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REVISION NOTE #1:

Document #8468, effective 11-1-05, readopted with amendments and renumbered former Part Env-Ws 1101 through Part Env-Ws 1105 on swimming pools, public bathing places, spas and water slides under a new subtitle as Chapter Env-Wq 1100. Document #8468 also reserved the numbers Env-Ws 1101 through Env-Ws 1119 in Chapter Env-Ws 1100. The redesignation from subtitle Env-Ws to subtitle Env-Wq was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

Document #8468 replaces all prior filings for rules formerly in Env-Ws 1101 through Env-Ws 1105. The prior filings for rules in former Env-Ws 1101 through Env-Ws 1105 include the following documents:

#221.14, as in effect 8-31-73
#2139, eff 9-23-82
#2872, eff 10-3-84
#5045, eff 1-16-91
#6420, INTERIM, eff 1-17-97, EXPIRED 5-17-97
#6542, eff 7-18-97
#8390, INTERIM, eff 7-18-05

REVISION NOTE #2:

Document #10577, effective 5-1-14, readopted with amendments the rules in Chapter Env-Wq 1100. These changes included extensive renumbering of rules within Env-Wq 1100 and expansion in some cases of rules into more than one section number. For example, Env-Wq 1103.01 was readopted with amendments and renumbered as Env-Wq 1111.01 through Env-Wq 1111.03 in Part Env-Wq 1111 entitled "Waivers." The following definitions were also added to Part Env-Wq 1102:

Env-Wq 1102.01 "Air handling system"
Env-Wq 1102.08 "Circulation system"
Env-Wq 1102.12 "Cover/grate"
Env-Wq 1102.17 "Design flow rate"
Env-Wq 1102.24 "Flow rate"
Env-Wq 1102.08 "Gravity flow system"
Env-Wq 1102.37 "Person"
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Env-Wq 1102.51 "Suction outlet"
Env-Wq 1102.58 "Unblockable drain"
Env-Wq 1102.59 "Virginia Graeme Baker Pool and Spa Safety Act (VGBA)"

Document # 10577 replaces the prior filing for rules in the former Chapter Env-Wq 1100 filed under Document #8468, which had been effective 11-1-05. The rules in the former Chapter Env-Wq 1100 did not expire on 11-1-13 since they were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #10577, effective 5-1-14.

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CHAPTER Env-Wq 1100 PUBLIC BATHING PLACES

Statutory Authority: RSA 485-A:6, X; RSA 485-A:26

PART Env-Wq 1101 PURPOSE AND APPLICABILITY

Env-Wq 1101.01 Purpose. The purpose of the rules in Env-Wq 1100 is to:

- (a) Establish the criteria and procedures for reviewing and approving the design and installation of public bathing places;
- (b) Identify standards to protect water quality and the health and safety of persons using public bathing places; and
- (c) Ensure that public bathing places are maintained and operated safely for patrons.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1101.02 Applicability.

- (a) This chapter shall apply to all public bathing places as defined in Env-Wq 1102.
- (b) If any requirement in Env-Wq 1100 or in any document incorporated by reference conflicts with any other requirement or local ordinance, the requirement that is most protective of public health shall apply.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1102 DEFINITIONS

Env-Wq 1102.01 “Air handling system” means mechanical or electrical equipment, or combination thereof, that controls air distribution, air flow, relative humidity, and condensation.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.02 “Automatic chemical controller” means electrical equipment that senses water variables, primarily sanitizer concentrations and pH, and controls feed systems to maintain variables within desired limits.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.03 “Bather” means any individual entering the water at a public bathing place.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.04 “Bromine” means the element having atomic number 35, which is a dark, heavy, reddish-brown liquid in its natural state, that is sometimes used in bathing facility water sanitation.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.05 “Cartridge filter” means a filter that uses a fabric-like cartridge as a filtering medium.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

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Env-Wq 1102.06 “Chlorine” means the element having atomic number 17, which is a heavy, green, highly poisonous gas in its natural state, that when compressed into a liquid form can be used to sanitize bathing facility water.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.07 “Chlorine demand” means the amount of chlorine needed to oxidize organic matter present in bathing facility water, such as combined chlorine, susceptible bacteria, and algae.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.08 “Circulation system” means the totality of the mechanical components, including but not limited to pumps, hair and lint strainers, filters, valves, gauges, meters, heaters, surface skimmers, inlet/outlet fittings, and chemical feeding devices, that are a part of a system connected to a pool or spa which, when connected to each other by piping, perform as a coordinated system for purposes of maintaining pool or spa water in a clear and sanitary condition.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.09 “Combined chlorine” means compounds formed when free chlorine combines with nitrogen or ammonia from substances introduced into chlorinated water, including but not limited to urine, suntan oils, hair spray, and perspiration.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.10 “Common interest bathing place” means a public bathing place that is part of the common facilities of a common interest ownership residential community such as a residential condominium complex, manufactured housing cooperative, or homeowners association, and that is operated by such community for the residents thereof and their guests.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.11 “Communicable disease” means “communicable disease” as defined in RSA 141-C:2, VI, as reprinted in Appendix C.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.12 “Cover/grate” means a covering fitting or assembly that separates the bather from the suction sump or piping, sometimes referred to as a “grate” or a “cover.”

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.13 “Cyanobacteria” means a photosynthetic prokaryote within the class Cyanophyceae containing both chlorophyll and phycobillins, some species of which produce cyanotoxins which are toxic to mammals, including humans, and which, when present in large amounts, may cause a blue-green scum to form on the surface of lakes and ponds.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.14 “Cyanuric acid” means the chemical 2, 4, 6, trihydroxy-s-triazine, which is known in the regulated community as a stabilizer or conditioner that is used to reduce the loss of chlorine in water caused by the sun’s ultraviolet rays.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

