

# NEW JERSEY STATE SANITARY CODE

## CHAPTER IX

### PUBLIC RECREATIONAL BATHING

#### N.J.A.C. 8:26

NEW JERSEY DEPARTMENT OF  
HEALTH  
P.O. BOX 369  
TRENTON, NJ 08625-0369

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1

#### Table of Contents

##### SUBCHAPTER 1. PURPOSE, SCOPE, AND DEFINITIONS

§ 8:26-1.1 Purpose.....	1
§ 8:26-1.3 Definitions .....	1
§ 8:26-1.4 Waiver .....	4

##### SUBCHAPTER 2. ADMINISTRATION

§ 8:26-2.1 Review of plans for a public recreational bathing facility .....	5
§ 8:26-2.2 Procedure for obtaining approval to locate and/or construct a public recreational bathing facility .....	5
§ 8:26-2.3 Procedure for obtaining approval to alter a public recreational bathing facility.....	5
§ 8:26-2.4 Denial of approval for location, construction, or alteration of a public recreational bathing facility .....	6
§ 8:26-2.5 Operational assessment and inspection of a public recreational bathing facility .....	6
§ 8:26-2.6 Approval to operate a public recreational bathing facility .....	6
§ 8:26-2.7 Operator inspection of swimming pools, wading pools, hot tubs, and spas .....	6

##### SUBCHAPTER 3. SWIMMING POOLS AND WADING POOLS

§ 8:26-3.1 Construction and design .....	7
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§ 8:26-3.2 Construction materials.....	7
§ 8:26-3.9 Surface skimming system .....	7
§ 8:26-3.12 Fencing and enclosures .....	7
§ 8:26-3.13 Electrical, illumination, and ventilation requirements.....	7
§ 8:26-3.15 Circulation systems .....	7
§ 8:26-3.17 Protection of potable water.....	7
§ 8:26-3.18 Wading pools.....	7
§ 8:26-3.19 Water slides.....	7
§ 8:26-3.20 Rope drops, cliff jumping, and aquatic play equipment .....	7
§ 8:26-3.21 Floats and fixed platforms .....	8
§ 8:26-3.22 Disinfection .....	8
§ 8:26-3.23 Depth markings .....	8
§ 8:26-3.24 Existing swimming pools and wading pools ..	8
§ 8:26-3.25 Aquatic recreation facilities.....	8

##### SUBCHAPTER 4. HOT TUBS AND SPAS

§ 8:26-4.1 Construction and design.....	8
§ 8:26-4.2 Construction materials.....	9
§ 8:26-4.3 Heater and temperature requirements .....	9
§ 8:26-4.4 Electrical, illumination, and ventilation requirements.....	9
§ 8:26-4.5 Protection of potable water.....	9
§ 8:26-4.7 Circulation systems .....	9

§ 8:26-4.8 Disinfection .....	9
§ 8:26-4.9 Air induction systems .....	9
§ 8:26-4.12 Depth markings.....	10
§ 8:26-4.13 Existing hot tubs and spas .....	10
§ 8:26-4.14 Aquatic recreation facilities .....	10

**SUBCHAPTER 5. WATERFRONT SAFETY**

§ 8:26-5.1 Specially exempt facilities from first aid personnel and lifeguard requirements only .....	10
§ 8:26-5.2 Swimming pool supervision .....	11
§ 8:26-5.3 Emergency equipment for swimming pools ..	12
§ 8:26-5.4 Bather rules for swimming pools, wading pools, hot tubs and spas .....	12
§ 8:26-5.5 Diving in swimming pools .....	12
§ 8:26-5.6 Wading pool and spray park supervision.....	13
§ 8:26-5.7 Water slides .....	13
§ 8:26-5.8 Hot tub and spa supervision .....	13
§ 8:26-5.9 Emergency equipment for hot tubs or spas..	14
§ 8:26-5.10 Bathing beach supervision.....	14
§ 8:26-5.11 Bather rules for bathing beaches .....	15
§ 8:26-5.12 Lifesaving equipment for bathing beaches .	15
§ 8:26-5.13 Diving stands and boards for bathing beaches .....	15
§ 8:26-5.14 Waterfront restrictions for bathing beaches	16
§ 8:26-5.15 Aquatic recreation facility supervision.....	16

**SUBCHAPTER 6. GENERAL SANITATION, MAINTENANCE, AND OPERATIONS**

§ 8:26-6.1 General provisions .....	16
§ 8:26-6.2 Dressing rooms and bathrooms.....	16
§ 8:26-6.3 Showers .....	16
§ 8:26-6.4 Bathrooms.....	16
§ 8:26-6.5 Wastewater disposal.....	17
§ 8:26-6.6 Solid waste disposal .....	17
§ 8:26-6.7 Potable water supply.....	17
§ 8:26-6.8 Drinking water facilities .....	17
§ 8:26-6.9 Food service .....	17
§ 8:26-6.10 Plumbing .....	17
§ 8:26-6.11 Insect, rodent, and weed control.....	17
§ 8:26-6.12 Recreational equipment.....	17
§ 8:26-6.13 Operational requirements for swimming pools and wading pools .....	18

§ 8:26-6.14 Operational requirements for hot tubs and spas .....	19
§ 8:26-6.15 Operational requirements for aquatic recreation facilities .....	21
§ 8:26-6.16 General sanitation and maintenance .....	21

**SUBCHAPTER 7. SAMPLING AND WATER QUALITY CRITERIA**

§ 8:26-7.1 Water source for swimming pools, wading pools, hot tubs, spas, or aquatic recreation facilities.....	21
§ 8:26-7.2 Microbiological sampling for public recreational bathing facilities .....	21
§ 8:26-7.3 Sample collection for swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities ...	21
§ 8:26-7.4 Processing of water samples from public recreational bathing facilities .....	22
§ 8:26-7.5 Microbiological water quality standards for swimming pools, wading pools, and aquatic recreation facilities .....	22
§ 8:26-7.6 Samples not meeting standards.....	22
§ 8:26-7.7 Chemical and physical water quality analyses for swimming pools, wading pools, and aquatic recreation facilities .....	23
§ 8:26-7.8 Chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities ....	23
§ 8:26-7.9 Physical water quality standards for swimming pools, wading pools, and aquatic recreation facilities ....	23
§ 8:26-7.10 Salt water swimming and wading pools utilizing ocean and/or bay water .....	23
§ 8:26-7.11 Microbiological water quality standards for hot tubs and spas .....	24
§ 8:26-7.12 Chemical water quality standards for hot tubs and spas .....	24
§ 8:26-7.13 Algae in hot tubs and spas .....	24
§ 8:26-7.14 Physical water quality standards for hot tubs and spas .....	24
§ 8:26-7.15 Pre-operational assessment for bathing beaches .....	24
§ 8:26-7.16 Sample collection at bathing beaches.....	25
§ 8:26-7.17 Sampling techniques for bathing beaches ..	25
§ 8:26-7.18 Microbiological water quality standards for bathing beaches .....	25
§ 8:26-7.19 Chemical water quality standards for bathing beaches .....	26

§ 8:26-7.20 Physical water quality standards for bathing beaches ..... 26

**SUBCHAPTER 8. ENFORCEMENT PROCEDURES**

§ 8:26-8.1 General provisions ..... 26

§ 8:26-8.2 Inspection of public swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, or bathing beaches ..... 26

§ 8:26-8.3 Report of inspections; notification of closures; evaluation placard ..... 27

§ 8:26-8.4 Public availability of inspection reports ..... 27

§ 8:26-8.5 Criteria for closure of a public recreational bathing facility ..... 27

§ 8:26-8.6 Closure and reopening of swimming pools and wading pools ..... 28

§ 8:26-8.7 Closure and reopening of hot tubs or spas ..... 28

§ 8:26-8.8 Closure and reopening of bathing beaches ..... 28

§ 8:26-8.9 Recordkeeping ..... 30

§ 8:26-8.10 Reporting of deaths and serious injuries ..... 31

§ 8:26-8.11 Penalties ..... 31

APPENDIX A. Recognized Certifications ..... 32

APPENDIX B. First Aid Supplies at Public Recreational Bathing Facilities ..... 33

APPENDIX C. Chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities ..... 34

APPENDIX D. Chemical water quality standards for hot tubs and spas ..... 35

APPENDIX E. Checklist for Public Recreational Bathing Facilities ..... 36

APPENDIX F. Fatal/Serious Accident Report (CB-2) ..... 39

**PUBLIC RECREATIONAL BATHING  
CHAPTER 26**

**SUBCHAPTER 1. PURPOSE, SCOPE, AND DEFINITIONS**

**§ 8:26-1.1 Purpose**

The purpose of this chapter is to set reasonable sanitary and safety regulations for public recreational bathing facilities and to preserve and improve the public health in this state as provided for in N.J.S.A. 26:1A-7.

**§ 8:26-1.2 Scope**

These rules shall govern all public recreational bathing facilities in New Jersey. Pursuant to N.J.S.A. 26:1A-9, the provisions of this chapter are enforceable by the New Jersey Department of Health, local health authorities, local police authorities, local sheriff's departments, and other enforcement agencies.

**§ 8:26-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Adult" means a person aged 18 years or older.

"Alter," "altered," and "alteration" mean any modification or relocation of any structure or equipment, or change of water flow patterns in an existing public recreational bathing facility, such that the design, configuration, or operating characteristics are different from the original design, configuration, or operating characteristics. Altered structures and equipment must comply with this chapter. The term does not include normal maintenance, repair, or replacement of equipment with the same or a newer model.

"American National Standards Institute, Inc. (ANSI)" is a private nonprofit organization, which, for the purposes of this chapter, provides technical materials and expertise and is located at 1819 L Street, NW, Washington, D.C. 20036, Telephone: (202) 293-8020, Website: [www.ansi.org](http://www.ansi.org).

"American Public Health Association" or "APHA," is a nonprofit organization of public health professionals, which, for the purposes of this chapter, provides technical materials, standards and expertise and is located at 800 I Street, NW, Washington, D.C. 20001, Telephone: (202) 777-2742, Website: [www.apha.org](http://www.apha.org).

"American Red Cross" or "Red Cross" means a nonprofit organization, which, for the purposes of this chapter, provides safety and lifesaving training and is located at 430 17th Street, Washington, D.C., 20006, Telephone: 202-303-4233, Website: [www.redcross.org](http://www.redcross.org). Lifeguard training and certification standards may be found at [www.redcross.org/participantmaterials](http://www.redcross.org/participantmaterials).

"American Society of Mechanical Engineers (ASME)" is a nonprofit educational and technical organization

which, for the purpose of this chapter, provides technical materials and expertise and is located at 3 Park Avenue, New York, New York 10016-5990, Telephone: (800) 843-2763, Website: [www.asme.org](http://www.asme.org).

"Aquatic activity area" means an area containing aquatic play equipment, which is governed by N.J.A.C. 5:14A-12 only when located in an amusement park or water park in which there are other rides covered by N.J.A.C. 5:14A-12.

"Aquatic play equipment" means water-related play equipment or devices intended for use in aquatic activities areas. Examples include, but shall not be limited to, rope ladders, hand-over-hand activities, slides, and devices designed to squirt, shoot, spray, dump, discharge, or disperse water intended to come in contact with people for recreational purposes.

"Aquatic recreation facility" means a facility that is designed for free-form aquatic play and recreation and shall include, but not be limited to, wave or surf action pools, leisure rivers, sand bottom pools, vortex pools, activity pools, inner tube rides and body slides, interactive play attractions, water parks, spray parks, and water amusement rides that, with the exception of spray parks, are licensed and regulated by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:14A-12.

"Association of Pool and Spa Professionals" or "APSP" is a professional organization, which, for the purposes of this chapter, provides technical materials and expertise and is located at 2111 Eisenhower Avenue, Alexandria, Virginia 22314, Telephone: (703) 838-0083, Website: [www.apsp.org/Public/Home/index.cfm](http://www.apsp.org/Public/Home/index.cfm).

"Authorized agent" means a licensed health officer or registered environmental health specialist who is delegated to function as the agent of the local health authority or the department.

"Bathing beach" means the designated area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters, ocean or other body of fresh or salt water, which is used for bathing and swimming purposes together with buildings, equipment, and appurtenances, if any, and the land areas used in connection therewith.

"Certified laboratory" means a water laboratory certified by the New Jersey Department of Environmental Protection.

"Common interest community" means:

1. Property subject to the Condominium Act, P.L. 1969, c.257 (N.J.S.A. 46:8B-1 et seq.), the Horizontal Property Act, P.L. 1963, c.168 (N.J.S.A. 46:8A-1 et seq.) and The Continuing Care Retirement Community Regulation and Financial Disclosure Act (N.J.S.A. 52:27D-330 et seq.);
2. A housing corporation or association, commonly known as a cooperative, which entitles the holder of a share or membership interest thereof to possess and occupy for

dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association; or

3. Real estate with respect to which a person, by virtue of the ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in the instrument, however denominated, which creates the common interest community. Ownership of a unit does not include holding a lease-hold interest of less than 20 years in a unit, including renewal options.

"Construct" means and includes building or installing a new public recreational bathing facility or altering an existing public recreational bathing facility or any of its facilities.

"Cooperative Coastal Monitoring Program" or "CCMP" means a bathing beach and coastal water quality monitoring program that tests bathing beach water, conducts aerial coastal surveillance, monitors ocean water pollution sources, and notifies the public of beach conditions. The CCMP is a cooperative effort among the New Jersey Department of Environmental Protection, the New Jersey Department of Health, and a number of coastal county and local government agencies and health departments.

"Deck" means areas surrounding a swimming pool which are specifically constructed or installed for use by bathers.

"Deep" means water depths of five feet or greater.

"Department" means the New Jersey Department of Health.

"Department-sanctioned analytical methods" or "DSAMs" are testing methods that laboratories may be certified to perform if they qualify under the State Department of Environmental Protection's requirements at N.J.A.C. 7:18.

"Design professional" means an individual who is licensed as an architect or professional engineer.

"Diving" means entering a body of water head first.

"Diving area" means the portion of a swimming pool, which is eight feet forward of the tip of the diving board, eight feet behind the tip of the diving board, and eight feet to each side of the diving board.

"Health authority" means the local health authority or the New Jersey Department of Health or its authorized agent.

"Health club" means a health club that is registered with the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to N.J.S.A. 56:8-39 et seq.

"Hot tub or spa" means any pool having a maximum depth of 48 inches used in conjunction with high velocity water recirculation systems in which mineral or non-mineral water is used and is not emptied after each use. Water temperature is hot, cold, or ambient. The term shall not include hot tubs and spas used solely for aquatic physical therapy, except as covered by N.J.A.C. 8:43H-21.3(e) and other applicable rules.

"Hotel" or "motel" means a commercial establishment with a building of four or more dwelling units or rooms used for rental and lodging by guests.

"IAF" means the International Aquatic Foundation.

"Lifeguard" means a person who holds a lifeguarding certificate from an organization recognized by the New Jersey Department of Health, as listed in N.J.A.C. 8:26 Appendix A, or:

1. For a lifeguard serving at a swimming pool or lake, a person who holds a lifeguarding certificate from an organization determined by the Department to meet American Red Cross training standards; or
2. For a lifeguard serving at an ocean or tidal waters facility, a person who holds a lifeguarding certificate from an organization determined by the Department to meet United States Lifesaving Association (USLA) training standards.

The Department maintains a list of recognized organizations on the New Jersey Department of Health website at [http://www.nj.gov/health/ceohs/documents/phss/recognized\\_cert\\_list.pdf](http://www.nj.gov/health/ceohs/documents/phss/recognized_cert_list.pdf).

"Local code officials" mean the construction, electrical, and/or plumbing code officials who work for a municipality or the New Jersey Department of Community Affairs and enforce the New Jersey Uniform Construction Code.

"Local health authority" means a municipal, county, or regional board of health, established pursuant to N.J.S.A. 26:3-1, and its authorized agents.

"Locate" means designating the site or place of a public recreational bathing facility.

"Mobile home park" means a parcel of land, or two or more contiguous parcels of land, containing at least 10 sites equipped for the installation of mobile or manufactured homes, where these sites are under common ownership and control, other than as a cooperative, for the purpose of leasing each site to the owner of a mobile or manufactured home for the installation thereof, and where the owner provides services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include, but are not limited to:

1. Construction and maintenance of streets;
2. Lighting of streets and other common areas;
3. Garbage removal;

4. Snow removal; and

5. Provision for the drainage of surface water from home sites and common areas.

"Nephelometric Turbidity Unit (NTU)" means the turbidity of a specified concentration of formazin suspension used when measuring water clarity.

"Non-bathing beach" means an area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters, ocean, or other body of fresh or salt water, which has not been designated by the owner or operator of the property as a bathing beach, but which is used for primary contact recreation (recreational activities that involve significant ingestion risks), such as surfing and water-skiing. Non-bathing beaches are not covered by this chapter.

"Operate" means to conduct, maintain, or otherwise provide facilities for public recreational bathing.

"Operator" means any corporation, company, association, society, club, firm, partnership, joint stock company, government agency, or individual, that operates a public recreational bathing facility pursuant to an agreement with the owner. An owner may also be the operator.

