

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .2508

DEADLINE FOR RECEIPT: Tuesday, September 8, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (3)(d), add a comma after "wading pools" on line 20.

In (6), add a comma after "or coping"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: August 24, 2020

1 15A NCAC 18A .2508 is amended as published in 34:23 NCR 2177–2181 as follows:

2
3 **15A NCAC 18A .2508 DEFINITIONS**

4 The following definitions apply throughout this Section:

5 (1) “Department” means North Carolina Department of Health and Human Services.

6 ~~(+)(2)~~ "Equipment replacement" means replacement of individual components of the hydraulic and
7 disinfection systems such as pumps, filters, and automatic chemical feeders.

8 ~~(2)(3)~~ "Public swimming pool" means public swimming pool as defined in G.S. 130A-280. Public
9 swimming pools are divided into five types:

10 (a) "Swimming pools" are public swimming pools used primarily for swimming.

11 (b) "Spas" are public swimming pools designed for recreational and therapeutic use that are
12 not drained, cleaned, or refilled after each individual use. Spas may include units designed
13 for hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or any
14 combination thereof. Common terminology for spas includes "therapeutic pool,"
15 "hydrotherapy pool," "whirlpool," "hot spa," and "hot tub."

16 (c) "Wading pools" are public swimming pools designed for use by children, including wading
17 pools for toddlers and children's activity pools designed for casual water play ranging from
18 splashing activity to the use of interactive water features placed in the pool.

19 (d) ~~Specialized water~~ "Water recreation attractions" are pools designed for special purposes
20 that differentiate them from swimming pools, wading pools and spas. They include:

21 (i) water slide plunge pools and run out lanes, which transfer the kinetic energy of
22 the users' velocity through friction to the slide;

23 (ii) wave pools;

24 (iii) rapid rides;

25 (iv) lazy rivers;

26 (v) interactive play attractions that incorporate devices using sprayed, jetted, or other
27 water sources contacting the users and that do not incorporate standing or captured
28 water as part of the user activity ~~area; and area;~~

29 (vi) training pools deeper than a 24 inch deep wading pool and shallower than a 36
30 inch deep swimming ~~pool; pool; and~~

31 (vii) artificial swimming lagoons as defined in G.S. 130A-280.

32 (e) "Special purpose and therapy pools" are pools designed and used for therapeutic treatments
33 or physical training and fitness outside of a licensed medical facility or practice of a
34 licensed physical therapist. They include:

35 (i) float tanks used for float therapy in a salt brine solution;

36 (ii) swim spa training pools which use jetted water for stationary swimming against a
37 water current;

- 1 (iii) exercise therapy and treadmill pools equipped for water resistance exercise
2 therapy; and
3 (iv) scuba pools designed and used for training swimmers to use self-contained
4 underwater breathing apparatus.
- 5 ~~(3)~~(4) "Registered Design Professional" means an individual who is registered or licensed to practice
6 engineering as defined by G.S. 89C or architecture as defined by G.S. 83A.
- 7 ~~(4)~~(5) "Remodeled" means renovated in a manner requiring disruption of the majority of the pool shell or
8 deck, changes in the pool profile, or redesign of the pool hydraulic system.
- 9 ~~(5)~~(6) "Repair" means returning existing equipment to working order, replastering or repainting of the pool
10 interior, replacement of tiles or coping and similar maintenance activities. This term includes
11 replacement of pool decks where the Department has determined that no changes are needed to
12 underlying pipes or other pool structures.
- 13 ~~(6)~~(7) "Safety vacuum release system" means a system or device capable of providing vacuum release at
14 a suction outlet caused by a high vacuum occurrence due to suction outlet flow blockage.
- 15 ~~(7)~~(8) "Splash zone" means the area of an interactive play attraction that sheds water to a surge tank or
16 container to be recirculated.
- 17 ~~(8)~~(9) "Unblockable drain" means a drain of any size and shape that a human body cannot sufficiently
18 block to create a suction entrapment hazard.
- 19 (10) "Water feature" means any component within a public swimming pool that pumps, jets, or sprays
20 water above the waterline.

