Regulation**

1. Explain the need for the proposed change(s). Did any complaints motivate you to pursue regulatory action? If so, please explain the nature of such complaints.  
To update technical terminology; to reflect current industry standards; upgrade safety requirements.
2. What are the top three benefits of the proposed rule or regulation?  
Clarification of industry terminology; address new technology; improve safety of patrons utilizing public water recreation facilities
3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?  
Potential for increase in injuries incurred in recreational facilities; water quality concerns--both chemical and bacteriological which could increase disease transmission in recreational facilities.
4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason(s) for not selecting those alternatives. NA

**Impact of Proposed Rule or Regulation**

5. Estimate the cost to state government of *collecting information, completing paperwork, filing, recordkeeping, auditing and inspecting* associated with this new rule or regulation.  
None, The inspection, plan review, and other aspects of the program are already part of the ongoing program.
6. What types of small businesses will be required to comply with the proposed rule or regulation? Please estimate the number of small businesses affected.  
There are approximately 1650 pool or other water related facilities locations currently inspected by Department.
7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary. No.
8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance. {Contrasting edge marking to be added to benches built into or inside pool walls will require painting. Some facilities may have to add one piece of safety equipment which is a Shepherds Hook or a Ring Bouy. Total expense less than 100 dollars.
9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary. No
10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation. Cost of these updates are less than 100 dollars per facility and some facilities already have these provisions in place.
11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government? Other state regulations pertaining to swimming pools/other related facilities were reviewed during the revision process to insure some consistency with other states requirements.
12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation.

## **Summary of Changes to the Rules and Regulations Pertaining to Swimming Pools**

### **SECTION III DEFINITIONS**

Deleted Definition of Air Bum Assist Backwash and NSPI.

Added definitions for ASPS, Backflow preventer, Breakpoint Chlorination, CDC, and Readily Accessible.

Added clarifying information for several definitions to be consistent with current recognized terminology and safety concerns.

### **SECTION V. PLAN REVIEW AND CONSTRUCTION.**

Clarified language for plan review and the various types of pools submissions

### **SECTION VI WATER:**

Clarified wording to include types of chemical and or samples that can be collected  
And wording restating the requirement that all piping must meet backflow prevention requirements.

### **SECTION VII. Sewage.**

Added wording to keep pools from having direct connections to the sewer lines.

### **SECTION VIII. POOL AND POOL AREA DESIGN/CONSTRUCTION DETAILS.**

Added consideration for pool design considerations and details and repair options for pools.

Prohibition of the use of carpet around spas.

Added the requirement for marking changes in pool depth around built in benches in pools or spas and clarification of other markings required for pool safety.

### **Section IX. RECIRCULATION SYSTEMS AND EQUIPMENT**

Reduced turnover time to two hours for wading pools from four to two hours.

Detailed main drain and hydrostatic relief valve requirements.

Updating of suction fittings, flow rates, and safety requirements.

## **SECTION X. OVERFLOW SYSTEMS**

Deletes and adds clarifying language in determining flow rates and acceptable equipment in the skimmer and flow control devices.

## **SECTION XI. FILTRATION SYSTEMS AND EQUIPMENT**

**Details cleaning requirements for filters.**

### **Section XII.**

Details types of disinfection equipment including salt chlorine generators, required feed rates, and training requirements for handling of gas chlorine.

## **SECTION XV. CONTROLLED LIMITED-USE SPAS.**

Requirements for continuous disinfection of this specialized type of spa. Review will be on a case by case basis.

## **SECTION XVI. TESTING EQUIPMENT.**

Requirement of the appropriate test kit to test for pool chemical parameters.

## **SECTION XX. SAFETY.**

General safety requirements including suggested certifications, pool markings, safety equipment, fencing, buffer zones for walking areas, and means for emergency communication.

## **SECTION XXII. OPERATION AND MAINTENANCE.**

**Operational Records.** Types and kind of forms required and available to report pool/spa related issues or operation.

## **SECTION XXIII. ANNUAL PERMIT FOR OPERATION.**

Permit and opening requirements.