"Owner" means any corporation, company, association, society, club, firm, partnership, joint stock company, government agency, or individual, that owns a public recreational bathing facility.

"Potable water" means water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the public health authority having jurisdiction.

"Primary contact recreation" means water-related recreational activities that involve significant ingestion risks and includes, but is not limited to, wading, swimming, and diving.

"Private lake, river, or bay, or private community lake, river, or bay association" means an organization of property owners within a fixed or defined geographical area with deeded or other rights to utilize, with similarly situated owners, various lakefront, riverfront, or bayfront properties, which said properties are not open to the general public, other than bona fide guests of a member of the private lake, river, or bay or private community lake, river, or bay association.

"Private marina" means a privately-owned water dependent facility for the docking, servicing or storage of private boats, at which services are provided on an annual, seasonal or per diem basis, and which facility is not open to the general public, other than bona fide guests of boat owners eligible to use the marina and which has a private swimming pool that is not open to the general public, other than bona fide guests of boat owners eligible to use the marina.

"Private recreational bathing facility" means any bathing beach, swimming pool, wading pool, hot tub, or spa used only by residents of one or two living units, and their guests.

"Public campground" means a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of 15 days or more in any calendar year, for recreation, education, or vacation purposes.

"Public recreational bathing facility" means any bathing beach, hot tub, spa, swimming pool, wading pool, and aquatic recreation facility that includes State, county, and municipal facilities, as well as any beach that an owner or operator permits for use as a public swimming area through advertising, publicity, or designation. Public recreational bathing facilities do not include a non-bathing beach and/or a private recreational bathing facility.

"Retirement community" means a retirement community which is registered with the Division of Housing and Development in the Department of Community Affairs pursuant to "The Planned Real Estate Development Full Disclosure Act," P.L. 1977, c.419 (N.J.S.A. 45:22A-21 et seq.).

"Sanitary survey" means a comprehensive evaluation of the environmental factors affecting the quality of the waters of a bathing beach. This includes, but is not limited to, sewage and industrial wastewater discharges, storm-water overflows, bird and animal populations, commercial and agricultural drainage, and their relationship to the bathing beach, as well as the location and volume of the pollution, and its chemical, bacterial and physical characteristics.

"Shallow" means water depths less than five feet.

"Specially exempt facility" means a public recreational bathing facility that is:

1. A private lake, river, or bay or private community lake, river, or bay association, or private nonprofit common interest community that restricts the use of its lake, river, bay, or pool, as appropriate, to the owners of units thereof and their invited guests;
2. A campground, hotel, motel, mobile home park, or retirement community that restricts the use of its pool to renters of the lodging units or owners of the dwelling units, as appropriate, and their invited guests, or day-use visitors;
3. A private marina, which restricts the use of its swimming pool to owners of boats eligible to use the facilities and their invited guests;
4. A privately-owned campground, which restricts the use of a swimming area other than its swimming pool to renters of the lodging units or owners of the dwelling units, as appropriate, and their invited guests, or day-use visitors; or

5. A health club, which restricts the use of its pool to members and their invited guests and does not permit the use of its pool by persons under 16 years of age, and in which the maximum depth of the water in the pool does not exceed five feet, but does not include a health club that shares use of its pool with another entity. A health club that would ordinarily qualify as a specially exempt facility, but no longer satisfies all of the requirements for exemption because it has elected to provide swimming lessons, classes, or instruction, either directly or through a third-party entity, to persons who are not members of the health club, or to persons who are under 16 years of age, shall continue to be deemed a specially exempt facility for the purposes of P.L. 1991, c. 135, provided that the health club complies with the first aid personnel and lifeguard requirements of N.J.A.C. 8:26-5 while the swimming lessons, classes, or instruction are taking place.

"Spray park" means a recreational facility in which water is sprayed on participants, the water is recirculated, and the water may or may not have depth. All spray parks are covered by this chapter regardless of whether they are licensed and regulated by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:14A-12.

"Standard methods for the examination of water and wastewater" means that standard which, for the purposes of this chapter, is the recognized standard that provides the protocol for the microbiological water quality standards for all public recreational bathing places and may be obtained from the American Public Health Association.

"Swimming pool" means a watertight structure of concrete, masonry, or other approved materials, located either indoors or outdoors, used for bathing, wading, or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith.

1. A swimming pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee, and includes, but is not limited to, pools operated by or serving campgrounds, clubs, churches, cities, common interest communities, counties, day care centers, group home facilities for six or more clients, health spas, institutions, parks, private lake, river, or bay associations, or private community lake, river, or bay associations, State, county, and municipal agencies, retirement communities, schools, specially exempt facilities, subdivisions, or cooperative living type projects of three or more living units, such as apartments, boarding homes, condominiums, hotels, mobile home parks, motels, recreational vehicle parks, townhouses, trailer parks, and youth camps.

2. The term shall not include swimming pools used solely for aquatic physical therapy.

"Trained pool operator" or "TPO" means an individual who is responsible for compliance with the requirements of this chapter at swimming pools, wading

pools, hot tubs, spas, and aquatic recreation facilities, and is certified by an organization approved by the Department listed in N.J.A.C. 8:26 Appendix A.

"Turnover" means the period of time (usually in hours) required to circulate a volume of water equal to the pool capacity.

"United States Environmental Protection Agency" or "USEPA" means an agency of the Federal government responsible for protecting air, land, water, and other natural resources through monitoring and enforcement of environmental laws and regulations. The agency may be contacted as follows: Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20460. Telephone number: 202-272-0167, [www.epa.gov](http://www.epa.gov).

"United States Lifesaving Association" or "USLA" means a nonprofit organization, which, for purposes of this chapter, provides open water lifeguard training and certification. The organization may be contacted as follows: United States Lifesaving Association, PO Box 366, Huntington Beach, CA 92648, Telephone number: 866-367-8752, [www.usla.org](http://www.usla.org).

1. Lifeguard training and certification standards may be found at <http://www.usla.org/?page=AGENCYCERT>.

"User load" means the number of persons in the swimming pool, hot tub, or spa at any given moment, or during any stated period of time.

"Wading pool" means a swimming pool that ranges in water depth from zero to two feet and is used for wading.

"Water slide" means a water amusement ride using gravity to convey riders independently or riding on a sled, mat, or inflatable device, which empties into a catch pool or a run-out.

#### **§ 8:26-1.4 Waiver**

(a) The Commissioner, or his or her designee, may, in accordance with the general purposes and intent of N.J.S.A. 26:1A-7 and 26:4A-4 et seq., waive sections of this chapter if, in his or her opinion, such waiver would not endanger the safety or health of the public.

1. The Department shall not waive any provision of N.J.A.C. 8:26-7.5.

(b) Any owner or operator seeking a waiver of the standards in this chapter shall apply in writing to:

Consumer, Environmental, and Occupational Health Service  
New Jersey Department of Health  
PO Box 369  
Trenton, NJ 08625-0369

(c) The written application for waiver shall include the following:

1. The nature of the waiver requested;
2. The specific standards for which a waiver is requested;

3. The reasons for requesting a waiver, including a statement of the type and degree of hardship that would result if the waiver is not granted;
4. An alternative proposal which would ensure public safety; and
5. Documentation to support the waiver application.

(d) The Department reserves the right to request additional information before processing an application for waiver.

## **SUBCHAPTER 2. ADMINISTRATION**

### **§ 8:26-2.1 Review of plans for a public recreational bathing facility**

The health authority shall review and approve all specifications, plans, and reports prior to the location, construction or alteration of a public swimming pool, wading pool, hot tub, spa, or aquatic recreation facility, and prior to the conversion of a pond, lake, stream, river, ocean, or other body of fresh or salt water to use as a public recreational bathing facility.

### **§ 8:26-2.2 Procedure for obtaining approval to locate and/or construct a public recreational bathing facility**

(a) The health authority shall not grant approval to locate and/or construct a public recreational bathing facility until approval has been granted by the local code officials.

(b) The public recreational bathing facility owner shall prepare all plans, specifications, reports, blueprints, and other documents in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference, as amended and supplemented, which shall include, but not be limited to:

1. The proposed site of the public recreational bathing facility;
2. The nature and extent of the area to be served by the public recreational bathing facility and estimated daily patronage;
3. Basic design factors, including water capacities, source(s) of water, and volume of water;
4. The layout of the public recreational bathing facility, including, but not limited to: dimensions, bathhouses, bathroom facilities, food service facilities pursuant to the requirements of N.J.A.C. 8:24, first aid facilities, and other recreational facilities associated with the public recreational bathing facility;
5. Details of on-site filter wastewater, shower wastes, and sanitary sewage disposal where a municipal sewer is not available, or where a municipal sewer is available, details of the connection thereto;
6. The proposed operation and maintenance procedures, including manufacturer's specifications for equipment;

7. Details on water well construction;
8. Safety by design as specified in this chapter;
9. A comprehensive sanitary and hazard survey of the bathing beach and surrounding area. The survey shall include a plot map, drawn to scale, indicating the location(s) and type(s) of all known sources of potential contamination and hazards; and
10. All documents shall be sealed and certified by a design professional.

(c) The public recreational bathing facility owner shall submit the plans, specifications, reports, blueprints, and other documents prepared in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23, to the health authority at the same time they are submitted to the local code officials.

(d) Upon compliance with all provisions set forth in (b) and (c) above, the health authority shall review and approve or disapprove the application in writing within 30 days of the date of approval by the local code officials.

(e) Approval by the health authority does not relieve the owner of responsibility for compliance with all other applicable Federal, State, and local requirements.

(f) The health authority may request additional information about the proposed location and/or construction prior to making its decision. The request for additional information shall increase the 30-day period at (d) above to 90 days from the date of approval by the local code officials.

(g) Upon designation by the Department, a local health authority shall review and approve or disapprove the application to construct a public recreational bathing facility at a State college or university.

(h) The public recreational bathing facility owner shall not begin construction of a new facility or alteration of an existing facility until after both the approval of the construction code official and the approval of the local health authority have been issued in writing.

### **§ 8:26-2.3 Procedure for obtaining approval to alter a public recreational bathing facility**

(a) The health authority shall not grant approval to alter a public recreational bathing facility until such approval has been granted by the local code officials.

(b) The public recreational bathing facility owner shall prepare all plans, specifications, reports, blueprints, and other documents describing the proposed alteration in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference. All documents shall be sealed and certified by a design professional.

(c) The plans, specifications, reports, blueprints, and other documents prepared in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23, shall be



submitted to the health authority at the same time they are submitted to the local code officials.

(d) Upon compliance with the provisions set forth in (b) and (c) above, the health authority shall review and approve or disapprove the application in writing within 30 days of the date of approval by the local code officials.

(e) Approval by the health authority does not relieve the owner of the responsibility for compliance with all other applicable Federal, State, county, and local requirements.

(f) The health authority may request additional information about the proposed alteration prior to making its decision. The request for additional information shall stay the 30-day deadline.

(g) Upon designation by the Department, a local health authority shall review and approve or disapprove the application to alter a public recreational bathing facility at a State college or university.

**§ 8:26-2.4 Denial of approval for location, construction, or alteration of a public recreational bathing facility**

(a) Any owner denied approval for the location and construction or for the alteration of a public recreational bathing facility shall be notified by the health authority.

(b) The notice shall be in writing and shall specify the reason(s) for the denial and shall afford the owner the opportunity to appeal the decision to the health authority.

(c) The owner shall appeal the decision in writing within 30 calendar days after receipt of the denial notice.

(d) Where an owner fails to request a hearing within the 30 calendar day period, his or her right to a hearing pursuant to this section shall be deemed waived and the health authority's denial shall become final.

**§ 8:26-2.5 Operational assessment and inspection of a public recreational bathing facility**

(a) The owner or operator of a seasonal public recreational bathing facility, or trained pool operator for a swimming pool or wading pool, shall complete the Checklist for Public Recreational Bathing Facilities developed by the Department and found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, and shall submit it to the health authority 21 days before the bathing facility is scheduled to open.

1. For ponds, lakes, streams, rivers, and bays, the Checklist for Public Recreational Bathing Facilities shall include a sanitary survey and a survey of hazardous conditions such as obstructions.

(b) For year-round swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities, the owner or operator, or trained pool operator for a swimming pool or wading pool, shall complete the Checklist for Public Recreational Bathing Facilities developed by the Department and found at N.J.A.C. 8:26 Appendix E, incorporated herein

by reference, and shall submit it to the health authority 30 days prior to expiration of its written approval.

(c) The Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, shall be certified by the owner, operator, or trained pool operator as being true, accurate, and complete.

(d) For year-round public recreational bathing facilities, the facility shall be inspected by the health authority at least twice during the year to determine compliance with the requirements of this chapter. A written approval or disapproval shall be issued within 10 business days of the inspection.

1. The health authority shall inspect each new public recreational bathing facility before it opens to the public for the first time.

(e) For seasonal public recreational bathing facilities, the facility shall be inspected by the health authority at least once during the season to determine compliance with the requirements of this

**§ 8:26-2.6 Approval to operate a public recreational bathing facility**

(a) A public recreational bathing facility shall not be opened for public use until the health authority has determined that the facility is in compliance with the requirements of this chapter and has issued a written approval. The approval must be renewed each year.

(b) The written approval may be issued after receipt and review of the Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, except for new facilities which must be inspected before issuance of the written approval.

(c) The written approval may be in the form of a license, permit, letter, checklist, or other format determined by the health authority.

(d) The written approval shall be effective for a 12-month period, or to the end of the outdoor swimming season for seasonal facilities.

(e) The written approval shall be displayed in a conspicuous place on the premises where it may be readily observed by all patrons.

(f) An owner or operator shall not operate a public recreational bathing facility whose approval has been suspended.

**§ 8:26-2.7 Operator inspection of swimming pools, wading pools, hot tubs, and spas**

(a) The owner or operator shall ensure that the trained pool operator visits the swimming pool, wading pool, hot tub, or spa, at least once per week to ensure that the facility is in compliance with the requirements of this chapter.

(b) Such visits shall be documented in writing and the documents shall be available for inspection by the health authority.

1. The owner or operator shall ensure that the required documents are kept in the office at the public recreational bathing facility.

### **SUBCHAPTER 3. SWIMMING POOLS AND WADING POOLS**

#### **§ 8:26-3.1 Construction and design**

The pool owner and operator shall ensure that the construction, design, signage, and safety features of a new or altered swimming pool or wading pool conform to the requirements of the New Jersey Uniform Construction Code (UCC), N.J.A.C. 5:23, incorporated herein by reference.

#### **§ 8:26-3.2 Construction materials**

All construction materials shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

#### **§ 8:26-3.9 Surface skimming system**

(a) A surface skimming system shall be provided in all swimming pools.

(b) The surface skimming system shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

#### **§ 8:26-3.12 Fencing and enclosures**

(a) Fencing and enclosures shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) A minimum four-foot high barrier shall be installed around a wading pool. The barrier shall have a self-closing and self-latching gate.

#### **§ 8:26-3.13 Electrical, illumination, and ventilation requirements**

(a) All electrical wiring, illumination, ventilation, and bonding and grounding certification, shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) Bonding and grounding certification shall be provided annually by the owner or operator of a seasonal swimming pool or wading pool to the health authority prior to the opening of the swimming pool or wading pool.

#### **§ 8:26-3.15 Circulation systems**

(a) Pump rotation direction shall be clearly indicated on the pump and all visible piping.

(b) Filters shall be designed so that filtration surfaces can be inspected and serviced.

(c) Pressure filters shall have sight glasses, or the equivalent, installed on the wastewater discharge line in

order that filter washing progress may be determined. The sight glasses shall be readily removable for cleaning purposes.

(d) The circulation system shall contain a pump suction (vacuum) gauge, filter inlet pressure gauge, filter outlet pressure gauge, and flow meter.

#### **§ 8:26-3.17 Protection of potable water**

(a) Protection of the potable water supply shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) An alternate method of adding potable makeup water may be employed with the approval of the health authority.

#### **§ 8:26-3.18 Wading pools**

(a) Newly constructed wading pools shall be physically set apart from swimming pools by a minimum of six feet of deck.

(b) Single main drains are prohibited in newly constructed wading pools and shall comply with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(c) Existing wading pools with a single main drain, other than gravity flow, shall have an automatic shutoff that goes into operation when the drain becomes covered.

(d) Wading pools shall have a maximum depth of 24 inches. The water depth may be reduced and brought to zero inches at the most shallow point of the wading pool.

(e) Wading pools shall have a separate circulation system of adequate size to turn over the entire pool water capacity at least once every hour.

#### **§ 8:26-3.19 Water slides**

(a) Water slides may be permitted with approval by the health authority, provided the construction and supervision at the water slide conform to the requirements of the United States Consumer Product Safety Commission standard for swimming pool slides, 16 CFR Part 1207, incorporated herein by reference.

(b) Water slides that exceed 15 feet in height shall conform to the requirements of the New Jersey Department of Community Affairs, found at N.J.A.C. 5:14A.