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23 *History Note: Authority G.S. 130A-280; 130A-282; S.L. 2019-88;*
24 *Eff. May 1, 1991;*
25 *Temporary Amendment Eff. June 1, 1994 for a period of 180 days or until the permanent rule*
26 *becomes effective, whichever is sooner;*
27 *Amended Eff. April, 1, 2013; May 1, 2010; March 1, 2004; April 1, 1999; January 1, 1996; October*
28 *1, 1994.*
29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20,*
30 *2019;*
31 *Temporary Amendment Eff. December 3, 2019; ~~2019~~.*
32 *Amended Eff. October 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .2543

DEADLINE FOR RECEIPT: Tuesday, September 8, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), change "can" to "may" on line 5. Also, when can they do this? Is there a specific goal they may want to accomplish when deviating? Can they do this whenever they feel it is best? Since line 7 says that the plans and designs must "justify" the deviation, I think some additional information would be helpful.

In (d), what are "interactive play attractions"? Please consider defining this term in .2508.

In (d)(8), should "manufacturers" be "manufacturer's"?

Given S.L. 2011-39, do you need (d)(11)?

In (d)(11), what are "sanitary facilities"? I realize that this is a term used in S.L. 2011-39, so I'm not sure that a change is necessary, but is your regulated public familiar?

In (d)(14), what are "water quality or safety violations"? Is there a cross-reference available?

In (e), what are "training pools"? Is this defined elsewhere?

In (f)(3) and (f)(9), what is meant by "may vary"? How is this determined and by whom?

In (f)(6), entrances to what? The lagoon or pool itself, to a feature, or both?

In (f)(7), what is meant by "signage shall be provided"? Do you mean "shall be posted"? If you mean "provided", by whom and why?

In (f)(14)(A), who is the "permitting agency"?

I see that S.L. 2011-39 references DENR (now DEQ), but everywhere else in Rule and Statute references DHHS as being the "Department." Does DEQ play a role in this?

Amber May
Commission Counsel
Date submitted to agency: August 24, 2020

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: August 24, 2020

1 15A NCAC 18A .2543 is amended with changes as published in 34:23 NCR 2177–2181 as follows:

2
3 **15A NCAC 18A .2543 WATER RECREATION ATTRACTIONS**

4 (a) Water recreation attractions including water slides, wave pools, rapid rides, lazy ~~rivers~~ rivers, artificial swimming
5 lagoons, and other similar features can deviate from the requirements of this Section with respect to pool profile,
6 depth, freeboard, flow dynamics and surface skimming systems. The designing engineer or equipment manufacturer
7 shall provide the Department with ~~information~~ design plans and technical specifications to justify such ~~deviation~~
8 deviation, ~~as necessary for the proper function of the attraction~~. Water recreation attractions shall meet all other
9 requirements of this Section.

10 (b) Water slide landing pools with a capacity of less than 60,000 gallons shall have a circulation and filtration system
11 capable of turning over the entire pool capacity every two hours. Where automatic chemical controllers are used the
12 turnover time shall be no more than three hours. Landing pool dimensions shall be consistent with the slide
13 manufacturer's recommendation.

14 (c) When waterfalls are incorporated in water recreation attractions, they shall be constructed with no handholds or
15 footholds to a height of four feet to discourage climbing.

16 (d) Interactive play attractions shall be constructed and operated in accordance with the ~~rules of this section~~ Rules of
17 this Section and shall comply with the following:

18 (1) The recirculation system shall contain a water capacity equal to at least three minutes of maximum
19 flow of all feature pumps and filter circulation pumps combined and shall not be less than 1,000
20 gallons. Where the water capacity exceeds 10,000 gallons, the minimum capacity shall be based on
21 the lesser of three minutes of maximum feature flow or 7.5 gallons per square foot of splash zone
22 watershed drained to the surge container.

23 (2) Access shall be provided to the surge water container.

24 (3) A filter circulation system shall be provided and shall be separate from the feature pump system
25 except that both systems can draw water from a common drain pipe if the drain and pipe are sized
26 to handle the flow of all pumps without exceeding the flow velocities specified in Rule .2518 of this
27 Section.

28 (4) The filter circulation system shall draw water from the surge container through a variable height
29 surface skimmer and a bottom drain located no more than 6 inches from the bottom of the container.
30 ~~Custom skimming systems that do not comply with ANSI/NSF Standard 50 shall be approved where~~
31 ~~the operational requirements make it necessary to deviate from that standard.~~

32 (5) The filter circulation system shall filter and return the entire water capacity in no more than 30
33 minutes and shall operate 24 hours a day.