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Env-Wq 1102.15 “Deck” means the area immediately adjacent to or attached to a bathing facility that is specifically constructed for use by patrons for sitting, standing, or walking.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.16 “Department” means the New Hampshire department of environmental services.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.17 “Design flow rate” means the rate of flow used for design calculations in a system.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.18 “Designated beach” means a public bathing place that comprises an area on a water body and associated buildings and equipment, intended or used for bathing, swimming, or other primary water contact purposes. The term includes, but is not limited to, beaches or other swimming areas at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in RSA 216-I:1, VII. The term does not include any area on a water body which serves 3 or fewer living units and which is used only by the residents of the living units and their guests.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.19 “Diatomaceous filter” means a pressure or vacuum-type filter that uses a white powder derived from fossilized organisms called diatoms as a filtering medium.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.20 “Diethylphenylene diamine (DPD)” means a chemical testing reagent that measures bromine or free available chlorine and total chlorine, wherein the color changes from pale pink to dark red as the concentration of bromine or chlorine increases.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.21 “Enterococci” means a spherical bacteria often grouped in chains resembling a string of beads, which are a natural component of the intestines of warm-blooded animals and which are used in public health as indicators of fecal pollution.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.22 “Escherichia coli (E. coli)” means a group of gram-negative rod-shaped bacteria that are a natural component of the intestines of warm-blooded animals and which are used in public health as indicators of fecal pollution.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.23 “Fence” means a structural safety boundary intended to prevent unauthorized entry from the outside, not intended to be sat on or walked or climbed on or over.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.24 “Flow rate” means the quantity of water flowing through a pipe in a specified time, such as the number of gallons flowing past a point in one minute.

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Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.25 “Flow-through bathing place” means a public bathing place that has been formed by damming all or portions of a surface water, in which circulation depends on the flow of water, whether pumped or gravity-fed.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.26 “Flow meter” means a device that measures the rate of flow of water through piping.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.27 “Free available chlorine” means that portion of the total chlorine remaining in chlorinated water that is not bound in combined chlorine and so is available as a sanitizer.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.28 “Gravity flow system” means “gravity flow system” as described in ANSI/APSP-7, 2013, as reprinted in Appendix D.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.29 “Heterotrophic plate count (HPC)” means a laboratory test for culturing and quantifying live bacteria, which are primary indicators of disinfection efficiency. Indicators of health risk include normal skin flora such as Streptococcus, Staphylococcus, and Pseudomonas that are likely to be shed in oils, saliva, and mucus discharges.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (from Env-Wq 1102.23)

Env-Wq 1102.30 “Hose bib” means a valve with a threaded connection that is used as a hose connection.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.31 “Hypochlorite” means a family of chemical compounds such as calcium hypochlorite, lithium hypochlorite, and sodium hypochlorite, used as a chlorine carrier in public bathing facility water.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.32 “Lifeguard” means an individual trained and certified in water rescue and lifesaving who is responsible for supervision and lifesaving at a public bathing place.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.33 “Operator” means the individual who has responsibility for the daily operation of a public bathing place and who is trained in the sanitation, safety, and proper maintenance of the public bathing place and all physical and mechanical equipment associated therewith.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.34 “Owner” means the person who owns the property at which a public bathing place has been or is proposed to be constructed.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

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Env-Wq 1102.35 “Oxidation reduction potential (ORP)” means a measure of the ability of chemicals in the water to oxidize, or reduce, ions, generally measured in millivolts (mV).

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.36 “Patron” means any individual using a public bathing place, regardless of whether the individual enters the water.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.37 “Person” means “person” as defined in RSA 485-A:2, XI, as reprinted in Appendix C.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.38 “pH” means the expression of the intensity of the acid or alkaline condition of a solution, such as water, as indicated by the hydrogen ion concentration and expressed as a number on the scale of 0 to 14, with 0 being most acidic, 7 being neutral, and 14 being most basic.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.39 “Phenol red” means a pH indicator used in water analysis in the range between 6.8 and 8.4, wherein the color changes from yellow to red to purple as pH increases.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.40 “Pool or spa” means the water-containing structure at a public bathing facility.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.41 “Pressure-type sand filter” means a filter that uses sand or sand and gravel as the filtering medium, through which pool water is pumped under pressure.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.42 “Primary water contact” means full body contact with water, with or without incidental ingestion of water.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.43 “Pseudomonas aeruginosa” means a gram-negative rod-shaped bacteria that commonly causes illnesses or infections such as dermatitis or folliculitis and otitis externa, or “swimmer’s ear”.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.44 “Public bathing facility” means a public bathing place that comprises a water-containing structure and associated buildings and equipment, intended or used for bathing, swimming, or diving purposes. The term includes, but is not limited to, swimming pools, spas, special recreation pools, and therapy pools at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in RSA 216-I:1, VII. The term does not include any bathing facility which serves 3 or fewer living units and which is used only by the residents of the living units and their guests.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

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Env-Wq 1102.45 “Public bathing place” means a place or location, together with buildings and equipment, intended or used for recreational or therapeutic bathing, swimming, or diving, and operated by or for any governmental subdivision, public or private corporation, partnership, association, or educational institution open to the public, members, or students, whether on a fee or free basis. The term includes public bathing facilities, flow-through bathing places, and designated beaches. The term does not include any bathing place that serves 3 or fewer living units and that is used only by the residents of the living units and their guests.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.46 “Safety vacuum release system (SVRS)” means a system or device capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to suction outlet flow blockage.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.47 “Skimmer” means a mechanical device connected to circulation piping for continuous removal of surface water and floating debris from a public bathing facility.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.48 “Spa” means a water-containing structure, sometimes called a hot tub or jacuzzi, that is designed for recreational or therapeutic use and for physiological and psychological relaxation but not for swimming or diving. These facilities are not drained and refilled after each use, instead the water is circulated, filtered, and sanitized. Spas include hydrojet circulation, hot water, cold water, mineral baths, and air induction systems. The term includes structures that are in a fixed location and structures that are intended to be moved from place to place on a rental or other commercial basis.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.49 “Special recreation pool” means a water-containing structure or combination of structures that is not intended for swimming or diving but that is used typically for receiving bathers at the end of long slides, flumes, or chutes, or for artificial surfing and similar use. The term includes wave action pools, activity pools, catch pools, leisure rivers, vortex pools, and interactive play attractions.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.50 “Stabilized chlorine” means an organic compound that reacts with water to form available chlorine and cyanuric acid, such as sodium dichloro-s-triazinetriene (dichlor) or trichloro-s-triazinetriene (trichlor).