#### **§ 8:26-3.20 Rope drops, cliff jumping, and aquatic play equipment**

(a) The owner or operator of a public recreational bathing facility shall ensure that all rope drops, cliff jumps, or other jumping activities where the bather enters the water feet first, and aquatic play equipment:

1. Are designed and constructed in conformance with N.J.A.C. 5:14A-12.5, regardless of location; and

2. Meet the requirements of N.J.A.C. 5:14A-12, Water Amusement Rides, when in an aquatic activity area.

(b) Rope drops, cliff jumps, and other jumping activities are prohibited at heights greater than 15 feet.

**§ 8:26-3.21 Floats and fixed platforms**

Floats and fixed platforms that are set up and installed pursuant to manufacturer's specifications shall be permitted in a swimming pool or wading pool upon approval of the health authority. Floats are objects that float on the water such as inflatable rafts. Fixed platforms are objects that are attached to the bottom or side of the pool, such as a floating bridge.

**§ 8:26-3.22 Disinfection**

(a) Disinfecting equipment shall:

1. Provide adequate and appropriate introduction, feeding, and regulating of a disinfectant into the circulation system of the swimming pool or wading pool;
2. Consistently maintain the disinfectant residual in the swimming pool or wading pool; and
3. Withstand wear in the course of normal use.

(b) Gas chlorination shall be prohibited.

(c) Chemical feeders, also called chemical controller systems, shall only be permitted if their installation (and use as specified in N.J.A.C. 8:26-6.13(m)) conforms to the following:

1. Chemical feeders shall be installed downstream from the filter and heater.
2. Where the chemical feeder is equipped with its own pump, the pump shall be installed so that it introduces the solution downstream from the heater and at a position lower than the heater outlet fitting.
3. Chemical feeders shall be wired so they cannot operate unless the filter pump is running. Where the chemical feeder has an independent timer, the chemical feed pump timers shall be interlocked.
4. Erosion-type feeders shall be allowed to feed their solution to the suction side of the pump.

(d) Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

1. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified at N.J.A.C. 8:26-7.8.
2. A sodiumchloride test kit shall be provided to monitor the salt concentration of the swimming pool or wading pool water.

(e) Bromination, when used for disinfection, shall conform to the following:

1. A bromine test kit shall be available to monitor the bromine concentration of the swimming pool or wading pool water.

2. Brominator equipment rooms shall be ventilated.

**§ 8:26-3.23 Depth markings**

The owner or operator shall ensure that depth markings are accurate and in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

**§ 8:26-3.24 Existing swimming pools and wading pools**

(a) The location and construction requirements in this chapter shall not apply to those swimming pools and wading pools that were constructed prior to September 7, 2010, until alterations are made.

1. Alterations shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

2. Alterations shall require approval by the health authority in addition to local code officials.

3. The pool owner or operator shall submit to the health authority all plans, specifications, reports, blueprints, and other documents detailing the alterations, sealed and certified by a design professional, at the same time they are submitted to the local code officials.

(b) All existing swimming pools and wading pools shall comply with the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. §§ 8001 through 8007, which became effective on December 17, 2008.

**§ 8:26-3.25 Aquatic recreation facilities**

(a) All provisions of this subchapter apply to aquatic recreation facilities, except for N.J.A.C. 8:26-3.12(b) pertaining to barriers, and N.J.A.C. 8:26-3.18(d) pertaining to depth of wading pools.

(b) N.J.A.C. 5:14A-12, Water Amusement Rides, administered by the New Jersey Department of Community Affairs, applies to aquatic recreation facilities.

1. N.J.A.C. 5:14A-12, Water Amusement Rides, is available from the New Jersey Department of Community Affairs, PO Box 808, Trenton, NJ 08625.

**SUBCHAPTER 4. HOT TUBS AND SPAS**

**§ 8:26-4.1 Construction and design**

(a) The hot tub or spa owner and operator shall ensure that the construction, design, signage, and safety features of a new or altered hot tub or spa conforms to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) The maximum water depth of a hot tub or spa shall be four feet as measured from the water line.

Exceptions may be made by the health authority for hot tubs or spas which are designed for special purposes, such as for instruction, treatment, and therapy.

**§ 8:26-4.2 Construction materials**

All construction materials shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

**§ 8:26-4.3 Heater and temperature requirements**

(a) The maximum temperature of hot tub or spa water shall be 104 degrees Fahrenheit (40 degrees Celsius).

(b) Water temperature regulating controls for maintaining the water temperature shall be installed and maintained in good operating condition.

(c) An automatic safety device shall be installed to shut off the heater if the water temperature exceeds 104 degrees Fahrenheit (40 degrees Celsius).

(d) A thermometer shall be installed in the hot tub or spa. This thermometer shall be accurate to plus or minus one degree Fahrenheit (0.56 degrees Celsius) and shall be visible to the public.

**§ 8:26-4.4 Electrical, illumination, and ventilation requirements**

(a) All electrical wiring, illumination, ventilation, and bonding and grounding certification shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) Bonding and grounding certification shall be provided annually by the owner or operator of a seasonal swimming pool or wading pool to the health authority prior to the opening of the swimming pool or wading pool.

**§ 8:26-4.5 Protection of potable water**

(a) Protection of the potable water supply shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(b) An alternate method of adding potable makeup water may be employed with the approval of the health authority.

**§ 8:26-4.7 Circulation systems**

(a) Pump rotation direction shall be clearly indicated on the pump and all visible piping.

(b) Filters shall be designed so that filtration surfaces can be inspected and serviced.

(c) Pressure filters shall have sight glasses, or the equivalent, installed on the wastewater discharge line, so that filter washing progress may be determined. The sight glasses shall be readily removable for cleaning purposes.

(d) The circulation system shall contain a pump suction (vacuum) gauge, filter inlet pressure gauge, filter outlet pressure gauge, and flow meter.

**§ 8:26-4.8 Disinfection**

(a) Disinfecting equipment shall:

1. Provide adequate and appropriate introduction, feeding, and regulating of a disinfectant into the circulation system of the hot tub or spa;
  2. Consistently maintain the disinfectant residual in the hot tub or spa; and
  3. Withstand wear in the course of normal use.
- (b) Gas chlorination shall be prohibited.

(c) Chemical feeders, also called chemical controller systems, shall only be permitted if their installation (and use as specified in N.J.A.C. 8:26-6.14(l)) conforms to the following:

1. Chemical feeders shall be installed downstream from the filter and heater.
2. Where the chemical feeder is equipped with its own pump, the pump shall be installed so that it introduces the solution downstream from the heater and at a position lower than the heater outlet fitting.
3. Chemical feeders shall be wired, so they cannot operate unless the filter pump is running. Where the chemical feeder has an independent timer, the chemical feed pump timers shall be interlocked.
4. Erosion-type feeders shall be allowed to feed their solution to the suction side of the pump.

(d) Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

1. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified at N.J.A.C. 8:26-7.12.
2. A sodium chloride test kit shall be provided to monitor the salt concentration of the hot tub or spa.

(e) Bromination, when used for disinfection, shall conform to the following:

1. A bromine test kit shall be available to monitor the bromine concentration of the hot tub or spa water.
2. Brominator equipment rooms shall be ventilated.

**§ 8:26-4.9 Air induction systems**

(a) An air induction system shall prevent water back-up to eliminate electrical shock hazards.

(b) Air intake sources shall not introduce contaminants, such as deck water, dirt, etc., into the hot tub or spa.

#### **§ 8:26-4.12 Depth markings**

(a) There shall be a minimum of two depth markings per hot tub or spa, regardless of the hot tub or spa size and shape.

(b) The owner or operator shall ensure that depth markings are accurate and in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

#### **§ 8:26-4.13 Existing hot tubs and spas**

(a) Alterations to existing hot tubs and spas shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

1. As used in this section, "existing" means installed and in use prior to September 7, 2010.

2. Alterations shall require approval by the health authority in addition to local code officials.

3. The hot tub or spa owner or operator shall submit to the health authority all plans, specifications, reports, blueprints, and other documents detailing the alterations, sealed, and certified by a design professional, at the same time they are submitted to the local code officials.

(b) The provision for heater and temperature requirements at N.J.A.C. 8:26-4.3 and the disinfection requirements at N.J.A.C. 8:26-4.8 shall apply to existing hot tubs and spas.

(c) All existing hot tubs and spas shall comply with the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. §§ 8001 through 8007, which became effective on December 17, 2008.

#### **§ 8:26-4.14 Aquatic recreation facilities**

All provisions of this subchapter and N.J.A.C. 5:14A-12, Water Amusement Rides, administered by the Department of Community Affairs, shall apply to aquatic recreation facilities.

### **SUBCHAPTER 5. WATERFRONT SAFETY**

#### **§ 8:26-5.1 Specially exempt facilities from first aid personnel and lifeguard requirements only**

(a) Specially exempt facilities shall be exempt from mandatory compliance with the first aid personnel and lifeguard requirements of this subchapter at N.J.A.C. 8:26-5.2(b), (b)1, (d), and (e); 5.6(b); 5.8(b) and (b)1; and 5.10(b), (b)1, (c), and (e).

1. This exemption shall not apply to specially exempt facilities which use ocean waters for bathing.

2. This exemption shall not apply to a specially exempt facility that has a functional diving board, water slide, or other recreational appurtenance that may present an increased safety risk or hazard.

(b) A campground, private marina with a swimming pool, hotel, motel, mobile home park, or retirement community, which does not voluntarily comply with the exempted requirements listed in (a) above shall have an owner or operator on the premises at all times when its swimming area or swimming pool is open for use.

(c) A health club which does not voluntarily comply with the exempted requirements listed in (a) above shall have an owner or operator on the premises at all times when its swimming pool is open for use. The provisions of this subchapter shall not exempt a health club from the provisions of N.J.S.A. 2A:62A-30 et seq., concerning defibrillators.

(d) Except as provided in (f) below, specially exempt facilities that do not voluntarily comply with the exempted requirements listed in (a) above shall post a sign at least three feet by four feet in size.

1. The sign shall be prominently displayed at every entrance to each swimming area, and shall state:

"No lifeguard on duty."

"Persons under the age of 16 must be accompanied by an adult."

"No swimming alone."

2. The sign shall include the hours that the public recreational bathing facility is open, and can be added to an existing sign.

3. The information on the sign shall be easily readable with contrasting colors.

(e) At campgrounds, hotels, motels, mobile home parks, or retirement communities:

1. The sign shall also state:

"This swimming area is closed when the owner or operator is not on the premises." or

"This pool is closed when the owner or operator is not on the premises."

2. The notice shall also be posted on a sign at least eight inches by 10 inches in size at the registration desk and in each guest room or suite of the campground, hotel or motel used for occupancy by guests.

(f) A health club that is a specially exempt facility and does not voluntarily comply with the exempted requirements listed in (a) above, shall have an owner or operator on the premises at all times when its swimming pool is open for use, and shall take the following action:

1. Post a sign not less than three feet by four feet in size, which shall be prominently displayed at the entrance to the swimming pool.

2. The sign shall state:

"No lifeguard on duty. Persons under the age of 16 are not permitted to use this pool."

"The pool is closed when the owner or operator is not on the premises."

3. The notice shall also be posted on a sign at least eight inches by 10 inches in size at the member service desk of the health club.

(g) A specially exempt facility shall inform the local health authority whether it is going to comply with the exempted provisions of this section.

### **§ 8:26-5.2 Swimming pool supervision**

(a) Designated adult supervisor. A swimming pool shall be under the management of a designated adult supervisor who is knowledgeable of this chapter and who shall be responsible for all phases of the operation.

1. The name and telephone number of the designated adult supervisor shall be conspicuously posted.

2. For pools larger than 2,000 square feet, the designated adult supervisor shall possess pool director training certification. Current adult pool supervisors shall have until January 16, 2019, to obtain certification.

(b) At least one person currently certified in standard first aid and professional level infant, child, and adult cardiopulmonary resuscitation (CPR) by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A, shall be on the premises, available, and readily accessible when the swimming pool is in use.

1. First aid and CPR retraining shall be required prior to the expiration of an individual's certification.

2. A sign shall be posted indicating the location of first aid supplies.

(c) The maintenance and mechanical operation of a swimming pool shall be under the supervision of a trained pool operator (TPO).

1. The trained pool operator shall be available for mechanical and maintenance repairs and detection.

2. The trained pool operator shall have completed a pool operator course and shall have certification from a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A.

3. The trained pool operator shall visit the swimming pool at least once a week to review records and inspect the facility to ensure that it meets all regulatory requirements. Documentation of the visit shall be maintained onsite.

(d) Lifeguard requirements are as follows:

1. At least one lifeguard certified by an organization recognized by the Department of Health listed in N.J.A.C. 8:26 Appendix A shall be on duty at swimming pools with less than 2,000 square feet of surface area and 60 or less bathers, at all times when the swimming pool is in use. The lifeguard(s) shall operate according to a zone of protection plan.

2. At least two lifeguards certified by an organization recognized by the Department and listed in N.J.A.C. 8:26 Appendix A shall be on duty at swimming pools with greater than 2,000 square feet of surface area at all times when the swimming pool is in use. The lifeguards shall operate according to a zone of protection plan.

3. Additional lifeguards shall be required depending on bather load, bather activities, size, and configuration of the swimming pool, and amount of surface area for shallow and deep water areas, emergencies, and the lifeguard's ability to see bathers.

4. All on-duty lifeguards shall be identified by distinguishing apparel or emblems.

5. Lifeguards who are assigned to swimming pool supervision shall not have duties that would distract or intrude upon their attention from proper observation of persons in the swimming pool area, or that prevent immediate assistance to persons in distress in the water.

6. Lifeguards who are on duty shall not perform any activities that distract them or intrude upon their attention from proper observation of persons in the swimming pool area or that prevent immediate assistance to persons in distress in the water.

i. Such activities shall include, but not be limited to, texting, using a cell phone or electronic device for any purpose, reading, personal conversations, or listening to music.

7. Each lifeguard shall be equipped with a whistle or other signaling device.

(e) Lifeguard platforms or stands shall be provided for swimming pools where water surface area is greater than 2,000 square feet, or where there are diving areas, or where the depth of the water is greater than five feet.

1. Lifeguard platforms or stands shall be elevated and located at the water's edge, so as to provide a clear unobstructed view of the swimming pool surface and bottom.

2. Aquatic recreation facilities may utilize an alternative method to provide a clear unobstructed view of the swimming pool surface and bottom.

(f) Each facility shall establish a written standard operating procedure aquatics facility plan that shall be maintained onsite. It shall be implemented by each facility,

shall take into account the number of bathers using the pool, and shall contain information including, but not limited to:

1. A diagram of the facility;
2. Swimming pool evacuation plans;
3. A schedule for and the number of lifeguards to be on duty depending on conditions and activities;
4. Responsibilities of all employees;
5. A list of emergency telephone numbers;
6. The location of first aid and rescue equipment;
7. Staff emergency procedures;
8. The location of the emergency shutoff switch for suction outlets;
9. Hours of operation;
10. A schedule of operational activities, such as water testing and recordkeeping; and
11. A zone of protection plan for the lifeguards.

**§ 8:26-5.3 Emergency equipment for swimming pools**

(a) The owner or operator shall provide the swimming pool with the following readily accessible emergency equipment:

1. One or more assist poles or life hooks. Telescoping poles and plastic hooks that snap on shall not be used;
2. One or more rescue tubes for each lifeguard on duty;
  - i. For specially exempt facilities, at least one ring or rescue buoy.
3. A first aid kit approved by the Department of Health (See required contents in N.J.A.C. 8:26 Appendix B). The kit shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use;
4. A full spine board complete with ties, head restraints and/or straps that meet the design requirements of N.J.A.C. 8:40. The board shall be kept poolside;
5. An emergency care area for swimming pools capable of accommodating 500 or more patrons;
6. A telephone, radio, signaling device, or other health authority approved means of communication, which shall be located near the lifeguard station for emergency use. Emergency telephone numbers of the nearest rescue squad, police department, and other appropriate entity, and the address of the pool, shall be posted in a weather-resistant display adjacent to the lifeguard station;
7. One or more throw lines that can reach the other side of the pool; and

8. For swimming pools that have a lifeguard, an automated external defibrillator (AED).

**§ 8:26-5.4 Bather rules for swimming pools, wading pools, hot tubs and spas**

(a) The owner or operator shall conspicuously post rules governing admission, bathing, hours of operation, and conduct of patrons. The posting shall include the following language:

- "1. Any person showing evidence of any communicable skin disease, sore or inflamed eyes, cold, nasal or ear discharges, or any other communicable disease shall be denied admission.
2. Any person with excessive sunburn, open blisters, cuts, or bandages shall be denied admission.
3. Do not enter the water if you are experiencing or recovering from diarrhea or have had any signs or symptoms of a gastrointestinal (stomach) disease in the past seven days.
4. All children in diapers must wear diapers specially designed for immersion in water (such as swimming diapers). Do not wash out soiled diapers in the bathing water.
5. Children should be encouraged to use the restroom before entering the water. Immediately report any "accidents" you observe in the bathing waters to a lifeguard.
6. No animals, except for service animals, shall be allowed in the swimming pool, wading pool, hot tub, or spa area, dressing rooms, or other parts of the enclosure.
7. Glass containers shall be prohibited in food and drink areas.
8. All persons shall shower before entering the water.
9. Conduct which endangers the safety and comfort of others shall be prohibited.
10. Outdoor bathing shall be prohibited during an electrical storm.
11. Persons suspected of being under the influence of drugs or alcohol shall be prohibited from entering the water."