34 (6) Automatic chemical controllers shall be provided to monitor and adjust the disinfectant residual and
35 pH of the water contained in the system.

- 1 (7) The disinfectant residual in interactive play attractions shall be maintained at a level of at least two
2 parts per million of free chlorine. Chlorine feeders shall be capable of producing 12 parts per million
3 of free chlorine in the filter circulation piping.
- 4 (8) Valves shall be provided to control water flow to the features in accordance with the manufacturers'
5 specifications.
- 6 (9) Splash zones shall be sloped to drains sized and located to remove all feature water to the surge tank
7 without water accumulating on the surface.
- 8 (10) Deck or walkway space is not required outside the splash zone.
- 9 (11) Dressing and sanitary facilities shall ~~not be provided~~ required.
- 10 (12) Interactive play features shall not be required to have a fence except the wading pool fence
11 requirements shall apply to interactive play features located inside a swimming pool enclosure.
- 12 (13) The safety provisions of Rule .2530 of this Section shall not apply except a sign shall be posted
13 prohibiting pets and glass containers.
- 14 (14) Interactive play attractions built prior to April 1, 2004, that do not comply with these design and
15 construction requirements shall be permitted to operate as built if no water quality or safety
16 violations occur.

17 (e) Training pools shall meet the requirements for swimming pools with the following exceptions:

- 18 (1) Training pools shall be equipped with a filter circulation system that filters and returns the entire
19 pool capacity in no more than two hours.
- 20 (2) The free chlorine residual in training pools shall be maintained at no less than two parts per million.

21 (f) Artificial swimming lagoons shall meet the requirements for public swimming pools except as specified in this

22 Rule:

- 23 (1) Pool shells shall not be required. Liners shall meet the requirements of Rule .2514 of this Section.
- 24 (2) Underwater components of the artificial swimming lagoon or float lines with openings greater than
25 one-half inch shall not be allowed in swimming zones.
- 26 (3) All swimming zone float rope components shall be a color contrasting with the pool liner. The
27 location of the float rope may vary from the requirements of Rule .2523(e) of this Section regarding
28 breakpoint and slope. A contrasting color band shall not be required on the liner under the rope.
- 29 (4) Each swimming zone and water feature shall meet water quality standards as required in Rule .2535
30 of this Section. If the water quality of a swimming zone or water feature does not meet the
31 requirements of Rule .2535 of this Section, the operator shall close the swimming zone or water
32 feature and post a sign at the entrance of the swimming zone with legible letters of at least four
33 inches (10 cm) in height stating "ATTENTION: THE SWIMMING ZONE IS CLOSED.
34 SWIMMING IN THIS AREA IS NOT PERMITTED AT THIS TIME." The swimming zone or
35 water feature shall remain closed until the water quality in the swimming zone or water feature
36 complies with the requirements of Rule .2535 of this Section.
- 37 (5) All non-swimming zones shall be maintained so the bottom of the lagoon is visible in all areas.