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.51 “Suction outlet” means a fitting, fitting assembly, cover/grate, and related components that provide a localized low-pressure area for the transfer of water from a swimming pool, wading pool, or spa.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.52 “Swimming pool” means a water-containing structure that is entirely artificial in construction and is intended for bathing, swimming, diving, or any combination thereof. The term includes structures that are indoor, outdoor, or both.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

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Env-Wq 1102.53 “Therapy pool” means a water-containing structure that is used for bathing and therapeutic use, wherein the water has a temperature higher than that of a swimming pool, usually from 90°F to 104°F.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.54 “Total chlorine” means the sum of free available chlorine and combined chlorine.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.55 “Total coliform bacteria” means a group of facultative anaerobic, gram-negative, non-spore-forming rod-shaped bacteria that can be used to provide information on the presence of fecal coliform and E. coli.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.56 “Turbidity” means the measure of suspended materials in water, which can obscure visibility, reported in nephelometric turbidity units (NTUs).

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.57 “Turnover time” means the amount of time needed for all of the water in a public bathing facility to pass through the circulation system once.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.58 “Unblockable drain” means “unblockable drain” as defined in the Virginia Graeme Baker Pool and Spa Safety Act, as reprinted in Appendix D.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.59 “Virginia Graeme Baker Pool and Spa Safety Act (VGBA)” means Title XVI of the Energy Independence and Security Act of 2007, Public Law 110-140. 15 U.S.C. § 8003.

Source. (See Revision Note #2) #10577, eff 5-1-14

Env-Wq 1102.60 “Wading pool” means a water-containing structure that has a maximum depth of 2 feet.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1102.61 “Weir” means a flap within a skimmer that adjusts automatically to small changes in water level and assures a continuous water flow to the skimmer.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1103 APPROVALS

Env-Wq 1103.01 Approval of Public Bathing Places Required.

(a) As specified in RSA 485-A:26, no person shall install, operate, or maintain a public bathing place unless the construction, design, and physical specifications of such public bathing place have received prior approval from the department.

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(b) Designated beaches in operation as of August 1, 2005 shall be deemed to have received prior approval from the department.

(c) The owner of a pool or spa that has been closed for 12 months or longer shall apply for approval in accordance with this part prior to reopening the pool or spa for public use.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.02 Application for Approval of Public Bathing Places.

(a) Any person wishing to obtain approval for a public bathing facility (PBF) shall submit to the department:

- (1) An application, on a form obtained from the department, that contains the information specified in Env-Wq 1103.03 and is signed as specified in (d) and (e), below;
- (2) Plans as specified in Env-Wq 1103.06;
- (3) Specifications as specified in Env-Wq 1103.04;
- (4) The information specified in Env-Wq 1103.05; and
- (5) The fee required by RSA 485-A:26, I.

(b) Any person wishing to obtain approval for a designated beach or a flow-through bathing place shall submit to the department:

- (1) An application, on a form obtained from the department, that contains the information specified in Env-Wq 1103.07 and is signed as specified in (d) and (e), below;
- (2) The information specified in Env-Wq 1103.09;
- (3) Specifications and dimensions as specified in Env-Wq 1103.08, on the plans specified in Env-Wq 1103.10; and
- (4) The fee required by RSA 485-A:26, I.

(c) The applicant shall submit the materials required by (a) or (b), above, to the department at the following address:

DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: Public Bathing Place Coordinator

(d) The applicant and the owner, if other than the applicant, shall sign and date the application form.

(e) The signature(s) shall constitute certification that:

- (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
- (2) The signer understands that:
 - a. The submission of false, incomplete, or misleading information is grounds for denying the application or revoking any permit that is issued based on the information; and

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b. That he or she is subject to the penalties established in New Hampshire law for making unsworn false statements.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.03 PBF Application: Site and Contact Information. The application for approval of a PBF shall include the following information:

- (a) The name of the establishment at which the PBF will be located;
- (b) The street address, municipality, state, and zip code where the PBF will be located;
- (c) The type of PBF for which approval is being requested;
- (d) Whether the PBF is an indoor or outdoor facility, or both; and
- (e) The name, mailing address and daytime telephone number of the owner of the PBF and the name(s), mailing address(es), and daytime telephone number(s) of the PBF designer and installer if known.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.04 PBF Application: Specifications. The specifications required by Env-Wq 1103.02(a)(3) shall be as follows:

- (a) The capacity of the pool or spa at the PBF, in gallons;
- (b) Materials of construction;
- (c) Measurements, in feet, of the following pool or spa dimensions:
 - (1) The depth at the shallow end;
 - (2) The maximum depth at the deep end;
 - (3) The depth at the wall of the deep end or 12 inches out from that wall, whichever is deeper;
 - (4) The depth at the break in depth between the shallow and deep portions of a swimming pool;
 - (5) The depth measured 22 feet from the deep end wall;
 - (6) The distance from the deep end wall to the break in depth between the shallow and deep portions;
 - (7) The slope of the bottom of the shallow end;
 - (8) The distance from the edge of any diving board(s) to the side walls; and
 - (9) The perimeter of the pool or spa;
- (d) The number and location of water inlets;
- (e) The number and location of suction outlets;
- (f) The surface area of the pool or spa at the PBF, in square feet;
- (g) Whether skimmers or a gutter system will be used, and:
 - (1) If skimmers will be used, the number and location of skimmers; and
 - (2) If a gutter system will be used, the design specifications for the system;