## **SECTION XXVI. OTHER RELATED REGULATIONS**

List of agencies both state and federal that may have specific requirements not contained in this regulation.

**RULES AND REGULATIONS PERTAINING  
TO  
SWIMMING POOLS  
AND  
OTHER RELATED FACILITIES**

11-26-11

Contents - 1 of 5

## TABLE OF CONTENTS

SECTION I.	AUTHORITY
SECTION II.	PURPOSE
SECTION III.	DEFINITIONS
SECTION IV.	COMPLIANCE
SECTION V.	PLAN REVIEW AND CONSTRUCTION.
	A. PLANS REQUIRED
	B. FINAL CONSTRUCTION INSPECTION
	C. INSTRUCTIONS FOR OPERATION
SECTION VI.	WATER
	A. WATER SUPPLY
	B. POOL WATER QUALITY
	C. MAKE-UP WATER FACILITIES
SECTION VII.	SEWAGE
	A. CAPACITY
	B. CONNECTION
	C. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
SECTION VIII.	POOL AND POOL AREA DESIGN/CONSTRUCTION DETAILS
	A. LOCATION
	B. MATERIAL
	C. SHAPE, DESIGN, AND SLOPES
	D. WALK AREA (POOL DECK)
	E. HEAD ROOM
	F. VENTILATION
	G. LIGHTING
	H. HOSE CONNECTIONS
	I. STEPS AND LADDERS
	J. SAND BEACHES OR LANDSCAPE AREAS
	K. FOOT BATHS



SECTION IX.

RECIRCULATION SYSTEMS AND EQUIPMENT

- A. GENERAL
- B. TURNOVER
- C. SEPARATION
- D. THERAPY OR JET SYSTEMS
- E. PUMPING EQUIPMENT
- F. PIPING SYSTEM
- G. CLEANOUTS
- H. MAIN DRAINS
- I. INLETS
- J. RATE-OR-FLOW INDICATORS

SECTION X.

OVERFLOW SYSTEMS

- A. GENERAL
- B. PERIMETER OVERFLOW (GUTTERS)
- C. RECESSED AUTOMATIC SURFACE SKIMMERS

SECTION XI.

FILTRATION SYSTEMS AND EQUIPMENT

- A. GENERAL
- B. SAND FILTERS
- C. DIATOMACEOUS EARTH FILTERS
- D. CARTRIDGE FILTERS
- E. OTHER FILTERS

SECTION XII.

DISINFECTION EQUIPMENT

- ~~A. GENERAL~~
- ~~B. TYPES OF FEEDERS~~
- ~~C. DISINFECTANTS OTHER THAN CHLORINE OR BROMINE~~
- ~~D. NSF APPROVAL OF DISINFECTANT FEEDERS AND CHEMICAL FEEDERS~~
- ~~E. FEED RATE~~
- ~~F. MINIMUM STANDARDS FOR GAS CHLORINE FEEDERS ON EXISTING POOLS~~
- ~~G. HYPOCHLORINATORS AND CHEMICAL FEEDERS~~
- ~~H. FLOW THROUGH OR CONTROLLED EROSION FEEDERS~~
  - A. GENERAL
  - B. TYPES OF FEEDERS
  - C. DISINFECTANTS OTHER THAN CHLORINE OR BROMINE
  - D. NSF APPROVAL OF DISINFECTANT FEEDERS AND CHEMICAL FEEDERS
  - E. ALTERNATE DISINFECTION DEVICES
  - F. FEED RATE
  - G. MINIMUM STANDARDS FOR GAS CHLORINE FEEDERS ON EXISTING POOLS
  - H. HYPOCHLORINATORS AND CHEMICAL FEEDERS
  - I. FLOW THROUGH OR CONTROLLED EROSION FEEDERS
  - J. CHEMICAL TRAINING

SECTION XIII.