- 1 (6) A sign shall be posted at all entrances with legible letters of at least four inches (10 cm) in height
2 stating “NOTICE – NO SWIMMING ALLOWED OUTSIDE OF DESIGNATED SWIMMING
3 ZONES.”
- 4 (7) Signage shall be provided indicating swimming zones.
- 5 (8) Depth markings and no diving markers shall be provided on decks in swimming zones as required
6 in Rule .2523 of this Section. Signs shall be posted at all entrances to swimming zones with legible
7 letters of at least four inches (10cm) in height stating “NO DIVING” and stating the maximum depth
8 of the swimming zone in Arabic numerals and shall include the word “feet” or the symbol “ft” to
9 indicate the unit of measure.
- 10 (9) Decks may vary from the minimum deck area requirements in Rule .2522 of this Section at zero
11 entry areas located within swimming zones. Access to swimming zones shall be provided for
12 emergency vehicles and personnel. No decks shall be required in non-swimming zones. The
13 requirements of Rule .2515(g)(1) of this Section shall not apply to swimming zones and Rule
14 .2515(g) of this Section shall not apply to non-swimming zones.
- 15 (10) Swimming zones shall meet all safety provisions as set out in Rule .2530 of this Section. Where
16 swimming zones are separated by more than 75 feet, each swimming zone shall separately meet all
17 safety provisions. Non-swimming zones are exempt from the requirements in Rule .2530 of this
18 Section.
- 19 (11) A water treatment system that does not meet the requirements of Rules .2518 and .2519 of this
20 Section shall be approved by the Environmental Health Section of the Department’s Division of
21 Public Health when the treatment system performs in a manner equal or superior to the systems
22 described in Rules .2518 and .2519 of this Section in terms of water clarification, disinfection, and
23 removal of debris, and results in a disinfectant residual and pH level as required in subparagraph
24 (f)(4) of this Rule.
- 25 (12) The requirements of Rule .2529 of this Section and Rule .2526(e)–(h) of this Section shall not apply.
26 Sanitary facility requirements shall comply with the 2018 North Carolina State Building Code:
27 Plumbing Code, which is incorporated by reference, including any subsequent amendments or
28 editions and available free of charge at: <https://codes.iccsafe.org/content/NCPC2018>.
- 29 (13) Bacteriological samples shall be collected by the operator in non-swimming zones and tested
30 weekly. One sample shall be collected for every 250 feet of shoreline, with no more than 300 feet
31 and no less than 25 feet between any two sampling locations. The samples shall be collected at least
32 one foot below the surface, in at least three feet of water. The samples shall be analyzed by a
33 laboratory accredited by the North Carolina Drinking Water Laboratory Certification Program, the
34 North Carolina Wastewater/Groundwater Laboratory Certification Program, or the National
35 Environmental Laboratory Accreditation Program. The test results shall be maintained as part of the
36 records required in Rule .2535(11) of this Section.

1 (14) When the result of any test required by subparagraph (f)(13) of this Rule exceeds the standards in
2 Rule .3402(a) of this Subchapter, the operator shall:

3 (A) notify the permitting agency and resample the water within 24 hours of receipt of the result
4 from the laboratory; and

5 (B) close all non-swimming zones and post a sign at all non-swimming zone entrances with
6 legible letters of at least four inches (10 cm) in height stating “ATTENTION: ALL NON-
7 SWIMMING ZONES ARE CLOSED. RECREATIONAL ACTIVITIES IN THIS AREA
8 ARE NOT PERMITTED AT THIS TIME.” This sign shall remain posted until resampling
9 determines that bacterial levels do not exceed the standards in Rule .3402(a) of this
10 Subchapter.

11 (15) Non-swimming zones shall not be required to comply with the lighting requirements of Rule .2524
12 of this Section. When night swimming is allowed, the operator shall provide lighting in swimming
13 zones as required for public swimming pools.

14 (16) The requirements of Rule .2537(b)(16) of this Section shall not apply. Submersible pumps or
15 mechanical pool cleaning equipment shall not be used in swimming zones or within 25 feet of
16 swimming zones when a swimming zone is open to bathers. If submersible pumps or mechanical
17 pool cleaning equipment are used in non-swimming zones when a non-swimming zone is open to
18 users, the following conditions shall apply:

19 (A) A registered design professional shall provide design plans or technical specifications that
20 demonstrate that any underwater suction outlets perform in a manner that is equally
21 protective or more protective than the Pool and Hot Tub Alliance’s ANSI/APSP/ICC-7
22 2013 Standard for Suction Entrapment Avoidance in Swimming Pools, which is
23 incorporated by reference, including any subsequent amendments or editions, and available
24 for a fee of one hundred sixty-five dollars (\$165.00) at <https://www.apsp.org/store1>; and

25 (B) All floating components of submersible pumps or mechanical pool cleaning equipment
26 shall be labeled with a sign above the water line with legible letters of at least four inches
27 (10 cm) in a contrasting color stating: “DANGER: MECHANICAL EQUIPMENT IN
28 USE. STAY BACK 25 FEET.”

29 (17) The requirements of [Rule] Rules .2521 and .2516(f)(1) of this Section shall not apply to non-
30 swimming zones.

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32 *History Note: Authority G.S. 130A-280; 130A-282; SL 2011-39; S.L. 2019-88;*

33 *Eff. April 1, 1999;*

34 *Amended Eff. March 1, 2004.*

35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20,*
36 *2019;*

37 *Temporary Amendment Eff. December 3, 2019; 2019.*