(b) Policies and procedures regarding water toys and floating devices shall be established to ensure a safe bathing environment and shall be included in the Aquatics Facility Plan.

**§ 8:26-5.5 Diving in swimming pools**

(a) The owner or operator shall conspicuously post diving rules in both words and symbols, in the swimming pool area.

1. Diving shall be prohibited in water depths of five feet or less.

2. Diving and non-diving areas shall be designated and posted with signs and symbols.

(b) Head-first diving entries during competitive swim meets and swim practices shall be permitted in less than five feet of water if the following standards are met:

1. The water depth of the swimming pool at the bulkhead at pool side where the starting blocks are located shall be at least four feet;
2. Only the "flat dive," also known as a "forward start," shall be used;
3. Signs shall be conspicuously posted to remind swimmers of the dangers of using any dive other than the flat dive, when diving into waters less than five feet deep;
4. Swimmers shall be under the direct supervision of the team swim coach; and
5. Procedures shall be established to ensure that the diving blocks are not used by an untrained swimmer or by the general public.

#### **§ 8:26-5.6 Wading pool and spray park supervision**

(a) An individual supervisor, knowledgeable and trained in a program developed by the designated adult supervisor, shall supervise the activities of the wading pool or spray park, except for aquatic recreation facilities.

(b) At least one individual currently certified in standard first aid and professional level adult, child, and infant CPR by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be readily accessible during wading pool and spray park use. If the individual is not stationed at the wading pool or spray park, the facility shall post a sign conspicuously placed at the wading pool or spray park stating how to reach this individual. The trained individual shall be able to render assistance in a safe and timely manner.

(c) The owner or operator shall post a sign that is easily readable with contrasting colors, and is prominently displayed, at the entrance or adjacent to the wading pool or spray park, that states:

"Parents or guardians are required to supervise their children at all times." "No children are allowed in the wading pool (spray park) without adult supervision."

(d) For aquatic recreation facilities that operate wading pools, all of the requirements of N.J.A.C. 8:26-5.2 shall apply.

#### **§ 8:26-5.7 Water slides**

(a) The owner or operator of the PRB facility shall ensure that a lifeguard meeting the requirements of N.J.A.C. 8:26-5.2 supervises the activities of the water slide at all times that it is open for use. If the lifeguard is supervising all of the activities of the waterfront, then the lifeguard shall have a clear view and rapid access to the water slide from his or

her station. The local health authority may require additional supervision of the water slide after considering, at a minimum, the following factors:

1. Whether the water slide is higher than 15 feet;
2. Whether a clear line of sight exists from the top of the water slide to the pool entry area at the bottom of the water slide;
3. Whether there is a platform or other space at the top of the water slide that is large and strong enough to safely accommodate additional supervisory personnel and members of the public;
4. Whether supervisory personnel will be able to communicate quickly and clearly from one end of the water slide to the other to the extent necessary to ensure the safe use of the water slide by members of the public; and
5. Whether supervisory personnel will be able to quickly summon a lifeguard meeting the requirements of N.J.A.C. 8:26-5.2 to the water slide in the event of an emergency.

(b) A water slide shall not enter into less than three feet of water, except for aquatic recreation facilities.

(c) If the water slide enters into less than five feet of water, the end of the slide shall be no more than six inches above the surface of the water, except for aquatic recreation facilities.

(d) Only feet first entries shall be permitted.

(e) The landing area in front of the water slide shall be used solely for water slide users entering the water.

1. The owner or operator of the PRB facility shall ensure that the water slide area and the landing area in front of the water slide are clearly delineated.

#### **§ 8:26-5.8 Hot tub and spa supervision**

(a) Supervision of a hot tub or spa shall be provided by a designated adult supervisor who is knowledgeable of these rules and who shall be responsible for all phases of its operation.

(b) At least one person currently certified in standard first aid and professional level adult, child, and infant CPR by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be on the premises, available, and readily accessible when the hot tub or spa is in use. If the trained and qualified personnel are not stationed at the hot tub or spa, then the facility shall conspicuously post a sign indicating the location and method of access of such personnel. The qualified personnel shall be able to render assistance in a safe and timely manner.

1. First aid and CPR retraining shall be required prior to the expiration of an individual's certification.

2. A sign shall be posted indicating the location of first aid supplies.



(c) The maintenance and mechanical operation of a hot tub or spa shall be under the supervision of a trained pool operator. The trained pool operator shall be available for mechanical and maintenance repairs and detection. The trained pool operator shall have completed a pool operator course from a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A.

(d) A precautionary sign shall be posted adjacent to the entrance to the hot tub or spa and shall state the following:

"CAUTION"

"Pregnant women, elderly persons, those suffering from heart disease, diabetes, high or low blood pressure, or those using prescription medications should not enter this hot tub or spa without prior medical consultation and permission from their doctor."

"Unsupervised use by children under 16 years of age is prohibited."

"Do not use this hot tub or spa while under the influence of alcohol or drugs."

"Do not use this hot tub or spa while alone."

"Shower before entering this hot tub or spa."

"There shall be a 15-minute time limit on time spent in the hot tub or spa. Long continuous exposures may result in nausea, dizziness, or fainting."

(e) A clock shall be located where it is visible from the hot tub or spa.

#### **§ 8:26-5.9 Emergency equipment for hot tubs or spas**

A first aid kit approved by the Department of Health (see required contents in N.J.A.C. 8:26 Appendix B) shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use.

#### **§ 8:26-5.10 Bathing beach supervision**

(a) A bathing beach shall be under the supervision of a designated adult supervisor.

1. The name and telephone number of the designated adult supervisor shall be conspicuously posted.
2. The hours of operation shall be conspicuously posted.
3. The designated adult supervisor shall inspect the bathing beach at least once a week to identify hazards, review records, and make sure the bathing beach meets all regulatory requirements. Documentation of the inspection shall be maintained onsite. The designated adult supervisor shall use a checklist prepared by the Department.

(b) At least one person currently certified in standard first aid and professional level infant, child, and

adult CPR by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be on the premises, available, and readily accessible when the bathing beach is in operation. If the trained and qualified personnel are not beach-side, then the facility shall conspicuously post a sign indicating the location and method of access of such personnel. The facility shall demonstrate to the health authority that said personnel are available in reasonable proximity to the bathing beach. The qualified personnel shall be able to render assistance in a safe and timely manner.

1. First aid and CPR retraining shall be required prior to the expiration of an individual's certification.

2. A sign shall be posted indicating the location of first aid supplies.

(c) Lifeguard requirements are as follows:

1. At least one lifeguard for every 300 feet of designated bathing area shall be on duty at all times when an ocean or bay bathing beach is in operation.

2. At least two lifeguards for every 300 feet of designated bathing area shall be on duty at all times when any other bathing beach is in operation, except when the designated bathing area is less than 100 feet, when only one lifeguard is required.

3. Additional lifeguards shall be required depending upon bather load, currents, tides, contour or slope of the beach, and any other condition(s) which may cause changes in water conditions.

4. All on-duty lifeguards shall be identified by distinguishing apparel or emblems.

5. Lifeguards who are assigned to supervision of the bathing beach shall not have duties that would distract or intrude upon their attention from proper observation of persons in the water and beach area, or that prevent immediate assistance to persons in distress in the water.

6. Lifeguards who are on duty shall not perform any activities that distract them or intrude upon their attention from proper observation of persons in the water and beach area, or that prevent immediate assistance to persons in distress in the water, such as texting, looking at a cell phone screen, or listening to music.

7. Each lifeguard shall be equipped with a whistle or other signaling device.

8. For ocean and bay waters, a lifeguard training program certified by a Department of Health approved organization listed in N.J.A.C. 8:26 Appendix A shall be established by the owner or operator.

(d) Each bathing beach shall establish a written standard operating procedure aquatics facility plan. It shall be implemented and maintained by each facility onsite, shall take into account the number of bathers using the beach, and shall contain information including, but not limited to:

1. A map of the bathing beach, which shall show all known hazards;
2. Bathing beach evacuation plans;
3. A schedule for the number of lifeguards to be on duty depending on conditions and activities;
4. Responsibilities of all lifeguards;
5. A list of emergency telephone numbers;
6. The location of first aid and rescue equipment;
7. Staff emergency procedures;
8. Hours of operation; and
9. A schedule of operational activities, such as recordkeeping, but not limited to, recordkeeping.

(e) Lifeguard stand requirements are as follows:

1. Lifeguard stations shall be located within 30 feet of the shoreline.
2. Lifeguards shall be isolated from the beach crowds on elevated stands.
3. These stands shall be high enough, so as to give the lifeguards a complete and unobstructed view of the bathing area.
4. There shall be at least one lifeguard on each stand.

(f) Hazard safety requirements are as follows:

1. Swimming areas shall be maintained in a clean and safe condition, free from rocks, holes, and hidden dangers.
2. Any known hazard in the vicinity shall be properly safeguarded and marked as such.

(g) The bathing beach shall be designated by buoys, flags, or other methods approved by the health authority.

#### **§ 8:26-5.11 Bather rules for bathing beaches**

Bather rules and policies shall be provided and signs posted as specified in the rules governing swimming pools at N.J.A.C. 8:26-5.4(a)3, 4, 5, 6, 7, 9, 10, and 11, and 5.4(b).

#### **§ 8:26-5.12 Lifesaving equipment for bathing beaches**

(a) Lifesaving equipment shall be immediately accessible in case of an emergency. The equipment shall include, at a minimum:

1. One reach pole measuring at least 12 feet with blunt ends shall be provided at bathing beaches where docks are located in the bathing area;

2. One rescue tube, rescue can, or torpedo buoy, with sufficient line attached shall be provided at each lifeguard station;

3. An automated external defibrillator (AED) shall be provided if the bathing beach is capable of accommodating 500 swimmers and bathers, or if a lifeguard is present;

4. A surfboard, rowboat, or similar means of conveyance capable of supporting two adults;

5. A first aid kit meeting the requirements contained in N.J.A.C. 8:26 Appendix B shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use;

6. A full spine board complete with ties, head restraints and/or straps that meets the design requirements as specified at N.J.A.C. 8:40;

7. An emergency care room if the bathing beach is capable of accommodating 500 swimmers and bathers; and

8. A telephone or other means of communication approved by the health authority, which shall be located near the lifeguard station for emergency use. Emergency telephone numbers for the nearest rescue squad, police department, and other appropriate entity, and the address of the bathing beach, shall be posted in a weather-resistant display adjacent to the lifeguard station.

#### **§ 8:26-5.13 Diving stands and boards for bathing beaches**

(a) Diving stands and boards for bathing beaches shall conform to the diving rules at N.J.A.C. 8:26-5.5 governing swimming pools. Diving shall be prohibited at bathing beaches in water depths of less than eight feet.

(b) Platforms for bathing beaches are permitted if they are constructed with a visible one-foot air space below the platform or designed to prevent entanglement or trapping of the bathers.

1. For bay or tidal waters, there shall be a visible one-foot air space below the platform at the flood high tide mark.

2. The minimum water depth surrounding a platform without a diving board or similar device shall be eight feet for an outward distance of 12 feet from the platform.

3. Dock platforms where diving is prohibited do not have to meet the requirement of eight feet of minimum water depth for an outward distance of 12 feet from the platform. Dock platforms are mainly used for supervision and walking above a swimming area.

4. Where a platform has a diving board or other device three or more feet above the water, the water depth at the end of the board shall be at least 12 feet for a distance of 12 feet beyond the end of the board, and in all cases the

minimum depths shall extend nine feet to each side of the board or platform.

**§ 8:26-5.14 Waterfront restrictions for bathing beaches**

Waterfront restrictions for bathing beaches shall be posted and shall include the following language:

"No motorized vehicles, except emergency and maintenance vehicles, shall be permitted in the bathing area during its use."

"No boating, water skiing, sailboating, windsurfing, scuba diving, use of personal watercraft, or surfboarding shall be permitted in the swimming and bathing area while in use."

**§ 8:26-5.15 Aquatic recreation facility supervision**

All provisions of this subchapter and N.J.A.C. 5:14A-12, Water Amusement Rides, administered by the Department of Community Affairs, shall apply to aquatic recreation facilities, except that the phrase "and 60 or less bathers" in N.J.A.C. 8:26-5.2(d)1 shall not apply to wave pools.

**§ 8:26-6.1 General provisions**

(a) A swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach shall be maintained in a clean, sanitary, and safe condition.

(b) Dressing rooms and bathrooms shall be provided at all public recreational bathing facilities.

1. Public recreational bathing facilities constructed prior to November 4, 1986, shall not be required to provide dressing rooms.

i. Bathrooms at these facilities may be portable.

2. Dressing rooms and bathrooms shall meet the requirements of the Uniform Construction Code-Plumbing, N.J.A.C. 5:23, incorporated herein by reference, at time of construction or alteration.

(c) For public recreational bathing facilities constructed prior to September 7, 2010, except aquatic recreation facilities:

1. Dressing rooms and bathrooms shall be provided within 50 feet of the swimming pool, wading pool, hot tub, or spa, and at the entrance to the bathing beach in an area that is serviceable.

2. At least one bathroom shall be provided. It may be portable.

3. For existing condominium associations where all residences are within 100 feet of the swimming pool, a separate dressing room and bathroom near the pool is not required.

(d) Dressing rooms and bathrooms at aquatic recreation facilities shall comply with the Uniform

Construction Code, N.J.A.C. 5:23, incorporated herein by reference, at time of construction or alteration.

(e) The requirements for dressing rooms and bathrooms at swimming pools, wading pools, hot tubs, spas, or aquatic recreation facilities constructed prior to enactment of the Uniform Construction Code-Plumbing, may be increased, modified, or waived by the health authority for reasons, such as number of bathers using the pool, nearness of bathrooms to required distance, or other good cause.

**§ 8:26-6.2 Dressing rooms and bathrooms**

(a) Dressing rooms and bathrooms shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference, at time of construction or alteration.

(b) Line of sight shall be broken at the entrances and exits of the bathrooms and dressing rooms.

**§ 8:26-6.3 Showers**

Showers shall conform to the requirements of the Uniform Construction Code-Plumbing, N.J.A.C. 5:23, incorporated herein by reference, at time of construction or alteration.

**§ 8:26-6.4 Bathrooms**

(a) Bathrooms shall conform to the requirements of the Uniform Construction Code-Plumbing, N.J.A.C. 5:23, incorporated herein by reference, at time of construction or alteration.

(b) Fixtures shall conform to the following requirements:

1. Toilet tissue holders shall be supplied with an adequate supply of toilet tissues and shall be provided at each toilet.

2. Suitable receptacles shall be provided in each bathroom for waste materials. Such receptacles in bathrooms for women shall be covered.

3. Either paper towels or air hand-driers shall be provided in each bathroom. Paper towel holders, if used, shall be supplied with an adequate supply of paper towels. Air hand-driers, if used, shall be maintained in working order. Common towels shall not be permitted.

4. Soap dispensers shall be provided in each bathroom and shall be supplied with an adequate supply of soap. The soap dispenser shall be made of all metal or all plastic materials. Glass shall not be permitted in soap dispensers.

5. Shatter-resistant mirrors shall be provided in each bathroom.

6. Portable bathrooms shall comply with (b)1 and 4 above. A hand-sanitizer dispenser may be used in lieu of a soap dispenser for portable bathrooms.

### **§ 8:26-6.5 Wastewater disposal**

(a) The wastewater disposal system shall be of adequate size to serve the facility including the bathroom, locker room, and related accommodations.

(b) Sanitary sewage and filter backwash waters shall be disposed of without creating nuisances or sources of foulness.

(c) Overflow water shall be returned to the filter system or discharged to a waste system.

(d) Backwash water shall be discharged in a manner approved by the health authority.

(e) The owner shall obtain approval from the local health authority and/or the Department of Environmental Protection, as applicable, for disposal of wastewater. All wastewater shall be disposed of by one of the following approved methods:

1. The discharge of any wastewater into a sanitary sewer shall be approved by the appropriate sewer authority or the municipality that owns and/or operates the treatment system.

2. The discharge of any wastewater into the natural waters of the State shall not be allowed without a New Jersey Pollutant Discharge Elimination System (NJPDES) permit issued by the State Department of Environmental Protection, Division of Water Quality, Office of Permit Management, PO Box 029, Trenton, New Jersey 08625-0029.

i. A wastewater treatment plant that discharges treated effluent into the waters of this State shall be designed and constructed pursuant to the NJPDES rules, N.J.A.C. 7:14A.

ii. A wastewater treatment plant shall not be approved where a public sanitary sewer system, as set forth in N.J.A.C. 7:9A-1.6(e), is available, but inconsistent with the Water Quality Management Planning rules, N.J.A.C. 7:15, or as specified by local ordinance.