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- (h) Information on the disinfection system that will be used, including:
 - (1) The type of disinfection system;
 - (2) The name of the manufacturer of the disinfection unit and manufacturer's specifications on the disinfection unit;
 - (3) The capacity of the disinfection unit, in milligrams per liter; and
 - (4) The model of the disinfection unit;
- (i) Information on the circulation pump, including:
 - (1) The model of the pump;
 - (2) The pump performance curve showing the gallons per minute versus the head loss of the pump;
 - (3) The pump circulation rate, in gallons per minute; and
 - (4) Documentation from the manufacturer showing that the maximum flow rate of the pump allowing for total dynamic head does not exceed the rating of the main drain cover/grate;
- (j) The turnover time, in hours;
- (k) Information on the filter system, including:
 - (1) The type of filter;
 - (2) The name of the manufacturer of the filter and manufacturer's specifications on the filter;
 - (3) The model of the filter;
 - (4) The total filter area, in square feet;
 - (5) The filtration rate, in gallons per minute;
 - (6) The filter flow meter range, in gallons per minute;
 - (7) The name of the manufacturer of the filter flow meter;
 - (8) The number and location of hair strainers;
 - (9) The availability of filter operating instructions; and
 - (10) The location of the disposal site for backwash, if the filter is backwashed, together with documentation demonstrating that the backwash is discharged to a public sewer or disposed of in a location or system approved by the department pursuant to RSA 485:3, X, RSA 485-A:29-44, RSA 485-A:13, I(a), or Env-Wq 402;
- (l) The anticipated bather load;
- (m) Identification of all suction outlets and grates as follows:
 - (1) Location;
 - (2) Rating, stated in gallons per minute;
 - (3) Calculated velocity, stated in feet per second, of water passing through each suction outlet and grate;
- (n) The diameter of all suction outlet piping;

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(o) If a safety vacuum release system (SVRS) is part of the design, information about the SVRS including:

- (1) The type of SVRS device;
 - (2) The name of the manufacture;
 - (3) The device specifications; and
 - (4) A plumbing schematic;
- (p) Calculation of total dynamic head loss; and
- (q) Documentation that all components meet the requirements of Env-Wq 1105.22(a)(1).

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.05 PBF Application: Other Required Information. The information required by Env-Wq 1103.02(a)(4) shall be as follows:

- (a) Information on the water source for the PBF, including:
- (1) The source of water, and whether it is a public water supply, a private groundwater supply, or surface water;
 - (2) If the source water is a public water supply, the name and location of the water supply; and
 - (3) The type of source water piping;
- (b) Information on the availability of a bathhouse with toilet and shower facilities as specified in Env-Wq 1105.04 and Env-Wq 1105.01, respectively; and
- (c) Information on the security fencing as specified in Env-Wq 1105.07.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.06 PBF Application: Required Plans. The plans required by Env-Wq 1103.02(a)(2) shall:

- (a) Be prepared or reviewed by an engineer licensed in the state of New Hampshire pursuant to RSA 310-A;
- (b) Be stamped by the engineer who prepared or reviewed them; and
- (c) Show the location of all buildings, the bathing area, and all specifications and other information identified in Env-Wq 1103.03 through Env-Wq 1103.05.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.07 Application for Approval of Designated Beach or Flow-through Bathing Place. The information required by Env-Wq 1103.02(b)(1) for approval of a designated beach or flow-through bathing place shall be as follows:

- (a) The name of the waterbody where the beach or flow-through bathing place will be located;
- (b) The street address and latitude/longitude of the proposed beach or flow-through bathing place;
- (c) The municipality, state, and zip code where the beach or flow-through bathing place will be located;

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(d) The name, mailing address, and daytime telephone number of the owner of the beach or flow-through bathing place; and

(e) The name(s), mailing address(es), and daytime telephone number(s) of the contractor, if known.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.08 Specifications and Dimensions for Designated Beaches or Flow-through Bathing Places. The specifications required by Env-Wq 1103.02(b)(2) shall be as follows:

(a) Measurements of:

(1) Shore frontage of beach or access to flow-through bathing place, in feet;

(2) Width of beach or access to flow-through bathing place, in feet; and

(3) The surface area of the beach or access to flow-through bathing place, in square feet;

(b) The maximum water depth, in feet, at the edge of the swim area or at the float line;

(c) The surface area of the swim area, in square feet;

(d) The maximum expected bather load; and

(e) Information on how construction of the beach or access to flow-through bathing place will comply with RSA 482-A, Dredge and Fill in Wetlands, and RSA 483-B, the Comprehensive Shoreland Protection Act.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.09 Other Required Information for Designated Beach or Flow-through Bathing Place Application. The information required by Env-Wq 1103.02(b)(3) shall be as follows:

(a) The location of the nearest toilet facilities per Env-Wq 1105.04, if any;

(b) Information on the water quality for the swim area, including a copy of a recent bacterial analysis and the location of any water inlets, point discharges, and non-point sources of pollution; and

(c) Information on the height, location, and material of the security fencing, if any.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.10 Plans Required for Designated Beach or Flow-through Bathing Place Application. The plans required by Env-Wq 1103.02(b)(2) shall be as follows:

(a) A simple layout of the buildings, beach area, toilets, if any, and location of the potable water supply, if any; and

(b) A plan drawn to scale showing the swimming area and depth dimensions.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.11 Review of Applications.

(a) Upon receiving a complete application package as specified in Env-Wq 1103.02, the department shall review the application.

(b) The department shall approve the proposed public bathing place if the department determines that the proposed public bathing place has been designed so as to comply with the applicable design standards of this chapter.

(c) The department shall inform the applicant of its decision in writing. If the application is denied, the decision shall state the reason(s) for the denial.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.12 Pre-operational Inspection Required for Public Bathing Facilities.

(a) The owner of a public bathing facility (PBF) shall not open the PBF for public use prior to the PBF being inspected by the department to determine compliance with this chapter if it is:

- (1) A newly-constructed PBF; or
- (2) An existing PBF that has been closed for 12 months or longer.

(b) The PBF owner shall contact the department to schedule the inspection required by (a), above.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1103.13 Suspension or Revocation of Approvals.

(a) Upon finding that information submitted as part of an application for which an approval has been issued is incorrect, misleading, incomplete, or otherwise deficient, the department shall proceed in accordance with this section.

(b) The department shall initiate an action to suspend or revoke the approval pursuant to RSA 541-A:30, II, RSA 541-A:31, and the provisions of Env-C 200 applicable to adjudicative proceedings.

(c) The notice issued to initiate the action shall inform the owner:

- (1) That the department is proposing to suspend or revoke the approval;
- (2) Of the grounds on which the department's proposed action is based; and
- (3) Of the date and time of a hearing at which the owner may show cause why the approval should not be suspended or revoked.

