

6-30

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

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Date prior to or same as filing date

Oregon Department of Human Services, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

Christina Hartman

800 NE Oregon Street, Suite 930, Portland, OR 97232

(971) 673-1291

Rules Coordinator

Address

Telephone

to become effective July 1, 2006. Rulemaking Notice was published in the January 2006 *Oregon Bulletin*.**
Date upon filing or later Month and Year

RULE CAPTION

Establishing rules governing the design, construction and operation of public wading pools.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

333-060-0500, 333-060-0505, 333-060-0510, 333-060-0515

AMEND:

333-060-0015, 333-060-0020, 333-060-0035, 333-060-0045, 333-060-0050, 333-060-0060, 333-060-0065, 333-060-0075, 333-060-0110, 333-060-0120, 333-060-0150, 333-060-0160, 333-060-0220

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 448.011

Stat. Auth.

Other Authority

ORS 448.005 through 448.100 and 448.990

Stats. Implemented



RULE SUMMARY

The Oregon Department of Human Services, Public Health Division, is permanently establishing rules specific to the design, construction, maintenance and operation of public wading pools.

Existing rules in Oregon Administrative Rules, chapter 333, division 060, Public Swimming Pools, have also been permanently amended to reflect new Department terminology and to update references.

6/29/2006

Susan Allan, MD, JD, MPH, State Public Health Director

Authorized Signer

Date

Printed name

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

**The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

PH 17-2006

**DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH
CHAPTER 333**

**Division 060
Public Swimming Pools**

333-060-0015

Definitions

As used in these rules unless otherwise required by context:

- (1) "Administrator" means the State Public Health Director or designee of the Department of Human Services.
- (2) "Approved" means approved in writing by the Division.
- (3) "Athletic club" means a facility constructed to provide athletic or physical conditioning for its members, guests and/or patrons. It includes but is not limited to racquetball clubs, health spas, fitness facilities, aerobics, etc.
- (4) "Bathhouse" means a structure which contains dressing rooms, showers and toilet facilities for use with an adjacent public swimming pool.
- (5) "Builder" means a person who, in the pursuit of an independent business, undertakes, or offers to undertake, or submits a bid, to construct, alter, repair, or improve any public swimming pool, spa pool or bathhouse and the appurtenances thereto.
- (6) "Cross connection" means an unprotected connection between the piping carrying potable water and the piping or fixtures which carry other water or other substances.
- (7) "Division" means the Department of Human Services, Oregon State Public Health Division.
- (8) "General-use Public Swimming Pool" means any public swimming pool other than limited-use public swimming pool. Public swimming pools operated in conjunction with a companion facility but not limited to use of the residents, patrons or members of the companion facility are general-use swimming pools.
- (9) "Guest protection zone" means a defined and prescribed area of a swimming pool or aquatic feature. A designated lifeguard is responsible for scanning a guest protection zone. Scanning refers to the actions performed by the lifeguard to visually survey and continuously and comprehensively monitor the guest protection zone.
- (10) "10/20 guest protection standard" means a nationally recognized professional lifeguarding system which enables and requires a lifeguard to consistently and completely scan his/her assigned guest protection zone within 10 seconds and, should the guest need assistance, reach the guest to begin managing an incident within 20 seconds.
- (11) "Horseplay" means any unsafe activity which in the opinion of the Division or the pool operator endangers the pool users and/or bystanders.
- (12) "Instructor" means a currently certified American Red Cross Water Safety Instructor, YMCA Swim Instructor, or a person having equivalent certification as determined by the Division.
- (13) "Lifeguard" means a currently certified American Red Cross Lifeguard, National Pool and Waterpark Lifeguard, YMCA Lifeguard or a person having equivalent certification as determined by the Division.
- (14) "Limited-use Public Swimming Pool" means any public swimming pool located at and operated in connection with a companion facility such as a residential housing facility

having five or more living units, travelers' accommodations, mobile home park, recreation park, boarding school, organizational camp, dude ranch, club or association where use of the pool is limited to residents, patrons or members of the companion facility.

(15) "Person" includes, in addition to the definition in ORS 174.100, municipalities, recreation districts, counties and state agencies, instrumentalities, or builder.

(16) "Private Swimming Pool" means any swimming pool, wading pool or spray pool owned by no more than four individuals, either jointly, individually or through association, incorporation or otherwise, and operated and maintained in conjunction with a companion residential housing facility having no more than four living units, for the use of the occupants thereof and their personal friends only. Private pools shall not be subject to the provisions of these rules.

(17) "Public Spa Pool" means any public swimming pool or wading pool designed primarily to direct water or air-enriched water under pressure onto the bather's body with the intent of producing a relaxing or therapeutic effect.

(18) "Public Swimming Pool" means an artificial structure, and its appurtenances, which contains water more than two feet (600mm) deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for swimming or recreational bathing and which is for the use of any segment of the public. "Public swimming pool" includes, but is not limited to, swimming pools owned or operated by:

- (a) Traveler's accommodations;
- (b) Recreation parks;
- (c) Colleges;
- (d) Schools;
- (e) Organizational camps as defined in ORS 446.310;
- (f) Clubs;
- (g) Associations;
- (h) Business establishments for their patrons or employees;
- (i) Private persons and that are open to the public;
- (j) Recreation districts;
- (k) Municipalities;
- (l) Counties; or
- (m) A state agency.