3. The location, design, and construction of a subsurface sewage disposal system shall conform to the requirements of Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A, the New Jersey Water Pollution Control Act rules, N.J.A.C. 7:14, and local laws, ordinances, and regulations.

i. Septage shall be disposed of pursuant to the Statewide Sludge Management Plan and the NJPDES rules, N.J.A.C. 7:14A.

### **§ 8:26-6.6 Solid waste disposal**

(a) Solid waste shall be disposed of pursuant to the Solid Waste rules, found at N.J.A.C. 7:26, promulgated by the Department of Environmental Protection, and other applicable rules and regulations.

(b) There shall be enough containers to hold all of the garbage and rubbish which accumulates between periods of removal from the premises.

(c) Bulk storage facilities shall be sized for the storage of all garbage and rubbish.

(d) Storage areas for garbage and rubbish shall be clean and shall not constitute a nuisance.

(e) All garbage and rubbish shall be disposed of frequently enough and in such a manner as to prevent a public health nuisance.

### **§ 8:26-6.7 Potable water supply**

The potable water supply shall be of adequate quantity, of a safe and sanitary quality, and from a water system which is constructed, protected, operated, and maintained pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., N.J.A.C. 7:10, and local laws, ordinances, and regulations.

### **§ 8:26-6.8 Drinking water facilities**

Drinking water facilities shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference, at time of construction or alteration.

### **§ 8:26-6.9 Food service**

All food service suppliers shall conform to the requirements of Sanitation in Retail Food Establishments, N.J.A.C. 8:24.

### **§ 8:26-6.10 Plumbing**

The installation of plumbing shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

### **§ 8:26-6.11 Insect, rodent, and weed control**

(a) The application of pesticides shall conform to the provisions of the New Jersey Pesticide Control Code, N.J.A.C. 7:30.

(b) Effective control measures shall be used to minimize and/or eliminate the presence of rodents, flies, roaches, and other vermin on the premises. The public recreational bathing facility shall be kept in such condition as to prevent the harborage or breeding of vermin.

(c) All buildings shall be rodent-and insect-proofed. Storage areas shall be maintained in such a manner as to minimize the possibility of rodent harborage.

(d) Poison ivy, poison oak, poison sumac, and ragweed shall be controlled at all times.

### **§ 8:26-6.12 Recreational equipment**

(a) The owner or operator shall inspect recreational equipment, including playground devices, at least once per week during the use season.

(b) The owner or operator shall maintain a written record of these inspections for a minimum of one year.

(c) The owner or operator shall maintain recreational equipment in safe operating condition at all times.

**§ 8:26-6.13 Operational requirements for swimming pools and wading pools**

(a) All surfaces shall be smooth and easily cleaned and free of cracks.

(b) The color, pattern, or finish of the pool interior shall not obscure the presence of objects or surfaces within the pool.

(c) There shall be no protrusions, extensions, means of entanglement, or other obstruction in the swimming area of the swimming pool which can cause entrapment or injury of bathers.

(d) The maximum user load of a swimming pool shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(e) The surface skimming system shall be maintained in good working order and have proper water flow levels at all times.

(f) The drainage system shall remove pool splash water, deck water, and rain water and prevent it from re-entering the pool.

(g) Yard drains shall prevent the accumulation or puddling of water in the general area of the deck and related improvements.

(h) Underwater illumination shall permit the deepest portion of the swimming pool floor to be clearly visible from the swimming pool's edge.

(i) Diving stands, boards, slides, and floats shall be maintained according to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

(j) Diving equipment used by the general public shall not be more than 10 feet above the water level, and shall have slip-resistant surfaces.

(k) The owner or operator shall ensure that the circulation system meets the requirements as follows:

1. The pumps, piping, return inlets and suction outlets, filters, and other necessary equipment in the circulation system shall be maintained to ensure the complete circulation of water throughout all parts of the swimming pool.

2. The circulation system shall be operated, so as to turn over the entire swimming pool water capacity at least once every six hours and the wading pool water capacity at

least once every hour. Pumps shall be operated 24 hours a day and seven days a week.

i. The facility owner may install an energy efficient two-speed pump to save energy when the pool is closed at night. If such a pump is installed, the turnover rates do not have to be met during the night when the pool is closed. The facility's TPO shall determine when the pump shall be brought up to full speed prior to the facility's opening.

3. Swimming pool water clarity shall be maintained so that the deepest portion of the swimming pool floor is clearly visible from the swimming pool's edge.

4. The pump and component parts of the circulation system, including filters, shall be operated in a safe manner that is not hazardous to the operator and maintenance personnel.

5. Mechanical seals shall be corrosion resistant and shall be maintained in good repair.

6. Direction of water flow and pump rotation shall be clearly indicated on pumps and on all visible piping.

7. Strainers shall be provided on all filter systems, shall be removable, and shall be located upstream of the circulation pump(s) to remove solids, debris, hair, and lint. Water entering the pump shall first pass through the removable strainer.

8. Filters shall be cleaned and maintained pursuant to the manufacturer's instructions, so that the circulation system can provide the required water clarity.

(l) The swimming pool or wading pool shall be closed if the suction outlet covers are missing, broken, or secured in such a way that they can be removed without the use of tools, or if the main drain cover is missing, broken, or loose, and shall remain closed until it is properly repaired or replaced. The swimming pool or wading pool shall be inspected daily to ensure that the suction outlet and drain covers are firmly attached and in sound condition.

(m) The owner or operator shall ensure that the disinfection of all pools is in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

1. Swimming pool and wading pool water shall be continuously disinfected by a disinfecting agent which gives off an easily measured residual.

2. The disinfecting agent shall be subject to simple and accurate field testing procedures.

3. Disinfecting agents and apparatus shall be acceptable if:

i. They are registered for said use by the United States Environmental Protection Agency and the Department of Environmental Protection; and

ii. They have been demonstrated to provide a satisfactory residual effect that shall be easily measured and equally as effective in conditions of use as the chlorine concentrations specified in N.J.A.C. 8:26-7.8.

4. Chemical controller systems shall comply with the following use requirements, in addition to the installation requirements of N.J.A.C. 8:26-3.22(d):

i. A preventive maintenance plan shall be written and maintained onsite, and be provided to the health authority upon request.

(1) The plan shall ensure the accuracy of the controller and its sensors.

(2) The plan shall be in accordance with the manufacturer's recommendations.

(3) The plan shall show how the pool operator can ensure that the acid, base, chlorine, or bromine feeders turn on or off to maintain proper levels and residuals.

ii. A chart detailing the specific oxidation-reduction potential with its chlorine or bromine residual equivalent for each individual pool shall be readily available onsite.

iii. The operator shall ensure on a daily basis that readouts on the oxidation-reduction potential and pH readings coincide with the manual test and are documented.

iv. All recordkeeping required by N.J.A.C. 8:26-6.13(m)4 shall be maintained onsite.

v. If the chemical controller system is being used in place of the two-hour testing requirement of N.J.A.C. 8:26-7.7(a), then the owner or operator shall:

(1) Test the pool manually at least twice a day with a DPD or equivalent test kit, when it opens and when it closes, each day the pool is open, and document these tests; and

(2) Ensure that the data collected by the chemical controller system has the capacity to be downloaded, stored, and printed upon the request of the health authority.

5. Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

i. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified in N.J.A.C. 8:26-7.8.

ii. A sodium chloride test kit shall be provided to monitor the salt concentration of the swimming pool or wading pool water.

6. Bromination, when used for disinfection, shall conform to the following:

i. A bromine test kit shall be available to monitor the bromine concentration of the swimming pool or wading pool water.

ii. Brominator equipment rooms shall be constructed and ventilated.

(n) The depth of water shall be plainly and conspicuously marked in feet and inches. Meters may be used in addition to feet. The following abbreviations may be used: ft., in, and m. The depth markings shall be on the vertical swimming pool wall at or above the water surface and on the top of the coping or edge of the deck or on the walkway next to the swimming pool.

(o) All equipment, fixtures, and the circulation system shall be maintained in good working order and shall not cause any safety issues for bathers.

#### **§ 8:26-6.14 Operational requirements for hot tubs and spas**

(a) All surfaces shall be smooth and easily cleaned and free of cracks.

(b) The color, pattern, or finish of the hot tub or spa interior shall not obscure the presence of objects or surfaces within the hot tub or spa.

(c) There shall not be any obstructions in the hot tub or spa that can cause the user to become entrapped or injured. Types of entrapment can include, but are not limited to, wedge or pinch-type openings, and rigid non-moving cantilevered protrusions.

(d) The maximum user load of a hot tub or spa shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference, and the manufacturer's recommendations.

(e) The surface skimming system shall be maintained in good working order and have proper water flow levels at all times.

(f) The drainage system shall remove hot tub or spa splash water, deck water, and rain water and prevent it from re-entering the hot tub or spa.

(g) Yard drains shall prevent the accumulation or puddling of water in the general area of the deck and related improvements.

(h) Underwater illumination shall permit the deepest portion of the hot tub's or spa's floor to be clearly visible from the hot tub's or spa's edge.

(i) Pump shut off switches shall be accessible, located within sight of the hot tub or spa, and be prominently marked.

(j) Circulation system:

1. The pumps, piping, return inlets and suction outlets, filters, and other necessary equipment in the circulation system shall be maintained to ensure the complete circulation of water throughout all parts of the hot tub or spa.

2. The circulation system shall be operated, so as to turn over the entire hot tub or spa water capacity at least once every 30 minutes. Pumps shall be operated 24 hours a day and seven days a week.

i. When the facility is not open, the turnover can be every six hours if a multiple-speed pump is utilized.

3. Hot tub or spa water clarity shall be maintained so that the deepest portion of the hot tub or spa floor is clearly visible from the hot tub's or spa's edge.

4. The pump and component parts of the circulation system, including filters, shall be operated in a safe manner that is not hazardous to the operator and maintenance personnel.

5. Mechanical seals shall be corrosion resistant and shall be maintained in good repair.

6. Direction of water flow and pump rotation shall be clearly indicated on pumps and on all visible piping.

7. Strainers shall be provided on all filter systems, shall be removable, and shall be located upstream of the circulation pump(s) to remove solids, debris, hair, and lint. Water entering the pump shall first pass through the removable strainer.

8. Filters shall be cleaned and maintained pursuant to the manufacturer's instructions, so that the circulation system can provide the required water clarity.

(k) The hot tub or spa shall be closed if the suction outlet covers are missing, broken, or secured in such a way that they can be removed without the use of tools, or if the main drain cover is missing, broken, or loose, and shall remain closed until it is properly repaired or replaced. The hot tub or spa shall be inspected daily to ensure that the suction outlet and drain covers are firmly attached and in sound condition.

(l) The owner or operator shall ensure that the disinfection of the hot tub or spa is in compliance with the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

1. Hot tub or spa water shall be continuously disinfected by a disinfecting agent which gives off an easily measured residual.

2. The disinfecting agent shall be subject to simple and accurate field testing procedures.

3. Disinfecting agents and apparatus shall be acceptable if:

i. They have been registered for said use by the United States Environmental Protection Agency and the Department of Environmental Protection; and

ii. They have been demonstrated to provide a satisfactory residual effect which shall be easily measured

and equally as effective in conditions of use as the chlorine concentrations specified in N.J.A.C. 8:26-7.12.

4. An appropriate test kit specific for the disinfecting agent shall be used to monitor and document the concentration of the disinfecting agent in the hot tub or spa water.

5. Chemical controller systems shall comply with the following use requirements, in addition to the installation requirements of N.J.A.C. 8:26-3.22(d):

i. A preventive maintenance plan shall be written and maintained onsite, and be provided to the health authority upon request.

(1) The plan shall ensure the accuracy of the controller and its sensors.

(2) The plan shall be in accordance with the manufacturer's recommendations.

(3) The plan shall show how the pool operator can ensure that the acid, base, chlorine, or bromine feeders turn on or off to maintain proper levels and residuals.

ii. A chart detailing the specific oxidation-reduction potential with its chlorine or bromine residual equivalent for each individual pool shall be readily available onsite.

iii. The operator shall ensure on a daily basis that readouts on the oxidation-reduction potential and pH readings coincide with the manual test and are documented.

iv. All other recordkeeping required by this chapter shall be maintained onsite.

6. Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

i. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified in N.J.A.C. 8:26-7.12.

ii. A sodium chloride test kit shall be provided to monitor the salt concentration of the hot tub or spa water.

7. Bromination, when used for disinfection, shall conform to the following:

i. A bromine test kit shall be available to monitor the bromine concentration of the hot tub or spa water; and

ii. Brominator equipment rooms shall be constructed and ventilated.

(m) The depth of water shall be plainly and conspicuously marked in feet and inches. Meters may be used in addition to feet. The following abbreviations may be used: ft., in, and m. The depth markings shall be on the vertical hot tub or spa wall at or above the water surface and on the top of the coping or edge of the deck or on the walkway next to the hot tub or spa.

(n) All equipment, fixtures, and the circulation system shall be maintained in good working order and shall not cause any safety issues for bathers.

**§ 8:26-6.15 Operational requirements for aquatic recreation facilities**

The provisions of N.J.A.C. 8:26-6.13 and 6.14, and the operations provisions of N.J.A.C. 5:14A-12, Water Amusement Rides, administered by the Department of Community Affairs, shall apply to aquatic recreation facilities.

**§ 8:26-6.16 General sanitation and maintenance**

(a) Dressing room, shower, and bathroom requirements are as follows:

1. Walls and partitions of the dressing room and bathroom area, screen partitions, shower partitions, toilet partitions, and dressing room booths shall be constructed of durable material that is not subject to water damage.

2. Dressing rooms, showers, and bathrooms shall be maintained, cleaned, and disinfected at a minimum on a daily basis, and more frequently, as necessary.

3. Wood slats or wood flooring material that is conducive to slipping, tripping, or falling shall not be used in showers.

4. Toilets shall be enclosed with non-corrosive partitions. Partitions shall be maintained in good condition.

(b) A bathing beach owner or operator shall keep the bathing beach area free from solid waste such as garbage, medical waste, plastic, glass, metal, organic waste material, oil, grease, and other materials that may cause health or safety hazards. If present, said material shall be disposed of in a timely manner, so as to prevent health or safety hazards to swimmers, bathers, and beach users.

1. All garbage and other solid waste shall be stored in durable, fly-tight, water-tight containers equipped with a tight fitting lid.

(c) The maintenance, repair, and control of plumbing shall conform to the requirements of the Uniform Construction Code, N.J.A.C. 5:23, incorporated herein by reference.

**SUBCHAPTER 7. SAMPLING AND WATER QUALITY CRITERIA**

**§ 8:26-7.1 Water source for swimming pools, wading pools, hot tubs, spas, or aquatic recreation facilities**

(a) Fresh water for swimming pool, wading pool, hot tub, spa, or aquatic recreation facility use shall be obtained from a potable water source approved by the Department of Environmental Protection (NJDEP), the Department of Health, or the local health authority.

(b) Any source other than a potable water supply shall meet the following requirements:

1. For the water used to initially fill the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility, the alternative water source shall be tested prior to use, shall be free of coliform bacteria and contain an adequate level of free chlorine (minimum level of one ppm), and shall meet the definition for potable water.

2. For the water used to replace water in the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility, a fresh water source that is free of coliform bacteria and contains an adequate level of free chlorine (minimum level of one ppm) shall be used.

(c) Natural salt water for use in salt water pools shall be obtained from a source which meets the water quality criteria for a salt water bathing beach set forth at N.J.A.C. 8:26-7.18 and 7.19.

**§ 8:26-7.2 Microbiological sampling for public recreational bathing facilities**

(a) All microbial analyses for public recreational bathing facilities shall be performed by a laboratory certified for wastewater testing by the Department of Environmental Protection, pursuant to the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, which shall use NJDEP Sanctioned Analytical Methods (DSAMs).

(b) DSAMs approved by the United States Environmental Protection Agency (USEPA) for non-potable water testing in accordance with 40 CFR 136.3-Tables 1A and 1H, and 40 CFR 141.74(a) (surface water regulations for heterotrophic plate count bacteria), incorporated herein by reference.

(c) Information concerning laboratory certification may be obtained from the New Jersey Department of Environmental Protection, Office of Quality Assurance, PO Box 424, Trenton, New Jersey 08625-0424.

(d) All analyses shall be conducted in accordance with the standards set forth at N.J.A.C. 7:18 and the methodologies set forth at N.J.A.C. 7:18-2.22.

**§ 8:26-7.3 Sample collection for swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities**

(a) Water samples shall be collected prior to opening for the season and when the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility is in use and during periods of maximum user load. The hour of the day and the day of the week of sample collection shall be varied to obtain, over a period of time, a representative sampling of the sanitary quality of the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility.

(b) Sampling shall be done at least once every week during periods of maximum user load.

1. For swimming pools using disinfection and filtration, sampling may be done biweekly, based upon three months of consecutive satisfactory sample results.



(c) All sample containers shall be sterilized and treated with sodium thiosulfate to reduce chlorine or other halogens present in the water at the time the sample is collected.