(d) The department shall suspend the approval if the department determines, as a result of the proceeding initiated under (b), above, that:

- (1) The deficient information was submitted inadvertently or negligently; and
- (2) The approval would have been issued if correct, complete, and not misleading information had been submitted originally.

(e) If the department suspends the approval, the decision issued pursuant to (h), below, shall:

- (1) Specify a reasonable time in which the owner may correct the deficiencies which formed the basis for the suspension; and
- (2) Notify the owner that if the deficiencies are not corrected within the time specified, the approval will be revoked.

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(f) A decision to suspend an approval pending receipt of adequate and correct information shall not be considered a final decision from which an appeal may be taken.

(g) The department shall revoke the approval if the department determines, as a result of the proceeding initiated under (b), above, that:

(1) The permit holder submitted deficient information with the intent to mislead or to avoid one or more requirements of the statute or rules; or

(2) The approval would not have been issued if correct, complete, and not misleading information had been submitted originally.

(h) The department shall issue a written decision to the owner. If the approval is suspended or revoked, the decision shall specify the reason(s) for the decision.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1104 TESTING, SUPERVISION, AND SAFETY

Env-Wq 1104.01 PBF Testing and Recordkeeping Requirements.

(a) The operator of a PBF shall conduct tests for disinfectant residual and pH prior to opening the PBF to the public and every 4 hours during operation.

(b) If an oxidation-reduction potential (ORP) controller is used, it shall not be relied upon as a method for measuring the concentration of sanitizer in the water.

(c) The operator of a PBF shall use a water quality testing kit with unexpired reagents, such as diethylphenylene diamine (DPD) and phenol red, capable of testing for free and total chlorine or bromine and pH. The method used in determining the free available chlorine shall be such that the combined chlorine or other oxidizers that might be present in the pool do not affect the determination.

(d) The operator of a PBF shall test a heated pool or spa for temperature prior to use and every 4 hours during operation.

(e) The operator of a PBF shall conduct each test:

(1) At each end of a pool or spa at the PBF that is 10,000 gallons or greater; and

(2) At one location in a pool or spa at the PBF that is less than 10,000 gallons.

(f) The operator of a PBF shall:

(1) Maintain dated daily logs for the PBF for a rolling 12-month period; and

(2) Make the records available to the department and patrons of the PBF upon request.

(g) The operator of a PBF shall record the following on the daily log:

(1) The results of the inspection of the cover/grate required by Env-Wq 1104.07(a);

(2) The results of all tests conducted pursuant to (a) through (d), above;

(3) Each time that the filter is backwashed or the cartridge filter is replaced;

(4) Each time that a spa is emptied and cleaned;

(5) Each operational problem, together with a description of all actions taken to address the problem; and

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(6) The time of each fecal or vomit accident, together with a description of all actions taken to address the accident.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1104.02 PBF Supervision.

(a) The owner shall allow public use of the pool or spa at a PBF only when an operator is available to respond to equipment malfunctions and other emergencies within 20 minutes of being notified by patrons or the owner of the malfunction or emergency.

(b) The operator designated by the owner pursuant to (a), above, shall:

- (1) Maintain the quality of the water at the facility; and
- (2) Have access to and be knowledgeable of the PBF circulation and disinfection systems.

(c) If a lifeguard or other individual to enforce safety standards will not be present at a PBF, the owner shall post a sign at all access points notifying patrons of the absence of a lifeguard.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1104.03 Testing and Supervision at Other Public Bathing Places.

(a) The operator of a common interest bathing facility that uses automated chemical controllers as specified in Env-Wq 1106.05(e) for both pH and disinfectant shall test for disinfectant residual and pH at least once a day.

(b) If a common interest bathing place is not monitored by a lifeguard or operator, the owner(s) shall post a sign at all access points notifying patrons of the absence of a lifeguard or operator, as applicable.

(c) If a designated beach or flow-through bathing place is not monitored by a lifeguard or operator, the owner post a sign at all access points notifying patrons of the absence of a lifeguard or operator, as applicable.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1104.04 PBF Safety.

(a) The owner of a PBF that has a pool shall:

- (1) Develop and adopt safety rules for patrons of the pool; and
- (2) Post conspicuously-displayed signs informing patrons of the safety rules.

(b) The rules and signs required by (a), above, shall include the following:

- (1) Patrons with any communicable disease shall not enter the pool;
- (2) Patrons shall not discharge any bodily fluids into the pool;
- (3) Patrons shall not bring or throw into the pool any object that may in any way carry contamination or otherwise endanger the safety of bathers;
- (4) Patrons shall not spit in or in any other way contaminate the water, floors, walkways, aisles, or dressing rooms associated with the pool;
- (5) Bathers shall take a cleansing shower before entering the pool;

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- (6) Patrons shall not run or engage in boisterous rough play in the pool or on the deck or walkways around the pool or in the bathhouse associated with the pool;
 - (7) Patrons shall not bring food or drink into the pool or within 4 feet of its edge;
 - (8) Patrons shall not have glass containers in the pool or on the deck or in the bathhouse associated with the pool; and
 - (9) Any additional rules developed by the PBF's management.
- (c) The owner of a PBF shall ensure that a telephone or radio capable of reaching emergency services is located within 200 feet of any pool or spa at the PBF.
- (d) The signs required by (a), above, and (e), below, shall provide the location of the telephone or radio required by (c), above.
- (e) The owner of a PBF that has a spa shall:
- (1) Develop and adopt safety rules for patrons of the spa; and
 - (2) Post conspicuously-displayed signs informing patrons of the safety rules.
- (f) The rules and signs required by (e), above, shall include the following:
- (1) Patrons shall not use a public spa alone unless permitted by the operator or owner;
 - (2) Patrons shall not use a public spa if under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics, or tranquilizers;
 - (3) Patrons who are elderly, pregnant, or suffering from heart disease, diabetes, or high or low blood pressure shall not use a public spa without obtaining permission from their physician;
 - (4) Unsupervised children under 14 years of age shall not use a public spa;
 - (5) Bathers shall not use body oils or lotions;
 - (6) Bathers shall not use a public spa for longer than a 10-minute immersion without a break period for cooling off; and
 - (7) Any additional rules developed by the spa's management.
- (g) A functioning clock shall be visible from all public spas.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1104.05 Safety at Other Public Bathing Places.