(19) "Public Wading Pool" means an artificial structure, and its appurtenances, which contains water less than two feet (600mm) deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for wading or recreational bathing and which is for the use of any segment of the public, whether limited to patrons of a companion facility or not. Special types of wading pools include but are not limited to:

(a) "Spray Pool" or "Water Playground" meaning a wading pool containing spray features intended for recreational use, but that does not allow water to pond in the basin. Spray pools or water playgrounds that do not pond water and use potable water once then send it to waste are not regulated by these rules

(b) "Interactive Fountain" meaning a wading pool designed for esthetic appreciation, which is expressly designated or which is used with the knowledge and consent of the owner or operator for wading or recreational bathing by any segment of the public. Interactive fountains are a type of wading pool. Interactive fountains that do not pond water and use potable water once then send it to waste are not regulated by these rules.

(c) "Non-Regulated Fountain" means a fountain designed and operated solely for visual appreciation and for that function only. The Division does not license or regulate this type of fountain

(20) "Special-use pool" means a public swimming pool which is designed specifically for sporting or recreational purposes and may include but are not limited to special features such as wave pools, diving pools, splash pools, zero depth pools, portable slides, and water slides.

(21) "Supplemental Disinfectant" means a disinfectant which is intended to augment water quality in a public swimming pool or spa and will provide disinfection in conjunction with the approved disinfectant.

(22) "Variance" means written permission from the Division for a public swimming pool, public spa pool or public wading pool to be operated when it does not comply with all the applicable rules for public swimming pools, public spa pools or public wading pools.

(23) "Waterpark slide" means a slide at a public pool which has a length of at least twenty feet (6.1m), not including the platform.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0020

Compliance

(1) Swimming pools and wading pools which were in public use before May 13, 1959, shall not be required to comply with Structural Stability, OAR 333-060-0050(2); and Dimensions, OAR 333-060-0060(3) and (4), provided such pools are operated in compliance with all other rules of the Division relating to public swimming pools.

(2) All swimming pools and wading pools which were constructed and in use but were not in public use as defined in Definitions, OAR 333-060-0015(19), and were not licensed by the State Board of Health before June 10, 1959, shall before being operated for any public use, have complete and detailed plans submitted to the Division. A license to operate as a public pool shall not be issued until the pool is made to comply with the requirements of these rules.

(3) Any public wading pool constructed before July 1, 2006, but not licensed by the Division or its agent health department before that date, must obtain a license to operate.

(a) Wading pools, other than spray pools, without water recirculation must comply with the requirements of OAR 333-060-0510(1) or must cease operation.

(b) All existing wading pools must provide protection against entrapment, hair entanglement and evisceration in compliance with OAR 333-060-0510(2), or cease operation by December 31, 2007.

(4) Any limited-use swimming pool operated in conjunction with a companion residential housing facility having five or more living units and which was operated and maintained for the use of the occupants thereof and their personal friends only, but which was not required to be licensed prior to February 25, 1971, shall not be required to comply with Structural Stability, OAR 333-060-0050(2); Dimensions, OAR 333-060-0060(3), (4) and (5)(a); Piping, OAR 333-060-0130(1), (2), and (3); and Overflow Systems, OAR 333-060-0115(2)(b), (3) and (4); provided such pools are operated in compliance with all other requirements of these rules.

(5) Public swimming pools built prior to March 1, 1979, are exempt from the following

requirements of these rules provided such pools are operated in continuous compliance with the rules in effect at the time such pools were constructed:

- (a) Dimensions, OAR 333-060-0060(2), (5)(a)(B), (5)(b);
 - (b) Finishes, Markings and Lifelines, OAR 333-060-0065(3);
 - (c) Ladders, Recessed Steps and Stairways, OAR 333-060-0080(7), (8);
 - (d) Decks, OAR 333-060-0110(1)(a), (2), (6), (7);
 - (e) Overflow Systems, OAR 333-060-0115(3);
 - (f) Recirculation Systems, OAR 333-060-0120(2)(c);
 - (g) Inlets and Outlets, OAR 333-060-0125(2), (4);
 - (h) Piping, OAR 333-060-0130(1), (4);
 - (i) Pumps, OAR 333-060-0135(1)(a), (b), (4);
 - (j) Filters, OAR 333-060-0140(2)(a) -- (d), (6), (7);
 - (k) Heaters, OAR 333-060-0145(1)(c);
 - (l) Disinfectant and Chemical Feeders, OAR 333-060-0150(4);
 - (m) Equipment Room, OAR 333-060-0160(1);
 - (n) Bathhouse and Sanitary Facilities, OAR 333-060-0170(3)(a), (b);
 - (o) Signs, OAR 333-060-0215(1), (2) and (3).
- (6) Public wading pools built prior to March 1, 1979, are exempt from Recirculation System, OAR 333-060-0120(1) provided such pools are operated in continuous compliance with the rules in effect at the time such pools were constructed.
- (7) The exemptions of sections (1), (2), (3), and (4) of this rule apply provided the exemption does not present a health or safety hazard. Exemptions do not apply to any alteration or replacement of affected component part.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0035

