



NEW JERSEY DEPARTMENT OF HEALTH | PUBLIC HEALTH & FOOD PROTECTION PROGRAM

Public Recreational Bathing Frequently Asked Questions

Last revised on April 19, 2018

PLEASE EMAIL YOUR QUESTIONS TO prb@doh.nj.gov

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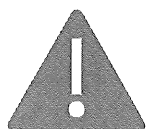
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“SPECIALLY EXEMPT” FACILITIES

“Specially Exempt” Facilities – Lifeguards

Q: I run a “specially exempt” facility and I choose to provide a lifeguard, will I be affected by the new lifeguard requirements?

A: “Specially exempt” facilities are exempt from the lifeguard requirements. They will not be affected by the changes to the lifeguard requirements for as long as they maintain the special exempt status.



**REVISED
4-19-2018**

Q: I run a “specially exempt” facility, I choose to provide a lifeguard and my pool is larger than 2,000 sq ft, will I be affected by the new lifeguard requirements?

A: No. Specially exempt facilities are exempt from the lifeguard requirements under the new rule. Specially exempt facilities are required to post a sign as stated in § 8:26-5.1. In addition, specially exempt facilities are required to inform local health authority in writing about:

- whether or not the lifeguard will be provided
- AND
- whether or not they will maintain special exempt status

In other words, specially exempt facility may provide a lifeguard(s) if it chooses to do so.



**REVISED
4-19-2018**

Q: Can a special exempt facility only provide a lifeguard on days when there is a higher bather load?

A: Yes, provided that they maintain their special exempt status. Please refer to the answer to the first question above. Specially exempt facilities are exempt from the lifeguard requirements as per § 8:26-5.1 (a) but not prohibited from providing a lifeguard. The supervision policy has to be outlined in writing in the aquatics facility plan as per § 8:26-5.1 (g) b.

In addition, it is acceptable but NOT REQUIRED for a specially exempt facility to post a sign which identifies when the lifeguard(s) is(are) present. In other words, the presence or absence of the lifeguard hours sign does not constitute a violation of the rule at specially exempt facilities that choose to provide lifeguard(s).

“Specially Exempt” Facilities – Other Requirements

Q: Is a specially exempt facility required to inform the local health authority about their status and how do they go about it?

A: Please refer to the definition of the special exempt facility. As per § 8:26-5.1 (g), “a specially exempt facility shall inform the local health authority whether it is going to comply with the exempted provisions of this section [lifeguard and first aid personnel]”. According to § 8:26-5.2 (f) the facility is required to complete and submit the aquatics facility plan to the local health authority.

Q: Do “specially exempt” facilities have to comply with the PRB requirements?

A: Yes. “Specially exempt” facilities have to comply with ALL requirements of the rule EXCEPT for the first aid personnel and lifeguard requirements only, as stated in § 8:26-5.1 (a).

Q: Do specially exempt facilities have to have a TPO and a Pool Director?

A: Yes, as stated in § 8:26-5.1 (a) specially exempt facilities are ONLY exempt from mandatory compliance with the first aid and lifeguard requirements. A TPO is required at every pool as per § 8:26-5.2 (c). Starting January 16, 2019 a

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designated adult supervisor at the pools larger than 2,000 square feet will also be required to have a Pool Director training certificate as stated in § 8:26-5.2 (a)-2.

SUPERVISION REQUIREMENTS

Supervision Requirements – Pools Over 2,000 Square Feet

Q: Are there any exceptions to lifeguard requirements for pools that are over 2,000 square feet large?

A: The Department does not allow for leniency when it comes to supervision of the pools. However, the size of the swimming area that is open for use rather than the total pool area should be considered when determining the number of lifeguards. Also the size of the pool is only one of the factors that should be considered when evaluating compliance with the pool supervision requirements.

Q: If there are multiple pools at the facility does each pool require a lifeguard?

A: Yes. Each pool is treated separately when evaluating compliance with the swimming pool supervision requirements.