(d) The following sampling technique shall be used:

1. The sample shall be taken at least 18 inches below the water surface in the vicinity of groups of bathers. If the water depth is less than 18 inches, the sample shall be taken at one half the level of the water depth in the sampling area. For spray areas, the sample shall be taken at the source of the water;

2. The sterile container shall be opened carefully without touching the inner surfaces;

3. The sterile container shall be held near its base at a 45 degree angle;

4. The sterile container shall be plunged into the water in a forward-sweeping manner while making sure that the dechlorinating agent is not washed out;

5. The container shall be filled with one slow sweep down through the water with the mouth of the container always ahead of the hand.

6. Care shall be taken to avoid contamination of the sample by floating debris;

7. The container shall be closed without touching the inner surfaces; and

8. The container shall not be rinsed.

#### **§ 8:26-7.4 Processing of water samples from public recreational bathing facilities**

(a) The samples taken from swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities shall be taken to a certified laboratory within eight hours of collection for processing.

(b) Samples taken from bathing beaches shall be taken to a certified laboratory in time for the sample to be put into an incubator or water bath within eight hours of sample collection.

(c) The sample(s) shall be refrigerated immediately upon collection or kept in an ice chest and held at less than 50 degrees Fahrenheit (10 degrees Celcius) while being transported. Samples shall not be frozen.

(d) Information documenting the sampling time, sampling date, location of sample collection, sampler's identification and desired analysis(es) shall accompany the sample.

#### **§ 8:26-7.5 Microbiological water quality standards for swimming pools, wading pools, and aquatic recreation facilities**

(a) A Heterotrophic plate count shall be performed in accordance with DSAM procedures approved by the

NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of colony forming units (CFU) shall not exceed 200 colonies per one milliliter sample.

(b) Total coliform density requirements are as follows:

1. The multiple-tube fermentation technique for total coliform densities shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. None of the 10 standard 10 milliliter portions or the single 100 ml portion shall show the presence of the coliform group.

2. The membrane filtration technique for total coliform densities shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of coliform organisms shall be less than one colony per 100 milliliter sample.

#### **§ 8:26-7.6 Samples not meeting standards**

(a) A certified laboratory, having determined that a sample does not meet the microbiological standards set forth at N.J.A.C. 8:26-7.5, 7.11, or 7.18, shall notify the local and State health authorities and the swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach operator by a method specified by the local health authority, within one hour of an unsatisfactory sample result being obtained.

1. The swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach shall be resampled.

2. The certified laboratory shall provide a written report to the local health authority and the client within one business day after obtaining an unsatisfactory sample result.

(b) Upon notification of an unsatisfactory sample result, the health authority shall require the swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach operator to have additional sample(s) taken within 24 hours and analyzed.

(c) Health authorities participating in the Cooperative Coastal Monitoring Program (CCMP) for bathing beaches shall immediately notify the Department of Health and the Department of Environmental Protection when an unsatisfactory sample has been obtained.

1. When resampling the CCMP ocean stations, the health authority shall resample the station that first exceeded the standard and bracket locations to either side of that location.

2. When resampling the CCMP bay stations and all natural bathing waters, the health authority shall resample the station that first exceeded the standard and bracket locations at the outer limits of the bathing area.

3. A sanitary survey shall be conducted by the health authority and the bathing beach operator to identify the sources of pollution.

4. Primary station bracket samples shall not exceed 150 feet to either side of the original sample station.

i. Primary station sample brackets shall not exceed the outer limits of the designated bathing area.

ii. If subsequent samples are necessary due to additional exceedance of standards, bracket samples shall not exceed 150 feet to either side of the sample station(s) that exceeded the standard.

iii. If subsequent samples exceed the standard and are beyond the outer limits of the designated bathing beach area, the additional designated bathing area(s) shall be subject to N.J.A.C. 8:26-8.5(c).

5. If any of the three samples do not meet the microbiological standards set forth at N.J.A.C. 8:26-7.5, 7.11, or 7.18, then the entire resample does not meet such standards.

**§ 8:26-7.7 Chemical and physical water quality analyses for swimming pools, wading pools, and aquatic recreation facilities**

(a) A swimming pool or wading pool shall be monitored for disinfectant level and pH every two hours during operating hours, which shall be performed in conjunction with each microbial sample.

1. Automatic chemical controller systems which sample for disinfectant level and pH on a more frequent basis and meet the requirements of N.J.A.C. 8:26-6.13(m) may substitute for the two-hour testing requirement in (a) above.

2. These results shall be recorded on the document that accompanies the sample and shall be incorporated into the permanent microbial test record.

(b) Testing for free chlorine and combined chlorine shall be conducted as set forth in the 22nd edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, incorporated herein by reference, as amended and supplemented.

(c) Testing for pH shall be conducted as set forth in the 22nd edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, incorporated herein by reference, as amended and supplemented, or phenol red indicator shall be used.

(d) If color comparators are used for measuring either disinfectant residuals or pH using the methods specified in (b) and (c) above, the color comparators shall be available for inspection by the health authority at the pool during periods of pool use and shall cover the entire regulatory range for either concentration (disinfectant residuals) or standard pH units. Color comparators designed

for pool testing which utilize phenol red are also approved for use.

(e) A bound log or other form of documentation approved by the health authority shall be maintained on the premises by the swimming pool operator.

1. This log shall contain the time and date of the chemical tests performed, results of those tests, and the initials of the person who performed the testing. The log shall also contain bather load, water clarity, water temperature, and weather conditions.

**§ 8:26-7.8 Chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities**

(a) Free chlorine, combined chlorine, bromine, and pH values shall be continuously maintained within the ranges specified in N.J.A.C. 8:26 Appendix C. Remedial action shall be taken if combined chlorine exceeds 0.2 as it will result in reduced chlorine efficiency.

(b) If pool water disinfectants other than those specified in (a) above are used, residuals of equivalent disinfecting strength shall be maintained.

(c) If stabilized chlorines are used as outdoor pool water disinfectants, the cyanuric acid levels shall be maintained within the following ranges:

	Minimum	Ideal	Maximum
Cyanuric Acid (ppm)	10	30-50	100

(d) Outdoor pools using cyanuric acid shall test the pool water at least once per week with a kit covering the expected range (0-100 ppm).

(e) Stabilized chlorines shall be prohibited in indoor pools.

**§ 8:26-7.9 Physical water quality standards for swimming pools, wading pools, and aquatic recreation facilities**

(a) The pool operator shall monitor water clarity daily.

(b) When in use, the deepest portion of the pool floor shall be clearly visible from the swimming pool's edge.

**§ 8:26-7.10 Salt water swimming and wading pools utilizing ocean and/or bay water**

(a) Salt water pools utilizing ocean and/or bay water typically having a total dissolved solids level between 18,000 and 35,000 parts per million shall be regulated as follows:

1. Fill and draw salt water pools shall be treated as a swimming pool and shall meet all of the microbiological, chemical, and physical standards for pools.

2. Flow through pools shall be treated as recreational bathing water and shall meet the microbiological

and physical standards for recreational bathing waters when sampled at the time and point where the water is discharged.

3. Sodium chloride added to pool waters when used in conjunction with electrolytic chlorine generators shall not constitute a salt water swimming pool.

(b) Salt water pools shall be posted as such.

**§ 8:26-7.11 Microbiological water quality standards for hot tubs and spas**

(a) A Heterotrophic plate count shall be performed in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of colony forming units (CFU) shall not exceed 200 colonies per one milliliter sample.

(b) Pseudomonas aeruginosa requirements are as follows:

1. The membrane filtration technique for Pseudomonas aeruginosa shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The number of Pseudomonas aeruginosa organisms shall be less than one colony per 100 milliliter sample.

2. The multiple-tube fermentation technique for Pseudomonas aeruginosa shall be conducted in accordance with the procedures codified at 40 CFR Part 131, incorporated herein by reference. Pseudomonas aeruginosa organisms shall not be present in more than one of all ten standard 10 milliliter portions. Pseudomonas aeruginosa shall not be present in any of the confirmed five portions.

**§ 8:26-7.12 Chemical water quality standards for hot tubs and spas**

(a) Hot tubs and spas shall be monitored every two hours for disinfectant levels and pH pursuant to the methodologies set forth at N.J.A.C. 8:26-7.7.

(b) A bound log shall be maintained as specified in N.J.A.C. 8:26-7.7(e).

(c) Free chlorine, combined chlorine, bromine, and pH values shall be continuously maintained within the ranges specified in N.J.A.C. 8:26 Appendix D.

Remedial action shall be taken if combined chlorine residuals exceed 0.2 ppm as it will result in reduced disinfectant efficiency.

(d) If disinfectants other than those specified in (c) above are used, residuals of equivalent disinfecting strength shall be maintained.

(e) If stabilized chlorines are used as disinfectants in outdoor hot tubs and spas, the cyanuric acid level shall be maintained within the following range:

	Minimum	Ideal	Maximum
Cyanuric acid (ppm)	10	30-50	100

(f) Outdoor hot tubs or spas using cyanuric acid shall test the hot tub or spa water at least once per week with a kit covering the expected range (0-100 ppm).

(g) Stabilized chlorines shall be prohibited in indoor hot tubs and spas.

**§ 8:26-7.13 Algae in hot tubs and spas**

All hot tubs and spas shall be maintained to eliminate the presences of algae.

**§ 8:26-7.14 Physical water quality standards for hot tubs and spas**

The operator of each hot tub or spa shall monitor the water clarity as set forth at N.J.A.C. 8:26-7.9.

**§ 8:26-7.15 Pre-operational assessment for bathing beaches**

(a) Before a bathing beach opens each year, the owner or operator shall conduct a pre-operational assessment of the bathing beach and the surrounding areas using the Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference. This assessment shall include:

1. A review of historical sampling and epidemiological data;
2. A field investigation of the bathing and surrounding areas to identify physical hazards and sources of potential contamination. During this investigation all changes to the bathing and surrounding areas shall be documented and evaluated;
3. A sampling of waters in the bathing area and in areas of suspected sources of contamination; and
4. All of the items listed on the Department's Checklist for Public Recreational Bathing Facilities.

(b) Records of the pre-operational assessment, including the Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference, shall be submitted to the health authority and maintained as part of the permanent file.

(c) The health authority shall annually review monitoring stations at Cooperative Coastal Monitoring Program (CCMP)-participating bathing beaches to determine:

1. The extent to which the water is representative of the quality of near shore ocean and bay waters;
2. The proximity of the monitoring stations to the ocean and bay public recreational bathing areas; and
3. The extent to which the monitoring stations enable the health authority to assess the effects of point and non-point sources of pollution.

(d) The health authority shall prepare a list of monitoring stations to be included in the Cooperative Coastal Monitoring Program (CCMP).

1. This list shall be submitted to the Department of Environmental Protection (DEP) prior to May 1 of each year.

2. The DEP shall approve or disapprove the stations within 14 days after receiving the proposed list, based upon the extent to which the DEP expects them to meet the criteria listed above.

**§ 8:26-7.16 Sample collection at bathing beaches**

(a) Bathing beach water, with the exception of ocean and bay waters, shall be sampled one week prior to the opening of the bathing beach and at one week intervals during the bathing season. Sample(s) shall be obtained during periods of maximum user load from depths used for bathing.

(b) Ocean and bay waters covered by the Cooperative Coastal Monitoring Program (CCMP) administered by the NJDEP shall be sampled in accordance with CCMP requirements and N.J.A.C. 8:26-7.18.

1. The health authority shall perform this sampling from May through September. The NJDEP shall set the exact beginning and end of the minimum sampling season after consulting with the health authority.

2. The health authority shall:

i. Sample all ocean and bay stations on Monday, unless Monday is a holiday, in which case the sampling shall be performed the next day; and

ii. If severe oceanographic and/or meteorological conditions unreasonably threaten the safety of sampling personnel or the integrity of the sample, sample all stations on the first safe day.

(c) The samples from all waters not participating in the Cooperative Coastal Monitoring Program (CCMP) shall be obtained during various hours of the day and week over a period of time to obtain representative samples of the sanitary quality of the natural waters.

(d) All pertinent field data including water temperatures, air temperature, wind direction, bathing load, and recent precipitation shall be documented and incorporated into the sampling record.

(e) For ocean and bay bathing beaches that are not participating in the CCMP, the following number of samples shall be taken:

1. One sample shall be taken for the first 300 linear feet of bathing beachfront.

2. Additional samples shall be required as follows:

i. If the bathing beachfront is 300 linear feet to 500 linear feet long, two samples shall be taken.

ii. If the bathing beachfront is longer than 500 linear feet, three samples shall be taken.

iii. In addition to the above, the criteria for bracket sample stations shall also be subject to N.J.A.C. 8:26-7.6(c)4 and 5.

**§ 8:26-7.17 Sampling techniques for bathing beaches**

(a) The water sampling techniques set forth at N.J.A.C. 8:26-7.3(d) and below shall be used for bathing beaches:

1. Water samples shall be taken in an area with a stabilized water depth between the sampler's lower thighs and chest with the optimum depth being at the sampler's waist. For deep water or shallow bays where this type of sample collection is not practicable or presents a potential safety concern for the sampler, the health authority shall determine the stabilized water depth. In all cases the sampler must meet the requirements of (a)2 to 4 below.

2. A wide-mouth sample container shall be placed approximately eight to 18 inches below the water surface with the lid and stopper still attached.

3. With the collector's arms extended to the front, the container shall be held near its base and downward at a 45-degree angle. The cap shall be removed and the container filled in one slow sweeping motion (downward or horizontally, not upward). The mouth of the container shall be kept ahead of the collector's hand and the container recapped while it is still submerged. The cap shall remain submerged during the sample collection and care shall be taken not to touch the inner surfaces of the cap.

i. In the event that samples need to be taken during cold water conditions or in other appropriate situations, reach assist poles shall be used to obtain the samples. In this situation, the cap may be removed prior to submersion as long as the container is pointed downward upon entry into the water.

4. A one-inch head space is required for all microbiological samples collected. After capping the sample container and mixing the sample (approximately 25 times at a one-foot arc), the sampler can carefully pour out a small amount of the sample and recap the sampling container to obtain the required head space.

(b) Sampling shall not be performed when oceanographic and/or meteorological conditions unreasonably threaten the safety of the sampling personnel or the integrity of the sample.

**§ 8:26-7.18 Microbiological water quality standards for bathing beaches**

(a) Microbiological water quality standards for pond, lake, stream, river and tidal fresh water bathing beaches shall be determined on the basis of Escherichia coli (E. coli) densities, sanitary survey results, and/or epidemiological evidence.

(b) Escherichia coli count standards are as follows:

1. Testing for Escherichia coli shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18.

2. The estimated Escherichia coli concentrations shall not exceed 320 colony forming units of Escherichia coli per 100 milliliters.

(c) Microbiological water quality standards for ocean and bay bathing beaches shall be determined on the basis of enterococcus densities, sanitary survey results, and/or epidemiological evidence.

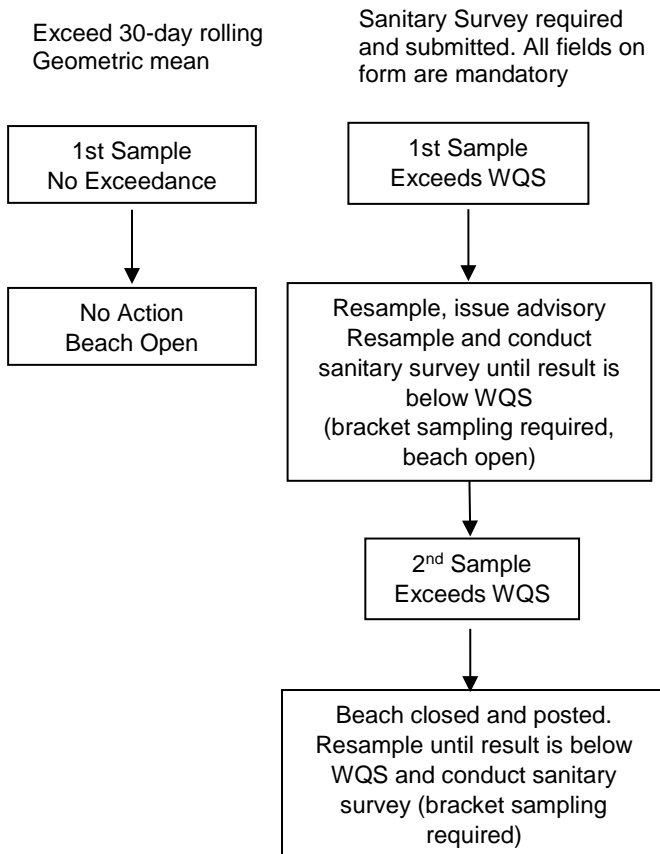
(d) Enterococcus count standards shall be as follows:

1. The test method for enterococci in water shall be conducted in accordance with DSAM procedures approved by the NJDEP in accordance with the authority codified at N.J.A.C. 7:18. The estimated enterococcus concentration shall not exceed 104 enterococci per 100 milliliters of sample.