Licenses

- (1) No person shall operate a public swimming pool or public wading pool without:
- (a) Securing an approved final construction inspection from the Division or its agent; or, if an unlicensed wading pool constructed before July 1, 2006, a compliance inspection. The compliance inspection will show items of non-compliance that need to be corrected before license issuance or the need to comply with the requirements of OAR 333-060-0510;
 - (b) Making application for a license to operate such pool;
 - (c) Paying the license fee; and
 - (d) Securing a license from the Division or delegate county health department.
- (2) Such license terminates and is renewable on December 31 of each year.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0045

Maintenance and Modification

- (1) All equipment of public swimming pools and public wading pools shall be operational and shall be kept in good repair. Such equipment shall be maintained in conformance with the original design or better.
- (2) The structural components of all public swimming pools and their appurtenances shall

be maintained in good repair.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0050

Structural Stability

(1) All public swimming pools and public wading pools shall be watertight, constructed of waterproof and enduring materials compatible with the swimming pool environment and shall be designed to withstand all anticipated loading for both pool-empty and pool-full conditions.

(2) Where a high water table may be encountered, provisions shall be made for relief of hydrostatic pressure from under the pool floor and/or around the pool walls.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0060

Dimensions

(1) Public swimming pools and public wading pools shall have no sharp edges or protrusions where walls meet at an acute angle. Public swimming pools and public wading pools shall be shaped so as to provide for complete water recirculation and mixing. Walls in public wading pools must be vertical with a 3 to 6-inch (75 – 150 mm) radius at the pool wall/ pool floor juncture.

(2) There shall be no wall ledges in public swimming pools.

(3) Public swimming pools shall be not less than 3' (90cm) nor more than 3'6" (105cm) in depth at their shallowest point.

(4) Walls in public swimming pools shall be vertical or within 11 degrees of vertical for a minimum distance of 2'9" (82.5cm) in deep areas or 2'6" (75cm) in shallow areas from which point they may be radius to join the floor.

(5)(a) Break in grade shall occur at dept no shallower than 5' (1.5m), except pools built prior to March 1, 1979, shall be uniform to a depth of 4'6" (1.4m), and shall not exceed the following:

(A) General-use pools: 1' of fall in 12' (30cm in 3.7m) horizontally;

(B) Limited-use pools: 1' of fall in 10' (30cm in 3m) horizontally.

(b) Floor slopes in the transition area between the deep and shallow portions of the pool shall not exceed 1' of fall in 3' (30cm in 90cm) horizontally.

(6) The wall-floor transition radius shall:

(a) Have its center no less than 2'9" (82.5cm) below the surface of the water in deep areas or 2'6" (75cm) in shallow areas;

(b) Be tangent to the wall;

(c) Be less than or equal to the depth of the pool minus the vertical wall depth measured from the water line in deep areas minus 3" (7.5cm), to allow draining to the main drain. (R maximum = Pool Depth - Vertical Wall Depth - 3" (7.5cm).)

(7) Pools intended for diving shall comply with OAR 333-060-0085.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0065

Finishes, Markings and Lifelines

(1)(a) Wall and floor finishes shall be of non-toxic materials, shall be impervious and enduring. Such finishes shall be smooth and easily cleanable.

(b) Floors and walls of public swimming pools and public wading pools shall be white, of a light color or a light-colored pattern.

(2) A lifeline shall be provided 2'(60cm) on the shallow side of the break in grade between shallow and deep portions of the pool. Where there is a uniform slope, a lifeline is not required.

(a) This lifeline shall be securely fastened to wall anchors. Wall anchors shall be of corrosion-resistant materials and shall be recessed or have no projections which constitute safety hazards when the lifeline is removed. Pools built prior to March 1, 1979 shall comply with this rule at such time as the interior pool finish is repaired.

(b) The lifeline shall be marked with visible floats at not greater than 7' (2.1m) intervals. The line shall be of sufficient size and strength to offer a good handhold and to support loads normally imposed by bathers.

(c) The lifeline shall lie in place except when pool use is restricted to lap swimming by competent swimmers or to supervised swimming instruction by a certified swim instructor.

(3) The break in grade of the pool shall be marked with a 4" (10cm) minimum width of floor tile or painted stripe of a color contrasting with the bottom. Where there is a uniform slope, a stripe is not required.

(4) Depth of water (in feet) shall be plainly and conspicuously marked above or at the water level on the vertical pool wall except for splash-out (deck level overflow) pools and on the top of the coping or edge of the deck or walk next to the pool. There shall be such markers at the maximum and minimum depth points and at 1' (30cm) depth increments in the shallow portion of the pool. Depth markings shall be spaced at no more than 25' (7.6m) intervals. There shall be depth markings at slope breaks. Pools built prior to March 1, 1979 shall comply with this rule pertaining to vertical pool wall markings when the interior pool finish is repaired or resurfaced.