Supervision Requirements – Other Criteria

Q: Can a local health authority require additional lifeguards based on other criteria in addition to the size and depth of the pool?

A: Yes. As per N.J.A.C. 8:26-5.2 (d) 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.*

Supervision Requirements – Platforms/Stands

Q: If the pool is greater than 2,000 square feet and requires an additional lifeguard – does it also require an additional platform/stand?

A: A: Yes, an additional guard stand would be required. As per N.J.A.C. 8:26-5.2 (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.*

Q: Is there a change to the required height for the lifeguard stands?

A: There is no specific height requirement for lifeguard stands or platforms. The height of the stand is determined by the ability of the lifeguard to have an unobstructed view of the bottom of the pool while on the stand.

Q: What are the requirements for placement of the lifeguard stands?

A: Swimming pool:

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. 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.

Bathing beach:

Lifeguard stations shall be located within 30 feet of the shoreline.

Lifeguards shall be isolated from the beach crowds on elevated stands.

These stands shall be high enough so as to give the lifeguards a complete and unobstructed view of the bathing area.

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Supervision Requirements – Zone of Protection

Q: What is the definition of zone of protection?

A: Zone of protection is the area of responsibility of an individual lifeguard while supervising bathers. Recognized certification agencies provide training on determining the zone of protection. The local health authority will assess the adequacy of lifeguard supervision according to zone of protection. Zone of protection is deemed adequate when the zones assigned to lifeguards overlap.

Q: Does the zone of protection include the deck area or just the pool?

A: Zone of protection only includes the swimming area.

Supervision Requirements – Prohibited Activities

Q: What activities shall not be performed by lifeguards while on duty?

A: The current rule continues to prohibit any activity that would distract a lifeguard from proper observation of the swimmers or prevent immediate assistance to persons in distress. Newly added is the prohibition on the cell phone use for the purpose of texting, reading, socializing or listening to music.

Q: Residents sign in and show their badges to the lifeguard, does that consider to be distracting to a lifeguard while on duty?

A: The current rule continues to prohibit any activity that would distract a lifeguard from proper observation of the swimmers or prevent immediate assistance to persons in distress.

Q: If a pool has 2 lifeguards and there is a low bather load can the second lifeguard perform other duties like checking passes or cleaning the pool?

A: No, if a pool has a swimming area larger than 2,000 square feet. Yes, if the swimming area is under 2,000 square feet.

Q: In a scenario where only one lifeguard supervises the pool and the water testing requirements prescribe that pH and chlorine readings have to be taken every 2 hours, what is an appropriate way to comply with both requirements?

A: In this scenario the lifeguard is required to temporarily close the pool while they take the readings.

Supervision Requirements – Signage At Wading Pools

Q: Should a wading pool located at a DCA licensed aquatic recreation facility post a sign as per 5.6 regarding parent supervision of children?

A: YES. In addition, aquatic recreation facilities must comply with all the supervision requirements found at § 8:26-5.2 Swimming Pool Supervision.

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STAFF TRAINING REQUIREMENTS

Staff Training Requirements – TPO Training Programs

Q: Who is responsible for approving Trained Pool Operator training programs?

A: New Jersey Department of Health Public Health and Food Protection program only approves Certification Agencies. A list of currently recognized agencies is found in Appendix A of the New Jersey Public Recreational Bathing Code. Agencies should notify the Department at prb@doh.nj.gov when updating the training curriculum.

Staff Training Requirements– Pool Director Certificate

Q: What is an acceptable Pool Director training course?

A: An acceptable Pool Director course would provide training on the management of pool operations as well as supervision. Pool Director training course is currently under development.

Q: When is the Pool Director course going to be available?

A: Designated adult supervisor is not required to obtain a Pool Director certificate until January 16, 2019. Pool director course is currently under development.

Q: What is the difference between the TPO and pool director training? Can the same person hold both certificates?