(e) Bathing beach sample results shall not exceed the chart below and shall follow the disposition chart:

Indicator	GM (cfu/100 mL)	WQS (cfu/100 mL)
Enterococci-marine	30	104
E. coli-fresh	100	320

Note: GM- Geometric mean, Cfu- colony forming units, WQS- Water Quality Standard



**§ 8:26-7.19 Chemical water quality standards for bathing beaches**

(a) Chemical water quality standards for bathing beaches shall be monitored by the bathing beach operator at the discretion of the health authority.

(b) Chemicals used to control aquatic vegetation shall not cause bathers to suffer from toxic reactions or skin or membrane irritations. These chemicals shall be applied in accordance with the New Jersey Pesticide Control Code, N.J.A.C. 7:30.

**§ 8:26-7.20 Physical water quality standards for bathing beaches**

(a) Physical water quality standards for bathing beaches shall be monitored by the bathing beach operator.

(b) Visual observations and/or physical determinations shall indicate that the natural water is free from garbage, medical waste, plastic, paper, glass, wood, metal, organic waste material, aquatic vegetation, algal growths, oils, greases, phytoplankton, or other materials that may cause health or safety hazards.

(c) If adverse environmental conditions occur such as when a storm causes rip currents to develop off of the bathing beach, the bathing beach owner or operator shall take the following action:

1. Post a sign at each beach entrance and both ends of the beach that states as follows:

"The storm has caused rip currents to develop. Do not go in the water while this dangerous condition exists."

2. The internationally recognized "No swimming" pictogram shall be included on the sign. The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

**SUBCHAPTER 8. ENFORCEMENT PROCEDURES**

**§ 8:26-8.1 General provisions**

(a) All public swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, and bathing beaches shall be operated in compliance with the provisions of this chapter and Title 26, Revised Statutes of New Jersey.

(b) The health authority may require a public recreational bathing facility to correct or eliminate any specific condition not described in these rules, but which it deems necessary for proper sanitation, safety, or fire protection.

(c) For purposes of uniform enforcement, the Department may issue statements clarifying the meaning and purpose of portions of this chapter, which shall be followed by the local health authority.

**§ 8:26-8.2 Inspection of public swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, or bathing beaches**

(a) The health authority shall review the Checklist for Public Recreational Bathing Facilities submitted by the

facility's trained pool operator to determine if the swimming pool, wading pool, hot tub, spa, or aquatic recreation facility needs to be inspected before opening. Approval to open may be based on the Checklist for Public Recreational Bathing Facilities for existing facilities.

(b) The health authority shall inspect every bathing beach prior to opening.

1. This inspection can be an onsite inspection or;

2. A review of the Checklist for Public Recreational Bathing Facilities submitted by the facility's trained pool operator or beach operator.

3. All new and/or altered facilities preoperational inspection shall receive an onsite inspection in addition to the review of the Checklist for Public Recreational Bathing Facilities submitted by the facility.

(c) The health authority shall inspect every seasonal swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach at least once during the season after opening.

(d) The health authority shall inspect every year-round swimming pool, wading pool, hot tub, spa, or aquatic recreation facility at least two times during the year.

(e) The health authority shall inspect new swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, and bathing beaches prior to opening.

(f) The facility operator shall permit access to the health authority and Department of Health representatives to all parts of the establishment.

**§ 8:26-8.3 Report of inspections; notification of closures; evaluation placard**

(a) Inspection findings shall be recorded on an inspection report form, which shall be provided to Department staff upon demand.

(b) The inspection report shall identify any violations of this chapter and shall reference the section of the chapter being violated.

(c) The health authority shall notify via telephone or fax or e-mail, according to the time limits specified in N.J.A.C. 8:26-8.8, the Department of Environmental Protection, Department of Health, and adjacent local health authorities when it makes the decision to close a bathing beach.

(d) For swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities, the local health authority shall notify the Department of Health at the end of the season of all closures during the season.

1. For closures related to construction, severe weather, flooding, water contamination, or other health emergencies, notification shall be made within 24 hours.

(e) Based on the inspection, the health authority shall issue an evaluation of Satisfactory, Conditionally Satisfactory, or Unsatisfactory compliance with this chapter.

1. "Satisfactory" means the facility is operating in substantial compliance with this chapter, and personnel have demonstrated they are aware of and are practicing the safety principles outlined in this chapter.

2. "Conditionally Satisfactory" means the facility is not operating in substantial compliance with this chapter, and there are one or more violations of this chapter.

i. Upon a finding of this condition, a reinspection shall be scheduled.

ii. The reinspection shall be conducted at an unannounced time.

iii. During the reinspection, a full inspection may be conducted by the health authority rather than just the violation(s), at its discretion.

iv. The health authority shall perform the reinspection within a reasonable time period, which shall be determined by the nature of the violation.

3. "Unsatisfactory" means the facility is not operating in compliance with this chapter, and one or more of the violations constitutes gross unsanitary or unsafe conditions, which pose an imminent health or safety hazard.

i. Upon a finding of this condition, the health authority shall immediately ask the owner or operator to cease operation and keep the facility closed until a reinspection shows that the violations have been corrected.

ii. If the facility is not closed voluntarily, the health authority shall take legal action to close the facility and keep it closed until a reinspection shows that the violations have been corrected.

(f) Upon conclusion of the inspection, the health authority shall issue a placard containing an evaluation listed in (e) above and shall leave the evaluation placard and inspection report with the owner or operator of the facility.

(g) The owner or operator of the facility shall immediately post the evaluation placard near the public entrance to the facility in a conspicuous place where the public can easily view the placard.

**§ 8:26-8.4 Public availability of inspection reports**

Any reports made and maintained pursuant to this chapter shall be available to members of the public in accordance with the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

**§ 8:26-8.5 Criteria for closure of a public recreational bathing facility**

(a) The approval, license, or permit to operate a swimming pool, wading pool, hot tub, spa, aquatic recreation facility, or bathing beach may be suspended at any time,

when in the opinion of the health authority, such action is necessary to abate a present or threatened hazard to public health.

(b) The health authority shall order the owner or operator of a swimming pool, hot tub, spa, aquatic recreation facility, or bathing beach to physically close off the bathing area and to prohibit any bathing until the violation is abated.

(c) The following shall be grounds for closure and stoppage of bathing and swimming activities:

1. Poorly maintained equipment, structures, or areas, or lack of equipment, structures, or areas, which jeopardize the health or safety of the users and/or operators;

2. Lack of required supervisory personnel and/or required lifeguards at the public recreational bathing facility during normal operating hours;

3. Failure to meet specific water quality standard(s);

4. Underwater hazards that have not been identified; or

5. Any other condition(s) which pose(s) an immediate health or safety hazard.

(d) If remedial action is not taken immediately, the health authority shall issue an order requiring the facility to be closed in order to protect the public health or safety.

1. A closure order may be issued verbally, but shall be followed up by written confirmation within 24 hours. Such order shall be sent by certified mail, return receipt requested, priority mail, e-mail, fax, or be hand delivered.

2. The order shall give the alleged violator an opportunity to be heard by the health authority within 15 days of notification of the order.

3. The order shall remain in effect during the appeal.

#### **§ 8:26-8.6 Closure and reopening of swimming pools and wading pools**

(a) Whenever a swimming pool or wading pool water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.5, the certified laboratory and the pool owner or operator shall notify the health authority by telephone, fax, or other method specified by the health authority, within one hour of the unsatisfactory microbiological sample result being obtained. The owner or operator shall resample the water after remediation and within 24 hours of notification.

(b) If the resample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.5, the pool shall be immediately closed. The certified laboratory and the pool owner or operator shall immediately notify the health authority by telephone, fax, or other method specified by the health authority, of the unsatisfactory microbiological sample

and that the pool is closed. The pool shall not be reopened until a satisfactory microbiological water sample is obtained.

(c) A copy of all laboratory analyses shall be transmitted to the health authority within one business day of completion of the analyses.

(d) The swimming pool or wading pool shall close immediately if the disinfectant residual is not within the range set forth at N.J.A.C. 8:26-7.8 or if the chemical or physical water quality is not in conformance with N.J.A.C. 8:26-7.8 and 7.9.

#### **§ 8:26-8.7 Closure and reopening of hot tubs or spas**

(a) Whenever a hot tub or spa water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.11, the certified laboratory and the hot tub or spa owner or operator shall notify the health authority by telephone, fax, or other method specified by the health authority, within one hour of the unsatisfactory microbiological sample result being obtained.

1. The hot tub or spa shall be immediately closed, drained, disinfected, refilled, and resampled.

(b) The hot tub or spa may be reopened at the discretion of the health authority after the actions in (a) above have been taken and while laboratory results of the resampling are pending.

(c) If the results of the resampling exceed the microbiological water quality standards set forth at N.J.A.C. 8:26-7.11, the hot tub or spa owner or operator shall immediately close the hot tub or spa and notify the health authority within one hour.

1. The hot tub or spa shall again be drained, disinfected, refilled, and resampled.

2. The hot tub or spa shall not be reopened until a sample meets the standards of N.J.A.C. 8:26-7.11 and the health authority gives its approval.

(d) A copy of all laboratory analyses shall be transmitted to the health authority within one business day of completion of the analyses.

(e) The hot tub or spa shall close immediately if the disinfectant residual or pH is not within the range set forth at N.J.A.C. 8:26-7.12.

#### **§ 8:26-8.8 Closure and reopening of bathing beaches**

(a) When a bathing beach water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, the following actions shall be taken:

1. The certified laboratory and bathing beach owner or operator shall notify the health authority by telephone, fax, or other method specified by the health authority, within one hour, but not later than 2:00 P.M., that the unsatisfactory microbiological sample result was obtained.

2. Health authorities participating in the Cooperative Coastal Monitoring Program (CCMP) shall then notify the Department of Health and the Department of Environmental Protection of the unsatisfactory microbiological sample result within 30 minutes.

3. Health authorities not participating in the CCMP shall also notify the Department of an unsatisfactory microbiological sample result within 24 hours.

4. Resampling of the bathing beach water shall be conducted within 24 hours.

i. Sampling points for resamples shall be clustered around the areas from which the unsatisfactory sample was obtained and shall be approved by the health authority as specified at N.J.A.C. 8:26-7.6(b).

ii. When resampling CCMP ocean stations, the health authority shall resample the station that first exceeded the standard and bracket locations to either side of that station.

iii. When resampling CCMP bay stations, the health authority shall resample the station that first exceeded the standard and locations at the outer limits of the bathing area.

5. A sanitary survey of the area shall be conducted by the health authority and the owner or operator of the bathing beach. This sanitary survey shall be designed to identify the source(s) of pollution. This survey shall include a survey of nearby point and non-point sources of pollution.

6. Within two hours of receiving notice that a bathing beach water sample exceeds the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, the bathing beach owner or operator shall take the following action:

i. Post a sign at all beach entrances and both ends of the beach saying:

**ADVISORY**

A water sample collected from this beach within the past 24 hours indicates bacteria levels over the recreational bathing standard.

Beaches remain open and additional samples have been collected. Resample results will be available tomorrow.

You may view all test results online at [www.njbeaches.org](http://www.njbeaches.org) or by calling the health department at \_\_\_\_\_

Bacteria levels change with the weather, tides, and currents. They are usually highest near storm water pipes, especially during and after rainfall.

You can reduce your risk of illness avoiding contact with water in or near storm water pipes.

(1) The sign shall include the date of posting and the telephone number of the local health authority.

(2) The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

ii. Post a notice of the exceedance on the owner or operator's website, and link to the Department of Environmental Protection's Cooperative Coastal Monitoring Program's (CCMP) website, if applicable.

7. If the result of the microbiological water quality resample does not meet the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, or if the sanitary survey discloses any condition which may present an imminent hazard to public health or safety, the bathing beach shall immediately be closed for swimming and bathing.

i. The local health authority shall notify, within 30 minutes, the Department of Health and the Department of Environmental Protection of closings of bathing beaches which are monitored in the CCMP.

ii. For non-CCMP monitored bathing beaches, the local health authority shall notify the Department of Health of a beach closing within 24 hours.

iii. Within one hour of receiving the results of the resample, the bathing beach owner or operator shall take the following actions:

(1) Post a sign at all beach entrances and both ends of the beach saying:

**ADVISORY**

A water sample collected from this beach within the past 24 hours indicates bacteria levels exceeding the recreational bathing water quality standard.

Beaches are CLOSED for swimming and bathing activities and additional samples have been collected. Resample results will be available tomorrow.

If the resample is below recreational bathing water quality standard, the advisory will be removed. If the resample is above the water quality bacteria standard the beach will remain CLOSED.

You may view all test results online at [www.njbeaches.org](http://www.njbeaches.org) or by calling the health department at \_\_\_\_\_

Bacteria levels change with the weather, tides, and currents. They are usually highest near storm water pipes, especially during and after rainfall.

You can reduce your risk of illness avoiding contact with water in or near storm water pipes.



(A) The internationally recognized "No swimming" pictogram shall be included on the sign.

(B) The sign shall include the date of posting and the telephone number of the local health authority.

(C) The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

(2) Post a notice of the beach closing on the owner or operator's website, and link to the Department of Environmental Protection's CCMP website, if applicable.

8. If the microbiological water quality sampling results indicate that an area exceeds the bathing beach microbiological water quality standards as a consequence of certain environmental conditions (such as rainfall), that bathing beach shall be kept closed for a certain amount of time as specified by the health authority following those environmental conditions to enable the water quality to improve.

i. Past sampling data can be used to determine how long the bathing beach should be kept closed.

ii. If environmental conditions, such as heavy rainfall, cause sewage and/or stormwater infrastructure failures, such as effluent discharging from manholes, bathing beaches having the potential to be affected shall be closed or sampled at the discretion of the health authority.

iii. For bathing beaches that have been closed more than 50 percent of the time over the course of a year after an environmental event, such as rainfall, the bathing beach owner or operator shall take the following action:

(1) Post a permanent sign at all beach entrances and both ends of the beach saying:

"Warning! Rainfall causes the water quality at the beach to exceed microbiological water quality standards. Water contact may cause illness. No swimming or bathing is allowed for \_\_\_ hours after the rain has stopped to enable the rainfall-caused water pollution to dissipate."

(A) The internationally recognized "No swimming" pictogram shall be included on the sign.

(B) The sign shall include the date of posting and the telephone number of the local health authority.

(C) The sign shall be on metal, plastic, laminated paper, or heavy paper stock.

(D) The number of hours posted on the sign prohibiting swimming or bathing shall be determined by testing experience indicating the length of time typically needed for rainfall-caused water pollution to dissipate.

(2) Post a notice of the beach closing on the owner or operator's website, and link to the Department of Environmental Protection's CCMP website, if applicable.

9. A bathing beach shall not be re-opened until the sanitary survey and appropriate sampling shows that the water quality meets the microbiological water quality standards set forth at N.J.A.C. 8:26-7.18, and physical water quality standards set forth at N.J.A.C. 8:26-7.20.

i. If a prior sanitary survey has identified the source of the pollution, a new sanitary survey does not have to be conducted.

ii. The local health authority shall notify, within one hour, the Department of Health and the Department of Environmental Protection when a bathing beach has been reopened.

#### **§ 8:26-8.9 Recordkeeping**

(a) Accurate and complete records shall be maintained and kept on the premises and shall be immediately available upon request by the health authority. Such records shall be kept for a minimum of three years, except those records related to deaths, injuries to the head, neck and spinal cord, and any injury rendering a person unconscious which shall be kept for 10 years, and shall include:

1. Water analyses results;
2. Sanitary survey records;
3. Daily number of bathers;
4. Copies of all necessary credentials of personnel associated with the public recreational bathing operation(s);
5. Accidents requiring external emergency services. The record shall include the victim's name, the date and time of accident, description of occurrence, action taken in response to the accident, and name of person on duty supervising the facility;
6. Deaths and/or drownings. The record shall include the name of the person, the date and time of the accident, a description of the occurrence, and action taken in response to the accident;
7. Inspection logs of recreational equipment;
8. Notifications to health authorities of water quality samples that did not meet microbiological, chemical, or physical water quality standards, and of public recreational bathing area closings and reopenings;
9. Non-microbiological water contamination events;
10. Floatable debris wash-up events; and
11. Checklist for Public Recreational Bathing Facilities, found at N.J.A.C. 8:26 Appendix E, incorporated herein by reference.
12. Requirements found at N.J.A.C. 8:26 Appendices C and D.

(b) The geometric mean shall be calculated as follows:

1. The Department of Environmental Protection calculates the geometric mean of the microbiological water quality for recreational bathing beaches that are sampled as part of the CCMP.

2. For bathing beaches that are not part of the CCMP program, the local health authority shall calculate the 30-day rolling geometric mean of the microbiological water quality samples taken during the season.

i. The geometric mean shall be calculated using the method codified at 40 CFR Part 131, incorporated herein by reference.

ii. The geometric mean shall be transmitted electronically, in a format specified by the Department, to the Department and the Department of Environmental Protection, and the Department weekly at the end of the first 30-day period and weekly thereafter until the end of the season.