(5) Depth markings shall be at least 4" (10cm) in height and of a color contrasting with the background.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0075

Ventilation

Buildings enclosing swimming pools and public wading pools shall be ventilated in accordance with the requirements of the Oregon State Structural Specialty Code, 1993 Edition, as amended by the Building Codes Agency, adopted January 1, 1993. After July 1, 2006, new and renovated public swimming and wading pool ventilation systems must comply with the requirements of the Oregon State Structural Specialty Code, 2004 Edition, as amended by the Building Codes Agency, adopted October 1, 2004

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0110

Decks

- (1) The following minimum continuous unobstructed deck widths, which may include the coping, shall be provided at all public pools and public wading pools:
 - (a) General-use swimming pools - 8' (2.4m).
 - (b) Limited-use swimming pools, spray pools, wading pools - 4' (1.2m).
- (A) Pools built prior to March 1, 1979, shall have 4' (1.2m) of deck on at least two sides of the pool.
- (B) Public wading pools and spray pools built prior to July 1, 2006 must have a minimum of 4' (1.2m) of deck around the pool. Wading pools built after July 1, 2006 must comply with the deck requirements of OAR 333-060-0505(8).
- (2) A minimum of 4'(1.2m) unobstructed deck shall be provided on all sides of diving equipment and slides.
- (3) Decks shall slope no less than 1/4" per foot (6mm per 30cm) and shall be drained to perimeter or area drains.
- (4) Deck surfaces:
 - (a) Shall be constructed of concrete, non-slip tile, or equally impervious material with a slip-resistant, easily cleanable surface impervious to water.
 - (b) Surfaces meeting the requirements of (4)(a) of this rule must be maintained for a minimum width of 8' (2.4m) around the perimeter of general-use pools and 4' (1.2m) around the perimeter of limited-use pools or within the limits of the deck drainage area, whichever is greater. Wood decking, carpeting or artificial turf deck surfaces are prohibited within 8' (2.4m) of general-use pools or 4' (1.2m) of limited-use pools or within the limits of the deck drainage area, whichever is greater.
 - (c) Pools previously approved with deck surfaces not complying with (4)(a) of this rule shall comply at such time as the surface requires repair or is replaced.
- (5) Joints between concrete deck slabs shall be watertight and shall be designed so as to protect the pool, coping and its mortar bed from movement of the deck.
- (6) Decks shall be provided with expansion joints.
- (7) Voids between adjoining concrete deck slabs shall be no greater than 3/16" (5mm).
- (8) Adjoining deck surface elevations shall vary no more than 1/4" (6mm).
- (9) New and replacement expansion joints shall not be constructed of wood.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0120

Recirculation System

- (1) All public swimming and wading pools shall have recirculation and filtration systems with piping, pumps, filters, disinfection and other equipment to maintain pool water quality as required by these rules.
- (2) The system of pumps, filters, disinfection facilities and other equipment shall be of adequate size to recirculate, filter and disinfect the entire volume of pool water in the following maximum time intervals:
Maximum Turnover – Time
 - (a) General-use public pools and limited-use public pools of over 2,000 square feet of

surface area - 6 hours.

(b) Limited-use public pools of less than 2,000 square feet of surface area - 8 hours.

(c) Public wading pools - See OAR 333-060-0505.

(d) Limited use pools operated in conjunction with athletic clubs and built after May 1, 1986 - 6 hours.

(3) Overflow water shall not be less than 50 percent of the total recirculated water.

(4) Recirculation and filtration systems shall be in operation continuously while the facility is in use.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0150

Disinfectant and Chemical Feeders

(1) A means of disinfecting the public swimming or wading pool water shall be provided which provides a disinfecting residual in the pool waters at all times as described in Pool Water Quality, OAR 333-060-0200(1)(a) and in addition, public wading pools must also comply with OAR 333-060-0515.

(2) Automatic disinfection equipment for introducing a disinfectant shall be provided.

(3) Disinfection equipment shall:

(a) Be equipped with suitable controls capable of fine feed rate adjustment.

(b) Be capable of feeding one pound of equivalent chlorine per 15,000 gallons of pool capacity per 24 hours.

(c) Be capable of feeding two and one quarter pounds (2-1/4) of bromine per 15,000 gallons of pool capacity per 24 hours where bromine sanitation is applicable.

(4) Hypochlorinators, erosion (flow-through) feeders, or other adjustable output rate disinfectant feeding equipment shall conform to National Sanitation Foundation Number 50 for Circulation System Components for Swimming Pools.

(5) Where chlorine gas is used as the disinfectant:

(a) Such chlorine gas, its feeders, and other containers shall be housed in a room or compartment separate from other pool equipment. Such room or compartment shall:

(A) Be at or above ground level.

(B) Have adequate ventilation to the outside air.

(C) Have a door which opens to the outside of the building of which the room or compartment is a part. Doors installed after January 1, 1994 shall have a shatter-proof gas tight inspection window for viewing the enclosed area. Such a door must open away from public access area.