A: A pool director is expected to have a basic understanding of pool management and supervision requirements. TPO course may or may not include the pool director training module. TPO focuses on maintenance and mechanical operations whereas pool director oversees the whole operation of the pool as a manager.

Q: Does the pool director need to be on site at all times?

A: No. The intent of the rule is to have an individual trained in management of the pool but does not necessarily require them to be on site at all times.

Q: There is confusion with the **January 16, 2019** date under 8:26-5.2. Does this only apply to the pool director certificate? Some are reading it as the effective date for other provisions.

A: January 16, 2019 date applies specifically to the pool director training. All other provisions are in effect starting January 16, 2018.

Q: Should there be a pool director at a “specially exempt” pool?

A: Yes, if the pool is larger than 2,000 square feet there. Please note that this requirement is not effective until the January 16, 2019.

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WATER SAMPLING

Water Sampling – Microbiological Sampling

Q: What are the changes to microbiological water sampling requirements?

A: The sample holding time has been shortened from 30 hours to 8 hours for the required bacteriological analysis for pools, whirlpools, and aquatic facilities.

For all public recreational bathing facilities, the laboratory must notify the local health authority of a bacterial exceedance within one hour. Specifically, the laboratories are expected to initiate the notification process within one hour. The final report must be sent to the health authority and the client within one business day of the completed analyses.

In the event of a bacterial exceedance the bathing facility shall have a resample collected within twenty-four hours.

Water Sampling – Sample Hold Time

Q: Can you please clarify the hold time for micro samples for pools/spas/lakes from time of collection to time of analysis under the new regulation? Some laboratories continue to operate under old requirements.

A: The newly required hold time of 8 hours is enforceable starting from the day the updated NJAC 8:26 Public Recreational rule went in effect. Laboratories that are not compliant with the new requirements will be investigated on case by case basis.

Please contact the Department for more information.

Q: Can you provide any background on the changes to sample holding time? There is a concern about feasibility and cost of getting the sample to the lab in 8 hours.

A: The new requirement is consistent with the current Department-sanctioned analytical methods (DSAMs) administered by the New Jersey Department of Environmental Protection. The reduction of sample plating time from 30 hours to 8 hours is based on the Federal laboratory standards for water sampling.



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Q: Is it required to submit the results of water sampling prior to the opening of a pool? If so, how far in advance a sample need to be submitted for testing?

A: Yes. According to § 8:26-7.3, a pool sample has to be collected prior to opening for the season. The intent of this rule requirement is to collect a representative sample within a reasonable time period before the opening. Contact your local health authority for additional guidance.

Water Sampling – Swimming Lake Requirements

Q: What are the new swimming lake water testing requirements?

A: The required analysis for natural lake bathing waters has been changed from Fecal Coliform to E. coli.

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OPERATIONAL REQUIREMENTS

Operational Requirements – Turnover Rates

Q: Are all pools expected to come in compliance with the 6-hour turnover rate?

A: For swimming pools that were constructed prior to 2010 the 8-hour turnover rate is acceptable until the alteration is performed on the circulation system.

As per NJUCC, pools constructed after September 2010 were required to meet the 6-hour turnover rate. However, if a pool was constructed with the 8-hour turnover rate, it is recommended that local health authorities continue to allow it if there are no ongoing water quality issues. However, if an alteration is performed on the circulation system the 6-hour rate requirement is then expected to be met.

Q: If the pool was built before 2010 do they have to conform to the new 6hr turnover rate?

A: No, unless under special circumstances a local health authority may require the pool to meet the 6-hour turnover rate requirement even if it was constructed prior to 2010. For example, in case when there is an ongoing issue with water quality that is not adequately controlled with the current circulation system.

Operational Requirements – Alterations

Q: Are all existing pools expected to meet the new construction/operational requirements as soon as the new rule became effective?