CHEMICAL FEEDERS

	A. GENERAL
	B. FEED RATE
SECTION XIV.	POOL/SPA HEATERS
SECTION XV.	CONTROLLED LIMITED-USE SPAS
SECTION XVI	TESTING EQUIPMENT
SECTION XVII.	POOL CLEANING EQUIPMENT
	A. SUCTION CLEANER OR CLEANING EQUIPMENT
SECTION XVIII.	EQUIPMENT ROOMS
	A. ACCESS TO EQUIPMENT
	B. GAS CHLORINE STORAGE
	C. VENTILATION FOR EQUIPMENT ROOMS
	D. CHEMICAL STORAGE
	E. LIGHTING
SECTION XIX.	BATHER PREPARATION FACILITIES
	A. GENERAL
	B. DRESSING ROOMS
	C. LIGHT AND VENTILATION
	D. HOT AND COLD RUNNING WATER SHALL BE PROVIDED
	E. MAINTENANCE
SECTION XX.	SAFETY
	A. OPERATION, SUPERVISION, AND MANAGEMENT
	B. LIFEGUARDS
	C. GENERAL SAFETY
	D. PREVENTION OF UNAUTHORIZED ENTRY
	E. CHEMICAL STORAGE AND HANDLING
	F. <u>TELEPHONE FOR EMERGENCY COMMUNICATIONS</u>
	G. ACCIDENT REPORTS
	H. LIFE SAVING AND SAFETY EQUIPMENT
	I. FIRST AID EQUIPMENT
	J. ELECTRICAL REQUIREMENTS
	K. <u>SPA TIMER AND EMERGENCY SHUT-OFF SWITCH</u>
	L. SIGNS AND SAFETY MARKINGS
	M. ANIMALS PROHIBITED IN POOL/SPA AREA
SECTION XXI.	BATHER LOAD
SECTION XXII.	OPERATION AND MAINTENANCE
	A. CLEANLINES OF POOL/SPA
	B. CLEANING AND MAINTENANCE OF POOL/SPA AND THE FACILITY
	C. OPERATIONAL RECORDS
	D. INSPECTIONS

- E. POOL/SPA CLOSURE
- F. COMMUNICABLE DISEASE
- G. BATHER CLOTHING
- H. FACILITY CLOSURE OR ABANDONMENT
- I. FOOD SERVICE OPERATIONS
- J. WINTERIZING
- K. TRANSFER OF OWNERSHIP

SECTION XXIII. ANNUAL PERMIT FOR OPERATION

- A. ANNUAL PERMIT FOR OPERATION REQUIRED
- ~~B. SUSPENSION AND REVOCATION OF PERMIT~~
- B. OPENING OF A POOL
- C. SUSPENSION AND REVOCATION OF PERMIT

SECTION XXIV. EXISTING POOLS/SPAS

SECTION XXV. NEW PRODUCT APPROVAL AND ACCEPTANCE

- A. SUBMISSION OF TECHNICAL DATA

SECTION XXVI. OTHER RELATED REGULATIONS

SECTION XXVII. SEVERABILITY

SECTION XXVIII. REPEAL

SECTION XXIX. PENALTY CLAUSE

APPENDIX.

APPENDIX A

FIGURE 1 – POOL PROFILE SHOWING MINIMUM DIMENSIONS

CHART A – MINIMUM AND MAXIMUM POOL DIMENSIONS

FIGURE 2 – POOL PLAN (RECTANGULAR) SHOWING  
MINIMUM DIMENSIONS

FIGURE 3 – POOL PLAN (FREE FORM) SHOWING MINIMUM D  
DIMENSIONS

APPENDIX A B – CHEMICAL OPERATIONAL PARAMETERS

APPENDIX B C – LIST OF RECOMMENDED RULES FOR ALL POOL  
AND OTHER RELATED FACILITIES

APPENDIX C D – PROCEDURES FOR DISINFECTION AND  
MANAGEMENT OF FECAL ACCIDENTS IN POOL  
AND OTHER RELATED FACILITIES

APPENDIX E – EMPLOYEE MSDS TRAINING LOG (RECOMMENDED)

APPENDIX F – RECORD OF POOL CONTAMINATION INCIDENT

APPENDIX G – SWIMMING POOL OPERATIONAL RECORD

APPENDIX H – REPORT OF ACCIDENT OR DROWNING