(D) Be located so that chlorine gas, if accidentally released, will not flow into the pool room or into the building ventilation systems.

(E) Have lighting and ventilation switches located outside the enclosure, adjacent to the door, or the door shall be equipped with a door switch which automatically activates the mechanical ventilation and lighting systems.

(b) A platform scale for measuring the weight of the chlorine cylinders shall be provided.

(c) A full face negative pressure respirator with a chlorine cartridge approved by the National Institute of Occupational Safety and Health (NIOSH) for protection against chlorine gas or a self-contained breathing apparatus approved by NIOSH shall be supplied, kept in good working condition and mounted outside the chlorine enclosure. (Note:

storage of such equipment in rooms adjoining the chlorine room shall be approved provided such equipment is readily available.)

(d) Gas chlorinators shall have a fail-safe mechanism which ceases chlorination in case of malfunction.

(e) Gas chlorinators shall be equipped with an anti-siphon chlorine injection device.

(f) The vent line from the gas chlorinator shall vent away from an occupied area. The exterior opening of the vent line shall be screened.

(6) Where disinfectants other than chlorine or bromine are used, such disinfectants shall:

(a) Achieve water disinfection equal to that which free chlorine or bromine provides at the concentration specified in Pool Water Quality OAR 333-060-0200, Table 3, (1)(a); and

(b) Be approved by the Division.

(7) Ozone disinfection may be used only under conditional approval by the Division as a supplemental system. Interim guidelines governing the installation and operation of ozone equipment may be requested from the Division.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0160

Equipment Room

(1) Swimming pool and wading pool equipment shall be installed in a room or building large enough to permit ready access to all equipment for both operation and maintenance. Ready access shall be determined by:

(a) General-use swimming pools - a minimum of 3 feet (90cm) of unobstructed access to all operational and maintenance portions of the equipment.

(b) Limited-use swimming pools - a minimum of 50 square feet of floor area or a minimum of 3 feet (90cm) of unobstructed access to operational and maintenance portions of the equipment.

(2) Equipment rooms shall be adequately ventilated.

(3) Equipment rooms shall protect the equipment from the elements and be locked, permitting access only to authorized personnel.

(4) Equipment rooms for all pools built after May 1, 1986 shall have a floor drain.

(5) Equipment rooms shall be lighted to properly operate and maintain equipment.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0220

Variance

(1) The Division may grant a variance from requirements of OAR 333-060-0005 to 333-060-0515 as follows:

(a) Where it is demonstrated to the satisfaction of the Division that strict compliance with the rule would be highly burdensome or impractical due to special conditions or cause;

(b) Where the public or private interest in the granting of the variance is found by the Division to clearly outweigh the interest of the application of uniform rules; and

(c) Where such alternative measures are provided which in the opinion of the Division will provide adequate public health and safety protection.

(2) Such variance authority is not conferred upon any county or local public health

authority notwithstanding delegated or contractual authority in administration and enforcement of the swimming pool statutes and rules.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0500

Wading Pools

(1) GENERAL. Public wading pools require special consideration in their design, due to the small water volume and shallow water depth, to protect the health, safety and welfare of the users because of their age, needs and abilities.

(2) Although public wading pools may differ very little in design from non-regulated fountains; public wading pools are designed to allow and encourage human interactive water usage, while non-regulated fountains are designed solely for visual appreciation.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0505

New Wading Pool Construction

(1) RECIRCULATION. Each public wading pool, except those in (1)(c) of this rule, must have a recirculation rate that meets or exceeds (1)(a) or (1)(b) of this rule, whichever is greater:

(a) A 60-minute turnover time; and

(b) When skimmers are used, each skimmer must be designed to skim between 30 to 45 gpm water flow, when 70% of the recirculation flow is through the skimmers ((# of skimmers) x (30 to 45 gpm design flow) / 0.70 = gpm recirculation rate).

(c) Spray pools, water playgrounds and interactive fountains that do not pond water and that use potable water once and dispose of it without recirculating it are not regulated or licensed by the Division.

(2) SEPARATE SYSTEM. Each public wading pool must have its own separate recirculation system.

(3) SURFACE SKIMMING. The pool must be designed to skim the water surface continuously. The Division may consider overflow structures such as intermittent fixed weir overflow and trench drains, if shown to be comparably compliant to gutter systems. The Division or its agent may consider alternate overflow designs if the designer shows that adequate skimming and water mixing occur when non-traditional designs are proposed.

(a) SKIMMERS must be listed as meeting ANSI/NSF Standard 50 requirements by a nationally recognized testing organization approved by the Division.

(A) A skimmer must be provided for every 400 square feet (37 m²) of water surface area or fraction thereof and provide flow in the amount determined in section (1)(b) of this rule.

(B) Skimmers must have an equalizer line connecting the skimmer to the main drain sump. The equalizer line may not have a direct connection to any suction piping.

(C) A spring-loaded equalizer-line valve and float control must be installed in the skimmer to meet ANSI/NSF Standard 50 requirements.