A: No, unless the health authority finds that operation of the pool presents the risk to public health and safety. Existing pools are expected to follow the new requirements whenever an alteration is performed. Please note that repair work/ replacement of a broken part/substitution of like for like do not fall under the definition of alteration. In case of an alteration ONLY the part(s) that is(are) being altered need to meet the new requirements (not the whole pool). Example of an alteration would be when the water flow is changed such as following an installation of a different shape pipe, which results in the change of the flow and total dynamic head.

Operational Requirements – Bonding and Grounding

Q: Do we need a full bonding inspection done every year?

A: All seasonal pools shall provide the bonding and grounding certification to the local health authority annually before opening. The bonding and grounding certification at all pools has to be in compliance with the requirements of the NJUCC code. Generally, an electrical safety inspection is performed every year by the local electric subcode official. A full bonding and grounding inspection is done by a licensed electrician every 5 years. The inspection schedule is determined by the Department of Community Affairs which administers the NJUCC.

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EMERGENCY EQUIPMENT

Emergency Equipment – First Aid Kits

Q: What are the changes to First Aid kits contents?

A: The First Aid supplies requirements are found in NJAC 8:26 - Appendix B. The changes to the First Aid kits are based on the current First Aid kit requirements found in the NJAC 8:25 Youth Camp Standards. First aid kit quantities are based on the size of the bathing/swimming area instead of number of bathers.

Emergency Equipment – AED requirements

Q: What are the new automated external defibrillator (AED) requirements?

A: AED is now a requirement at the public recreational bathing facilities that provide a lifeguard and at bathing beaches where there are 500 or more swimmers.

Q: Where AED has to be located?

A: AED shall be located in plain sight and be easily accessible.

Q: In a situation where there are two or more pools in the same facility, is each of them required to have an AED?

A: It depends on the configuration, number and distance between the pools. AED unit shall be readily accessible in case of an emergency. It should be located so as the assistance is provided in under 3 minutes. In addition AED has to be located near an acceptable communication device.



Q: Is an AED required at a special exempt facility that provides a lifeguard(s) ?

A: No, an AED is not mandatory/required at special exempt facility, however, the Department recommends that an AED is provided at ALL public recreational bathing facilities. Whether or not AED is present at a special exempt facility is not a violation of the rule.

NEW

ADMINISTRATION

Administration – Approvals By The Local Health Authority

Q: What is the approval process for the newly constructed pools?

A: All newly constructed public recreational bathing facilities have to provide application and supporting documents as per NJUCC to BOTH local code officials and local health authority AT THE SAME TIME. The intent of the rule was to ensure simultaneous review of plans and applications prior to approval to construct. Please note that the approval should not be issued until BOTH the local code officials AND local health authority complete their review.

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ENFORCEMENT PROCEDURES

Enforcement Procedures – Inspections

Q: Are there any changes to inspection frequency?

A: Seasonal pools will receive a minimum of one operational inspection per season and year-round pools will be inspected at a minimum of twice a year. Newly added self-inspection checklist requirement may replace the pre-operational inspection that normally takes place before the opening of all seasonal pools. However, this does not preclude local health authority from conducting an onsite pre-operational inspection. This self-inspection checklist was designed to provide local health authorities with the mechanism to prioritize the inspection workload. All newly constructed and/or altered swimming pools must receive an onsite pre-operational inspection before opening.

Enforcement Procedures – Self-Inspection Checklist

Q: Can I submit the self-inspection checklist in March before I open the pools?

A: Self-inspection checklist must be provided to the local health authority 21 days prior to opening. The Department established that the checklist should not be submitted too far in advance before the opening. Facilities should contact their local health authority to obtain further guidance.

Q: What if the information indicated on the Checklist is not satisfactory?

A: Local health authority is responsible for evaluating the checklist. If the Local Health Authority is of the opinion that the information provided on the checklist does not meet the requirements of the Public Recreational Bathing rule they may choose to take action including but not limited to withholding permission to operate or conducting an onsite pre-operational inspection.