3. If the geometric mean indicates there is a chronic water quality problem at the bathing beach (defined as a geometric mean for ocean and bay waters of greater than 30 colony forming units (CFU) of enterococcus), or the bathing beach is closed after every rainfall, the local health authority shall conduct a sanitary survey to determine the source of the pollution.

4. If the geometric mean indicates there is a chronic water quality problem at the bathing beach (defined as a geometric mean for fresh water of greater than 100 colony forming units (CFU) of Escherichia coli), or the bathing beach is closed after every rainfall, the local health authority shall conduct a sanitary survey to determine the source of the pollution.

#### **§ 8:26-8.10 Reporting of deaths and serious injuries**

(a) All deaths, injuries to the head, neck and spinal cord, and any injury rendering a person unconscious, shall be reported by the public recreational bathing facility owner or operator to the health authority within 24 hours of its occurrence.

(b) The local health authority shall notify the Department of such deaths and/or injuries within 24 hours of being notified by the facility of the incident.

(c) After being notified by the owner or operator of a death and/or serious injury listed at (a) above, the local health authority shall immediately conduct an investigation of the incident and complete the Fatal/Serious Accident Report (CB-2), found at N.J.A.C. 8:26 Appendix F, incorporated herein by reference.

1. The Fatal/Serious Accident Report (CB-2) form is available on the Department's website at <http://www.state.nj.us/health/forms/cb-2.dot>.

2. The local health authority shall submit the CB-2 to the Department within five days of being notified by the facility of the incident. Submission shall be via:

i. In person delivery to the Department; or

ii. A mailing service that allows for tracking of the package to be delivered.

#### **§ 8:26-8.11 Penalties**

Any person who violates any provision of this chapter or who refuses to comply with a lawful order or directive of the health authority shall be liable for penalties set forth at N.J.S.A. 26:1A-10 and penalties under all other applicable laws, and/or injunctive action as provided by law.

## APPENDIX A. Recognized Certifications

Cardiopulmonary Resuscitation (CPR) Certification  
American Heart Association  
American Red Cross  
American Safety and Health Institute  
Emergency Care and Safety Institute  
EMS Safety Services, Inc.  
National Safety Council  
First Aid Certification  
American Heart Association  
American Red Cross  
American Safety and Health Institute  
Emergency Care and Safety Institute  
EMS Safety Services, Inc.  
National Safety Council  
Lifeguarding Certification for Swimming Pools and Lake Bathing  
American Red Cross  
Boy Scouts of America (BSA)  
International Lifeguard Training program  
International Life Saving Federation (ILSA)  
Lifeguard-Pro  
National Aquatics Safety Company (NASCO)

Starfish Aquatics Institute  
Young Men's Christian Association (YMCA)  
Lifeguarding Certification for Ocean and Tidal Waters  
North Shore Lifesaving Association (NSLA)  
Ocean Lifesaving Association (OLA)  
South Jersey Lifeguard Chiefs Association (SJLCA)  
Triton Water Rescue (TWR) (triathlon specialization)  
United States Lifesaving Association (USLA)  
Trained Pool Operators (TPO) Certification  
American Swimming Pool and Spa Association (ASPSA)  
Aquatics Training Institute (ATI)  
Association of Pool and Spa Professionals (APSP)  
AquaSafe Pool Management, Inc. (ASPM)  
National Pool and Spa Institute (NSPI)  
National Recreation and Park Association (NRPA)  
National Swimming Pool Foundation (NSPF)  
North Shore Lifesaving Association (NSLA)  
Starfish Aquatics Institute  
Young Men's Christian Association (YMCA)

**APPENDIX B. First Aid Supplies at Public Recreational Bathing Facilities**

Description of Required Items	Quantities Required		
	<2,000 Ft <sup>2</sup> of Bathing and Swimming Water Area	2,000 to 5,000 Ft <sup>2</sup> of Bathing and Swimming Water Area	>5,000 Ft <sup>2</sup> of Bathing and Swimming Water Area
Adhesive compress strips (band aid type)	25	50	100
Sterile gauze dressings (sponge 2"x 2")	10	15	25
Sterile gauze dressings (sponge 2"x 3")	10	15	25
Sterile gauze dressings (sponge 4"x 4")	10	15	25
Sterile gauze roller bandage (1" wide)	4	8	15
Sterile gauze roller bandage (3" wide)	4	8	15
Sterile eye dressing pads (box)	1	1	1
Triangle bandages	2	4	6
Waterproof tape (1"x 5 yards)	1	1	1
Bandage scissors	1	1	1
Tweezers	1	1	1
Blanket	1	1	1
Instant cold pack	5	5	5
Disposable protective face shield	1	1	1
Disposable protective gown	2	4	6
Disposable Gloves (box)	1	1	1
Pocket resuscitation mask	2	4	6
Liquid hand soap or hand sanitizer	1	1	1
First Aid Treatment Policies and Procedures	1	1	1

**APPENDIX C. Chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities**

	Minimum	Ideal	Maximum	
			Indoor pools	Outdoor Pools
Free chlorine residual (parts per million (ppm))	1.0	2.0-4.0	10.0	10.0
Combined chlorine (ppm)	None	None	0.2	0.2
Bromine (ppm)	2.0	4.0-6.0	10.0	10.0
pH	7.2	7.4-7.6	7.8	7.8

#### APPENDIX D. Chemical water quality standards for hot tubs and spas

	Minimum	Ideal	Maximum
Free chlorine residual (parts per million (ppm))	2.0	3.0-5.0	10.0
Combined chlorine (ppm)	None	None	0.2
Bromine (ppm)	2.0	4.0-6.0	10.0
pH	7.2	7.4-7.6	7.8

**APPENDIX E. Checklist for Public Recreational Bathing Facilities**

**New Jersey Department of Health  
Public Health and Food Protection Program**

**CHECKLIST FOR  
PUBLIC RECREATIONAL BATHING FACILITIES**

Municipality	Local Health Authority	Date
Name of Public Recreational Bathing Facility		
Dates of Operation	Type of PRB Facility	
PRB Facility Location	Phone Number	Special Exempt <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Both
Owners Name and Address		Phone Number
Certified Laboratory	Phone Number	Date of Last Sample
Trained Pool Operator	Email Address	Phone Number

**Codes:    X-Compliant    P-Pending    N/A-Not Applicable**

**PAPERWORK**

TPO Certification No. and Exp. Date	Log Book
Lifeguard Certifications Current	Bonding and Grounding (5-year cert.)
Pro CPR Certifications Current	Bonding and Grounding (Town)
Aquatics Facility Plan	CB-20 completed and submitted
Water Sample(s) Results	MSDS sheets for all chemicals
Sanitary Surveys (N.J.A.C. 8:26-7.15)	Physical Hazards inspection

**GENERAL LAYOUT**

Emergency Phone Numbers	No Lifeguard on Duty Sign
Pool/Natural Waters Rules Sign	Adult Supervision Sign
No Diving Signs	Special Exempt Signs
Caution Chemical Sign	Spa Clock
No Smoking Sign (Chem. Room)	Spa Rules
Depth Markings	Diving Rules
Entrance(s) Secure	Cliff Jumps < 15'
Floats and Fixed Platforms Permitted with LHA Approval	Equipment for continuous disinfect all types pool water and meet N.J.A.C. 8:26-3.22
Diving stands, boards, ladders, stairs, all equipment maintained	Pool chemicals stored, handled and used per manufacturer's instructions
Water slides conform to CPSC and approved by LHA and/or NJDCA	Anti-entrapment drain covers installed, all documentation on site
Rope drops, cliff jumping, and aquatic play equipment meet N.J.A.C. 5:14A-12	Pool Floor (Clean and Visible)
Surface area (Pool sq')	Turnover Rate(s) (Pool)
Volume (Pool)	Pump Maximum Flow Rate(Pool)

Name of Public Recreational Bathing Facility			
<b>Codes:      X-Compliant      P-Pending      N/A-Not Applicable</b>			
<b>EQUIPMENT</b>			
Facility Phone		Vacuum Equipment	
Guard (Uniform/Whistle)		Skimmer Net	
DPD Test Kit		# of Returns	
First Aid Kit		Sight glass	
Rescue Tube(s)/LG		Entrapment Issues	
Backboard		Spa Requirements	
Straps		Wading Pool Requirements	
Head Immobilizer		Circulation System	
Shepherd Hooks		Flow Meters	
Reaching Poles/Assist		Continual Disinfection Device	
Safety Rope and Floats		Secure Fencing	
Ring Buoys		Self Close/Self Latching Gates	
Thermometer		Diving Boards	
Goggles and Gloves		Water Clarity	
Emergency numbers posted		Lifeguard platforms or stands	
Paddle Rescue Device		Emergency care room (500+)	
<b>GENERAL SANITATION AND MAINTENANCE</b>			
Bathrooms (Cleaned and Stocked)		Only unbreakable mirrors provided	
Separate BR facilities (each sex)		Sanitary sewage and filter backwash waters handled properly	
Sanitary facilities maintained and constructed of impervious materials		Solid waste stored in watertight containers with tight-fitting lids	
Floors have slip-resistant surface		Potable water supply source and of safe and sanitary quality	
Suitable receptacles provided for paper towels and waste materials		All buildings rodent and insect proofed	
Soap dispenser provided, hot and cold water		Premises maintained to prevent the breeding and harborage of vermin	
<b>CHEMICALS / DISINFECTANTS (POOLS)</b>			
Free Chlorine (10 ppm max)		pH (7.2 – 7.8)	
Total Chlorine (ppm)		Total Alkalinity (60 – 180 ppm)	
Combined Chlorine ( $\leq .2$ )		Calcium Hardness (ppm)	
Other Disinfectant		Cyanuric Acid (10 - 100ppm) Outdoor	





New Jersey Department of Health  
 Consumer, Environmental  
 and Occupational Health Service  
 P. O. Box 369  
 Trenton, NJ 08625-0369

**FATAL/SERIOUS  
 ACCIDENT REPORT**

CONFIDENTIAL	
FOR STATE USE ONLY	
Case Number	Date
County	

1. Date of Incident _____ / _____ / _____ <small>Month Day Year</small>	2. Time of Incident _____ : _____ <input type="checkbox"/> AM <input type="checkbox"/> PM	3. Date of Report _____ / _____ / _____ <small>Month Day Year</small>
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4. Activity of Victim (Check ALL that apply)

1 <input type="checkbox"/> Swimming (SW) 2 <input type="checkbox"/> Bathing (Hot Tub) (BH) 3 <input type="checkbox"/> Wading (WD) 4 <input type="checkbox"/> Surfing (SF) 5 <input type="checkbox"/> Skiing (SK) 6 <input type="checkbox"/> SCUBA/Snorkeling (SC) 7 <input type="checkbox"/> Playing by Water (PW) 8 <input type="checkbox"/> Diving (DV)	9 <input type="checkbox"/> Using Swimming Accessories, Inflatable (SI) 10 <input type="checkbox"/> Using Swimming Accessories, Other (SO) 11 <input type="checkbox"/> Fell into Water (FW) 12 <input type="checkbox"/> Fell Elsewhere (FE) 13 <input type="checkbox"/> Attempting Rescue, Lifeguard (LG) 14 <input type="checkbox"/> Attempting Rescue, Other (AR) 15 <input type="checkbox"/> Boating (BT) 16 <input type="checkbox"/> Other (OT) _____
--	---

**VICTIM INFORMATION**

5. Victim Number <b>VICTIM #</b>	6. Age of Victim		
7. Sex 1 <input type="checkbox"/> Male    2 <input type="checkbox"/> Female	8. Race 1 <input type="checkbox"/> White    3 <input type="checkbox"/> Hispanic 2 <input type="checkbox"/> Black    4 <input type="checkbox"/> Other	9. Height _____ <small>Feet    Inches</small>	10. Weight _____ <small>Pounds</small>

11. Physical Condition/Limitations

1 <input type="checkbox"/> Intoxicated/Alcohol Consumed a. Tested?    1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No    3 <input type="checkbox"/> Unknown b. Time Done? _____ : _____ <input type="checkbox"/> AM <input type="checkbox"/> PM c. Blood Level? _____ 2 <input type="checkbox"/> Drugs or Narcotics Used a. Tested?    1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No    3 <input type="checkbox"/> Unknown b. Time Done? _____ : _____ <input type="checkbox"/> AM <input type="checkbox"/> PM c. Blood Level? _____	3 <input type="checkbox"/> Heart Disease 4 <input type="checkbox"/> Epilepsy 5 <input type="checkbox"/> Deafness 6 <input type="checkbox"/> Blindness 7 <input type="checkbox"/> Extreme Overweight 8 <input type="checkbox"/> Other _____
---	---

**EXACT LOCATION**

12. Name of Facility or Body of Water	13. County
14. Street Address	
15. City, State, Zip Code	16. Site (Landmarks, Guard Tower Numbers, etc.)

17. Body of Water

1 <input type="checkbox"/> Ocean	4 <input type="checkbox"/> Pond/Pit	7 <input type="checkbox"/> Swimming and Wading Pool
2 <input type="checkbox"/> Bay	5 <input type="checkbox"/> Ditch/Canal	8 <input type="checkbox"/> Hot Tub/Spa
3 <input type="checkbox"/> Lake	6 <input type="checkbox"/> River/Creek/Stream	9 <input type="checkbox"/> Other _____

## FATAL/SERIOUS ACCIDENT REPORT (Continued)

INCIDENT INFORMATION	
<p>18. Was there immersion by the victim into water involved?</p> <p>1 <input type="checkbox"/> Yes, Entry Voluntary</p> <p>2 <input type="checkbox"/> Yes, Entry Involuntary</p> <p>3 <input type="checkbox"/> Yes, Unknown Whether Voluntary or Involuntary</p> <p>4 <input type="checkbox"/> Incident Did Not Involve Immersion</p>	<p>a. If yes, what was the victim's swimming ability?</p> <p>1 <input type="checkbox"/> Good      2 <input type="checkbox"/> Fair      3 <input type="checkbox"/> Poor      4 <input type="checkbox"/> Unknown</p> <hr/> <p>b. What was the victim's attire?</p> <p>1 <input type="checkbox"/> Street Clothes      3 <input type="checkbox"/> No Clothing Worn</p> <p>2 <input type="checkbox"/> Swimming Clothes      4 <input type="checkbox"/> Other</p> <hr/> <p>c. Was a personal flotation device worn?</p> <p>1 <input type="checkbox"/> Yes      2 <input type="checkbox"/> No</p> <hr/> <p>d. What was the water depth?</p> <p style="text-align: right;">_____ Feet      _____ Inches</p>
<p>19. What were the Weather/Water conditions?</p> <p><b>(FOR ALL RECREATIONAL BATHING FACILITIES)</b></p> <p>a. Air Temperature: _____ Degrees Fahrenheit</p> <p>b. Water Temperature: _____ Degrees Fahrenheit</p> <p>c. Did Water/Weather conditions contribute? 1 <input type="checkbox"/> Yes      2 <input type="checkbox"/> No</p> <p><b>(FOR POOLS AND HOT TUBS ONLY)</b></p> <p>d. Was Water Cloudy? 1 <input type="checkbox"/> Yes      2 <input type="checkbox"/> No</p> <p><b>(FOR BATHING BEACHES ONLY)</b></p> <p>e. Wind: 1 <input type="checkbox"/> None      2 <input type="checkbox"/> Light      3 <input type="checkbox"/> Moderate      4 <input type="checkbox"/> Strong</p> <p>f. Wind Direction: 1 <input type="checkbox"/> From Shore      2 <input type="checkbox"/> From Water      3 <input type="checkbox"/> Along Shore</p> <p>g. Ripptide current involved (ocean only) 1 <input type="checkbox"/> Yes      2 <input type="checkbox"/> No</p> <p>h. Longshore current? 1 <input type="checkbox"/> Yes      2 <input type="checkbox"/> No</p>	
<p>20. Was it a public recreational bathing place?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>	<p>a. If Yes, was the facility licensed/approved?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>
<p>21. Did the incident occur in a guarded area?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>	<p>22. Were other people around?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>
<p>23. Was the facility open for public use at the time?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>	<p>a. If yes, was a lifeguard on duty?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>
<p>24. Was there any violation of NJAC 8:26 "Public Recreational Bathing" regulation that may have contributed to the incident?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p> <p>If yes, list citation numbers and describe: _____</p>	
MEDICAL ATTENTION	
<p>25. What kind of incident occurred at the scene?</p> <p>1 <input type="checkbox"/> Drowning      3 <input type="checkbox"/> Suspected Neck Injury and Central Nervous System Trauma</p> <p>2 <input type="checkbox"/> Near Drowning      4 <input type="checkbox"/> Other: _____</p>	
<p>26. Was the victim unconscious at any time?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>	
<p>27. Was medical attention given?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>	<p>a. If Yes, by whom?</p>
<p>28. Was CPR administered?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>	<p>a. If yes, by whom?</p>
<p>29. Were emergency medical services called?</p> <p>1 <input type="checkbox"/> Yes    2 <input type="checkbox"/> No</p>	<p>a. If yes, type of provider?</p> <p>1 <input type="checkbox"/> Doctor    2 <input type="checkbox"/> Ambulance</p> <p>3 <input type="checkbox"/> Other:</p>