(b) GUTTERS AND TRENCH DRAINS. Gutters allow skimming along the entire edge of the gutter. Generally the gutter extends completely around the perimeter of the pool. A

TRENCH DRAIN is used much like a gutter, and is installed in zero-depth areas where an overflow lip cannot be provided. Trench drains are installed at the same angle as floor. To skim properly, the bottom edge of the trench drains must be level to a very small tolerance and slightly below the water surface.

(A) To determine the minimum amount of surge capacity needed for the pool, add sections (3)(b)(A)(i) and (ii) of this rule and provide this capacity by installing a surge tank, or any combination of surge tank, gutter, or trench drain.

(i) Provide a minimum surge capacity equal to an amount determined by calculating 8 minutes of recirculation flow ($8 \times \text{recirculation rate} = \text{surge capacity}$); then

(ii) Add the surge needs of any spray feature or water activity system. Allow an amount equal to at least 30 seconds of feature recirculation flow, or as recommended by the manufacturer, whichever is greater.

(B) Install an automatic fill device, to maintain the water level, on all wading pools with gutters or trench drains.

(4) INLETS. Locate the inlets to evenly distribute treated water to all parts of the wading pool and to move debris to the overflow and drain systems. The designer is responsible for demonstrating that the inlet system will provide adequate circulation to all portions of the wading pool.

(a) Use floor inlets on all wading pools more than 30 feet wide (9.1m), and on zero-depth pools.

(b) In-floor cleaning systems, or other products that may cause a tripping or stubbing hazard, are not allowed.

(5) MAIN DRAINS. Install a drain in the deepest part of the wading pool to allow complete drainage of the pool. Main drain fittings must be installed flush with the surrounding surface.

(6) Provide protection against ENTRAPMENT, HAIR ENTANGLEMENT and EVISCERATION for all suction fittings. Skimmers must comply with section (3)(a) of this rule. Other suction systems require two layers (forms) of protection listed in section (6)(a) through (f) of this rule. Suction or outlet fittings must be sized so that the maximum velocity through the open area of the grating is less than 1.5 feet per second at maximum flow. The acceptable methods of entrapment protection are:

(a) MULTIPLE SUCTION FITTINGS. Install two or more outlets of equal size with a minimum 3-foot straight connector pipe, connected between the fittings. Connect a suction line, the same size as the connector pipe, between the connector pipe and the pump. Install the suction line in the hydraulic middle of the connector pipe. Valving or any other means of isolating an outlet fitting from the other fittings is prohibited.

(A) When two fittings are provided, each fitting must be sized to handle 100% of the recirculation flow.

(B) When three or more fittings are provided, separated from each other by 3 feet of connector piping, each fitting will be sized to handle an equal portion of 200% of the recirculation flow.

Example: (three suction fittings would each handle 66 % of the total recirculation flow; four fittings, 50%)

(b) ANTI-ENTRAPMENT DRAIN COVER. The drain cover and installation must meet the requirements of ASME/ANSI A112.19.8M, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances, and be listed by

- a Division approved national testing service as compliant with this standard. This information must be permanently marked on the drain cover. The fitting must be securely fastened in place and installed flush with the surrounding surface;
- (c) An 18 X 18 INCH (300 mm²) OR LARGER DRAIN grate, a grate or combination of grate fittings forming a channel drain measuring at least 24 inches in contiguous open area length;
- (d) A GRAVITY RETURN system to return water to a surge tank;
- (e) A SAFETY VACUUM RELEASE SYSTEM (SVRS), meeting the standard ASME/ANSI A112.19.17, Manufactured Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub, and Wading Pool Suction Systems, and listed by a Division approved national testing service as compliant with this standard. The listing service seal must be attached to the device; or
- (f) OTHER means of passive protection approved for use by the Division;
- (7) BASIN DESIGN. The slope of the pool bottom can be no more than 1 in 12. Eight inches (200 mm) is the maximum water depth allowed at any edge of the pool accessible from the deck. When perimeter water depths exceed 8 inches (200mm) at the edge of the pool, stairs and handrails complying with the requirements of OAR 333-060-0080(1), (3), (4)(b), (7), (8), and (9), must be provided at the designated entry points.
- (8) DECKING. Unobstructed decking, 5 feet (1.5 m) or more in width must be provided around the wading pool perimeter. When a wading pool is adjacent to a swimming pool, it must be located near the shallow end of the swimming pool, with a minimum of 9 feet (2.7 m) of deck between the pools.
- (9) ENCLOSURE. Enclose the wading pool area, as required by OAR 333-060-0105. Spray pools, water playgrounds, and fountains that do not pond water may comply with (11)(c)(E) of this rule in lieu of providing an enclosure.
- (10) DEPTH MARKING.
- (a) The operator must indicate the maximum pool depth in feet and inches, with a sign near each entrance to the wading pool.
- (b) Depth markings must be placed around the pool perimeter indicating the water depth at the edge, following the requirements in OAR 333-060-0065.
- (c) Pools with a zero-depth edge are not required to have perimeter depth markings, but are still required to provide the maximum depth signs.
- (d) Pools and fountains that do not pond water are not required to have depth markings or maximum depth signs.
- (11) SPRAY FEATURES AND PLAY EQUIPMENT. Fountains, sprays, slides and similar features may be installed, if specifically designed for aquatic installation.
- (a) WATER SOURCE. Water-using features must be designed and installed to draw their water supply from the main drain or similar fitting, surge tank, trench drains or gutters, but not from the skimmers. The main drain fittings and the related piping must be sized for 100% of the pool recirculation rate plus 100% of the capacity of any feature pump routed through the fittings. The sizing of the feature pump must be based on 20 ft. TDH (59,000 Pa), unless the actual TDH is calculated.
- (b) EQUIPMENT DESIGN AND INSTALLATION. Play equipment shall be designed and installed to meet all applicable standards of the CPSC Handbook for Playground Safety (1997 edition), and ASTM F1487, Standard for Public Playground Equipment.
- (A) Applicable Requirements include equipment design and construction, proper