- (a) If the owner of a common interest bathing place, designated beach, or flow-through bathing place has developed safety rules, the owner shall post conspicuously-displayed notices informing patrons of the safety rules developed by the owner.
- (b) The owner of a common interest bathing place, designated beach, or flow-through bathing place shall ensure that:
- (1) A telephone or radio capable of reaching emergency services is located within 200 feet of the water; or

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(2) If a telephone or radio capable of reaching emergency services is not located within 200 feet of the water, then a sign is posted informing patrons of the location of the nearest public telephone or radio capable of reaching emergency services.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1104.06 Emergency Rescue Equipment for All Public Bathing Places.

(a) Subject to (b), below, the owner of a PBF shall provide the following emergency rescue equipment at the PBF:

- (1) A light, strong pole not less than 12 feet long to which a body hook has been affixed;
- (2) A Type IV throwable rescue flotation device approved by the United States Coast Guard and capable of supporting an adult, with an attached throwing/retrieval line which shall be a rope at least one-quarter inch in diameter and one-half the maximum width of the pool or 50 feet in length, whichever is less; and
- (3) A first aid kit stocked for treatment of common pool-related injuries, which at a minimum shall contain the following:
 - a. Impermeable, unused, and disposable latex-free medical gloves;
 - b. Materials to control bleeding and to clean or cover minor cuts and abrasions; and
 - c. A personal resuscitation mask or shield for performing rescue breathing.

(b) If the owner of a PBF that does not have a first aid kit meeting (a)(3), above, is a political subdivision and its local legislative body has not voted or does not vote to approve funding for the first aid kit required by (a)(3), above, and the first aid kit is not fully funded by the state, the owner shall not be required to provide the first aid kit.

(c) The owner of a common interest bathing place or flow-through bathing place shall:

- (1) Provide the emergency equipment identified in (a), above; or
- (2) Prominently post at least one sign that clearly states that no emergency rescue equipment is available.

(d) The owner of a designated beach shall:

- (1) Provide emergency rescue equipment such as a rescue board, rescue tube or ring, or other emergency rescue equipment deemed appropriate by the owner; or
- (2) Prominently post at least one sign that clearly states that no emergency rescue equipment is available.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1104.07 Suction Outlet Cover/Grate.

(a) The operator of a PBF shall inspect each cover/grate daily to insure the cover/grate has not been damaged and is securely attached.

(b) The owner of a PBF shall not allow bathers to use the PBF if any cover/grate is missing, broken, or secured in such a way that it can be removed without the use of tools.

Source. #10577, eff 5-1-14 (See Revision Note #2)

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PART Env-Wq 1105 DESIGN FEATURES, WATER QUALITY STANDARDS, AND OPERATION REQUIREMENTS

Env-Wq 1105.01 Showers.

- (a) The owner of a PBF shall provide shower facilities to the patrons of the PBF, as specified below:
 - (1) One shower for every 40 swimming pool bathers shall be provided;
 - (2) A minimum of one shower for each spa shall be provided; and
 - (3) Showers shall be of such design that a mixture of hot and cold water that will not scald patrons can be obtained through a mixing valve.

(b) Subject to (c), below, any shower located on a deck adjacent to a pool or spa shall drain to a public sewer system or a state-approved sewage disposal system.

(c) If the owner of a PBF is a political subdivision and its local legislative body has not voted or does not vote to approve funding to connect a shower located on a deck adjacent to a pool or spa to a public sewer system or a state-approved sewage disposal system, and such connection is not fully funded by the state, the owner shall not be required to so connect the drain.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.02 Towels. If towels are provided for public use at a PBF, the owner shall ensure that all such towels are maintained in a sanitary manner by:

- (a) Washing and disinfecting or machine drying the towels after each use; and
- (b) Storing the towels in a sanitary location.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.03 Dressing Rooms. The owner of a PBF shall ensure that any dressing rooms provided for use by patrons is kept free of visible dirt and debris.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.04 Toilets for PBFs. The owner of a PBF shall provide toilet facilities as follows:

- (a) The toilet facilities shall be located within 200 feet of the pool or spa at the PBF for use immediately before entering the water;
- (b) Separate toilet facilities shall be provided for each gender;
- (c) For a pool or spa installed prior to the 2014 effective date of this chapter, one toilet and one urinal for every 60 males and one toilet for every 40 females shall be provided; and
- (d) For a pool or spa installed after the 2014 effective date of this chapter, the minimum number of fixtures shall be based on the maximum bather load, as specified in the state plumbing code, which is the portion of the state building code as defined in RSA 155-A that pertains to plumbing.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

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Env-Wq 1105.05 Toilets for Other Public Bathing Places. If the owner of a common interest bathing place, designated beach, or flow-through bathing place provides toilets, the following shall apply:

- (a) Portable or chemical toilets shall be installed in such a way that they can not be tipped over; and
- (b) The toilets shall be within 200 feet of the water, provided however that if toilets cannot be installed within 200 feet of the water due to unique topography, the toilets shall be placed as close to the water as practicable.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.06 Trash Receptacles.

- (a) The owner of a PBF shall provide enclosed trash receptacles in all dressing rooms, toilet areas, and bathing areas.
- (b) The owner of a designated beach wherein patrons are responsible for carrying out their own trash shall provide enclosed trash receptacles in all dressing rooms and toilet areas.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.07 Food and Drink Prohibited in the Bathing Area. The owner of a PBF shall not allow food or drink in the pool or spa at the PBF or within 4 feet of the edge of the pool or spa.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.08 Security Fencing, Deck Areas for PBFs.