anchoring, entrapment protection, protrusion safety, and safety use-zone sizing. All equipment shall be designed for use in pools.

(B) Play Equipment must be designed to be difficult to climb, unless the equipment is specifically designed for climbing and provided with safety zones and impact attenuating surfaces acceptable to the Division.

(C) Swings are not allowed.

(D) Obstructions extending from the walls or the bottom of the wading pool are not permitted, unless a designed part of the play equipment, with provisions made for safety and good water circulation.

(E) "Children's Activity Slides" are small, low exit velocity slides designed for use by small children in shallow water. They must be designated by the manufacturer for use in 24 inches (0.6 m) or less of water, and installed as recommended by the manufacturer. Other types of slides are not allowed.

(c) **SPRAY POOLS or WATER PLAYGROUNDS.** Spray pools or water playgrounds are basins containing spray features intended for recreational use, but that do not collect water in the basin. If the water is captured and recirculated, the pool shall meet the requirements of OAR, chapter 333, division 060. If potable water is used once and drained to waste, the spray pool or water playground is not regulated or licensed under these rules.

(A) Design spray pools with a zero-depth design, with no walls in the basin.

(B) Spray pools do not require devices for skimming.

(C) All water recirculated through the spray features shall be filtered and sanitized or from a potable water source. Equipment capable of continuously supplying at least 0.25 ppm additional chlorine to the line returning water to the spray features must be provided, except when potable water is supplied, used once and drained to waste, or all the water is filtered and treated before being sent back to the water features.

(D) Slip-resistant, easy to clean and water impervious surfaces must be installed in the spray basin. Impact attenuating surfaces, basin surfacing materials with shock absorbing properties, for use with equipment addressed in (11)(b) of this rule, will be considered, but must be water impervious, not conducive to bacteria and algae growth, and resistant to vandalism and damage. All impact cushioning materials must be approved by the Division for use in a wet environment.

(E) Spray pools do not require a security enclosure. At least six feet (1.9 m) of deck around the perimeter of the pool basin and sloped away from the basin must be provided.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0510

Existing Wading Pools

The requirements in this rule apply to all wading pools built before July 1, 2006.

(1) **RETRO-FIT RECIRCULATION SYSTEMS.** All water-retaining wading pools need recirculation, filtration, and disinfection. Those wading pools without water recirculation shall be renovated, or phased out of use and removed, before December 31, 2009.

(a) **COMPLIANCE.** Operators of all wading pools affected by this rule must provide to the Division or its agent, before July 1, 2007, a proposed plan and timetable for renovation or removal of the pool.

(A) The proposed plan and timetable will be reviewed by the Division or agent health

department and an acceptable plan and timetable will be negotiated or approved.

(B) Before renovation begins, construction plans, a plan review application and fees must be submitted to the Division or its agent to obtain approval and a construction permit.

(C) If a wading pool operator fails to submit a plan by July 1, 2007, or fails to complete renovations or removal by December 31, 2009, the license for the pool will not be renewed.

(i) After December 31, 2009, wading pools without water recirculation systems and without a license to operate, are declared public nuisances under the authority of ORS 448.060; and

(ii) The Division or its agent, in compliance with ORS 448.060 may proceed with abatement of said nuisance.

(b) INTERIM OPERATION. Operators of wading pools that have no recirculation, filtration or disinfection systems must change the water at least every four hours. This may be accomplished by gradual drainage, or by dumping and filling. This may continue until the wading pool is retro-fit or December 31, 2009 whichever comes first. Additional requirements include:

(A) At opening, and every two hours after that, until closing, the water must be tested and a chlorinating product added to reach a residual of 5 ppm.

(B) The water must be drained at closing each day. Before opening again, the basin must be thoroughly rinsed and any debris removed. The basin must be scrubbed at least weekly, with a solution containing at least 50 ppm of chlorine, mixed according to the directions on the chemical container. Potable water must be used to fill the pool and the chlorine level adjusted.

(2) Protection against ENTRAPMENT, HAIR ENTANGLEMENT and EVISCERATION for all suction fittings will be provided on all wading pools, except those addressed in section (1)(b) of this rule by December 31, 2008.

(a) COMPLIANCE. If a wading pool operator fails to provide entrapment protection by December 31, 2008 the operator will close the wading pool until either protection is provided and approved by the Division or its agent, or the pool is removed. If corrections are not completed by December 31, 2009, the license for the pool will not be renewed.

(A) Before renovation begins; construction plans, a plan review application and fees must be submitted to the Division or its agent to obtain approval and a construction permit.

(B) After December 31, 2009, wading pools without entrapment protection and without a license to operate are declared public nuisances under the authority of ORS 448.060; and

(C) The Division or its agent, in compliance with ORS 448.060 may proceed with abatement of said nuisance, including summary abatement, if necessary.

(b) DESIGN AND INSTALLATION. One method of protection is required using the options in OAR 333-060-0505(6)(a) through (f). A Safety Vacuum Release System (SVRS) as described in OAR 333-060-0505(6)(e) must not be used as the sole means of protection against entrapment, entanglement and evisceration. The Division may approve, on a case by case basis, individual situations where the SVRS may be used alone or with alternative devices meeting the intent of this rule, when full compliance is not an option.

NOTE: Two layers (forms) of protection are recommended using the options in OAR 333-060-0505(6)(a) through (f).

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990

333-060-0515

Wading Pool Operation

(1) **WATER QUALITY.** All wading pools must maintain good water quality using the water quality parameters shown on OAR 333-060-0200 (Table 3). Chlorine residuals must be maintained at a minimum of 2 ppm, except that, compliance with 333-060-0510(1)(b), is required for all wading pools without a recirculation system, except spray pools using potable water once and draining to waste.

(2) **TESTING.** All wading pools must be tested for water quality and maintained at least every two hours. A record shall be maintained, as required in OAR 333-060-0205(2).

(a) **ELECTRONIC MONITORING AND CONTROL EQUIPMENT.** All wading pool facilities have until January 1, 2012 to install electronic sanitizer and pH monitoring equipment to control the chemical sanitizer and acid or base feeders. This equipment must measure and adjust the sanitizer residual and pH. New sanitizer monitoring equipment installations must use oxidation-reduction potential (ORP) for measurement of the disinfectant activity, and provide the readout in millivolts (mv) of potential. Readings in parts-per-million (ppm) are not required.

(b) For the operator to qualify for reduced manual testing frequencies, as established in OAR 333-060-0200(3)(d), electronic monitoring equipment reading in millivolts must be certified at least once every 12 months as operating accurately by a service technician trained by the manufacturer, and a minimum of ORP of 750 mv must be maintained.

(c) **CERTIFICATION OF THE MONITORING AND CONTROL EQUIPMENT.** The certification check, made by the factory trained service technician, includes the probes and electronic equipment. If the equipment is found to need service or parts, the repairs must be made before the unit is certified.

(A) Certification includes testing and standardization of the meter equipment, and the use of standard solutions to verify the accuracy of each probe.

(B) A brightly colored certification tag will be attached to the readout unit of the monitoring equipment by the trained service technician. After the initial certification, the tag will show service and certification for at least the previous 36 months. The tag must show the following:

(i) The name, address, and phone number of the company employing the technician;

(ii) The technician's name;

(iii) The name and address of the facility;

(iv) The make, model, and installation date of the equipment;

(v) A record of all service, dates of service, and re-certification of the equipment for work completed by a trained service technician; and

(vi) When the next certification testing is due.

(C) The calibration programming for the ORP measuring unit must be made inaccessible to the pool operator and non-certification trained personnel.

(D) Upon request by the Division or its agent, the company employing the trained service technician must make available to the Division or its agent, information about the certifying technician's training, training dates, and any manufacturer certification and continuing education or training taken to remain current with the equipment technology. The company must also make information available to the Division about calibration equipment, standardization solutions and certification procedures.

(3) SAFETY SIGNAGE.

(a) Warning signs. Direct supervision of the wading pool must be provided, or warning signs must be placed, in plain view, at the entrance(s) and inside the wading pool area.

Each sign is to read,

“WARNING: NO LIFEGUARD”

in letters at least 4 inches (100 mm) high, and

“PARENTS – Do not leave your children unsupervised ”

in letters at least 2 inches (50 mm) high. If the pool is a spray pool or water playground without an enclosure, the warning signs must be placed on four sides or not more than 50 feet apart, whichever is less.

(b) Wading Pool Rules. A sign must be posted in a conspicuous location within the pool area that contains the following information in easily readable letters at least 1 inch in height:

“Do not use the pool if you have had diarrhea in the last two weeks.”

“All persons, who are not toilet trained, must wear swim diapers.”

“Drinking and spitting of the pool water is discouraged.”

If the operator does not provide direct supervision, add:

“For emergency assistance please contact (insert 911, or other emergency assistance site staffed during all hours the wading pool is open).”

“Please contact (insert contact person or agency and phone number) with any concerns about this pool.”

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 through 448.100 and 448.990