- (a) The owner of a PBF shall provide security fencing as follows:
 - (1) All outdoor PBFs shall have a wall, fence, or other enclosure constructed around the entire facility;
 - (2) The entire wall, fence, or other enclosure, including doors and gates, shall be at least 4 feet above grade measured on the inside and outside;
 - (3) The wall, fence, or other enclosure shall be constructed so as to prevent passage through it; and
 - (4) Subject to (c), below, all gates shall:
 - a. Be self-closing and self-latching;
 - b. Open only outward from the enclosed area;
 - c. Be equipped with a latch located on the pool side of the gate and at least 3 inches below the top of the gate;
 - d. Have no opening greater than ½ inch within 18 inches of the latch; and
 - e. Accommodate a locking device.
- (b) The owner of a PBF shall provide a deck area between the water and the fence or enclosure in accordance with the following:
 - (1) The deck area shall be a minimum of 4 feet wide;

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(2) The deck area shall slope away from the pool no less than 1/4 inch per foot and no more than 1/2 inch per foot, such that standing water shall be no deeper than 1/8 inch, 20 minutes after the cessation of the addition of water to the deck; and

(3) The surface of the deck shall be of a slip-resistant textured finish other than carpet or artificial turf.

(c) If the owner of a PBF having one or more gates that do not comply with (a)(4)b.- e., above, is a political subdivision and its local legislative body has not voted or does not vote to approve funding to bring the gate(s) into compliance with (a)(4)b.- e., above, and compliance is not fully funded by the state, the owner shall not be required to comply with (a)(4)b.- e., above.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (from Env-Wq 1105.07)

Env-Wq 1105.09 Security Fencing, Deck Areas for Other Public Bathing Places.

(a) If the owner of a common interest bathing place, designated beach, or flow-through bathing place provides security fencing, the fencing shall comply with Env-Wq 1105.08(a), including (a)(4)b.- e.

(b) If the owner of a common interest bathing place, designated beach, or flow-through bathing place provides a deck area, the deck area shall comply with Env-Wq 1105.08(b).

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.10 Cross-Connection Control. The owner of a PBF shall ensure that:

(a) Water service to the PBF is protected against backflow and back siphonage;

(b) Water introduced to the pool or spa at the PBF, whether directly or through the circulation system, is supplied through an air gap of at least 6 inches; and

(c) Vacuum breaker backflow preventers are installed prior to all hose bibs servicing the PBF.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.11 Deck Cleaning. The owner of a PBF shall ensure that:

(a) The deck area is maintained to be free of litter and visible dirt; and

(b) Hose bibs with vacuum breakers are provided to flush the deck areas.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.12 PBF Bacteriological Water Quality Standards. The owner of a PBF shall not allow bathers to use the pool or spa at the PBF unless the water in the pool or spa meets the following bacteriological standards:

(a) Less than one total coliform bacteria count per 100 milliliters of water;

(b) Less than 200 non-coliform bacteria counts per 100 milliliters of water;

(c) Less than one Pseudomonas aeruginosa counts per 100 milliliters; and

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- (d) Less than 200 heterotrophic bacteria colony forming units per one milliliter of water.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.13 PBF Chemical and Physical Water Quality Standards.

- (a) The owner of a PBF shall not allow bathers to use the pool or spa at the PBF unless the water therein meets the following chemical and physical standards:

- (1) The pH shall be between 7.0 and 7.8;
- (2) Clarity shall be such that the main drains are clearly visible at all times;
- (3) Heated swimming, wading, and special recreation pool water temperature shall not exceed 89°F, equivalent to 32°C;
- (4) Heated therapy pool and spa water temperature shall not exceed 104°F, equivalent to 40°C;
- (5) Turbidity shall not exceed 2 nephelometric turbidity units (NTU);
- (6) For swimming, wading, and special recreation pool water:
 - a. The free available chlorine level shall be 1 to 5 milligrams per liter (mg/L); or
 - b. The free available bromine level shall be 2 to 10 mg/L;
- (7) For therapy pool and spa water, the free available chlorine or free available bromine level shall be 2 to 10 mg/L;
- (8) The combined chlorine level shall not exceed 0.5 mg/L;
- (9) Where an ORP controller is used, the minimum set point value shall not be less than 650 mV;
- (10) The cyanuric acid level shall not exceed 50 mg/L; and
- (11) The total alkalinity shall be 60 to 180 mg/L.

- (b) No chemical shall be manually fed while the pool is open for operation.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.14 Water Quality Standards for Designated Beaches.

- (a) As established by RSA 485-A:8, a designated beach shall be considered unsafe for public use if:
- (1) The standard specified in (b)(1) or (c)(1), below, as applicable, is exceeded by 70 counts in any one sample or by any amount in 2 or more samples taken during the same sampling event; or
 - (2) The standard specified in (b)(2) or (c)(2), below, as applicable, is exceeded in 3 samples over a 60-day period.
- (b) For freshwater beaches, the standards shall be:
- (1) For purposes of (a)(1), above, E. coli bacteria are present in numbers greater than 88 counts/100 mL of water; or
 - (2) For purposes of (a)(2), above, E. coli bacteria are present in numbers greater than a geometric mean of 47 counts/100 mL of water.
- (c) For saltwater beaches, the standards shall be:

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(1) For purposes of (a)(1), above, Enterococci bacteria are present in numbers greater than 104 counts/100 mL of water; or

(2) For purposes of (a)(2), above, Enterococci bacteria are present in numbers greater than a geometric mean of 35 counts/100 of water.

(d) If test results exceed the applicable standard in (a) - (c), above, the owner shall:

(1) Retest for bacteria; and

(2) Post a bacteria advisory provided by the department.

(e) The owner shall post a cyanobacteria advisory provided by the department whenever a cyano-bacteria scum is present in the bathing area that is dominant and represents more than 50% of the algal cell count or the total cell count of cyanobacteria at the beach area is greater than 70,000 total cells/ml of water.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.15 Water Quality for Flow-through Bathing Places.

(a) Water in flow-through bathing places shall meet the bacteriological quality requirements for Class B waters as specified in RSA 485-A:8.

(b) Water flow in a flow-through bathing place shall be a minimum of 2 gallons per minute of water flow per bather, based on the maximum expected bathing load.

(c) Water flow at the rate specified in (b), above, shall be maintained by engineered means if necessary when the bathing place is in use.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.16 PBF Water Circulation.

(a) The owner of a PBF shall operate the circulation system continuously during the operating season.

(b) Circulation shall be adequate to maintain water quality standards as specified in Env-Wq 1105.12 and Env-Wq 1105.13.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.17 Filter Cleaning.

(a) The owner of a PBF shall change or clean and disinfect all cartridge filters when the pressure differential between the influent and effluent lines of the filter reaches 6 pounds per square inch (psi) or the manufacturer's recommended pressure differential, if less than 6 psi.

(b) If no means of measuring the pressure differential is provided, cartridge filters shall be changed or cleaned and disinfected at least once per day.

(c) Cartridge filters also shall be cleaned and disinfected in a concentrated chlorine solution or replaced in response to a violation of Env-Wq 1105.12.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.18 Depth Markers and Float Lines.

- (a) The owner of a PBF shall plainly and conspicuously mark the depth of water in feet at or above the waterline on the vertical wall of the pool or spa at the PBF and on the top of the coping or edge of the deck or walkway next to the pool or spa at the PBF.
- (b) Depth markers on surfaces used for walking shall be slip-resistant.
- (c) Depth markers shall be installed at:
 - (1) The maximum and minimum water depths;
 - (2) All points of slope change; and
 - (3) Intermediate increments of water depth not to exceed 2 feet, nor spaced at distances greater than 25-foot intervals.
- (d) Depth markers on irregularly shaped pools and spas also shall designate depths at all major deviations in shape.
- (e) Depth markers shall be:
 - (1) At least 4 inch in height;
 - (2) Of contrasting color to the background on which they are applied; and
 - (3) Of a permanent nature.
- (f) Any pool at a PBF having depths greater than 5 feet shall have a rope with attached floats placed across the pool one to 2 feet from the 5-foot depth on the shallow side of the break.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.19 Water Surface Area Per Bather.

- (a) The surface area of a swimming pool installed prior to the 2014 effective date of this chapter shall provide not less than 27 square feet of water surface per bather.
- (b) For pools installed on or after the 2014 effective date of this chapter, the following shall apply:
 - (1) In areas of a swimming pool 5-feet deep or less, not less than 15 square feet (sq.ft.) of water surface area shall be provided per bather;
 - (2) In areas of a swimming pool greater than 5 feet deep, not less than 25 sq.ft. of water surface area shall be provided per bather; and
 - (3) For special recreational pools, not less than 25 sq.ft. of splash zone shall be provided per bather.
- (c) The surface area of a spa shall provide not less than 10 square feet of water surface per bather.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.20 Ladders, Recessed Steps, and Stairs for PBFs.

- (a) Subject to (b), below, the owner of a PBF shall provide ladders, steps, and stairs as follows:
 - (1) Where the vertical distance from the bottom of a pool or spa at a PBF to the deck is more than 2 feet, one set of recessed steps or stairs, or a ladder, shall be provided for each 75-foot length of perimeter or portion thereof;

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- (2) Recessed steps or ladders shall be provided at the deep portion of all swimming pools;
- (3) If the swimming pool is more than 30 feet wide, recessed steps or ladders shall be located on each side near the deep end; and
- (4) Subject to (c), below, the leading edge of each stair tread, swim-out, and spa seat or bench shall be outlined with a 2-inch slip-resistant contrasting tile or other permanent marking.

(b) If the owner of a PBF that does not have ladders, steps, or stairs as specified in (a), above, is a political subdivision and its local legislative body has not voted or does not vote to approve funding for compliance with (a), above, and compliance is not fully funded by the state, the owner shall not be required to comply with (a), above.

(c) The owner of a pool or spa that is in operation as of the 2014 effective date of this chapter shall comply with (a)(4), above, only if the pool or spa to which the requirement applies undergoes renovations that otherwise require the pool or spa to be drained to a point where the stair tread, swim-out, or spa seat or bench, as applicable, is no longer under water.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1105.21 Air and Ventilation for Indoor PBFs. Reserved.

Env-Wq 1105.22 Requirements for All Pool or Spa Components.

(a) Subject to (b), below, any pool or spa component installed on or after the 2014 effective date of this chapter, including but not limited to filters, filter media, pumps, skimmers, valves, flow meters, suction fittings, chemical feeders, and automatic controllers, shall be:

- (1) Certified by NSF or a comparable independent testing organization as meeting applicable NSF/ANSI Standard 50 requirements for the specific use for which it is intended and the specific use conditions to which it will be subject; and
- (2) Installed and maintained in accordance with its manufacturer's instructions.

(b) The owner of a pool or spa that is in operation as of the 2014 effective date of this chapter may continue to use replaceable parts, such as filter media, that do not meet (a)(1), above, until such time as the component which uses the replaceable parts fails or is otherwise being replaced.

Source. #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1106 DESIGN AND CONSTRUCTION FEATURES FOR SWIMMING POOLS

Env-Wq 1106.01 Minimum Swimming Pool Dimensions.

(a) As of the 2014 effective date of this chapter, swimming pools at PBFs shall be designed and constructed to meet the dimension standards specified in ANSI/APSP-1 2003 Standard for Public Swimming Pools, available as noted in Appendix B.

(b) A swimming pool installed prior to the 2014 effective date of this chapter shall comply with the plans on which the approval was issued.

(c) A swimming pool approved prior to the 2014 effective date of this chapter but not yet installed shall comply with the approved plans or the standards incorporated in (a), above, at the election of the owner, provided that if the owner elects to install a swimming pool that meets the new standards, the owner shall submit an as-built plan that complies with Env-Wq 1103.06 to the department prior to the pre-operational inspection required by Env-Wq 1103.12.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1106.02 Materials and Methods of Construction for Pools.

(a) The floor and walls of a pool shall be fabricated using a material that is uniform, inert, non-toxic, impervious, and corrosion-resistant, such as poured or pre-formed concrete, concrete blocks, stainless steel, or fiberglass.

(b) The pool floor shall have a non-slip finish.

(c) A pool may be lined, provided the liner is a uniform, inert, non-toxic, impervious material with a non-slip finish.

(d) Subject to (e), below, the floor and walls of the pool below the water line shall be white or a light color having a value of 6.5 or higher on the Munsell color value scale such that an individual standing on the pool deck can identify a bather on the pool bottom, cracks in the surface finish of the pool, and algae growth, debris, or dirt within the pool.

(e) The following components may have a Munsell color value of less than 6.5:

- (1) Lane markings;
- (2) Dedicated competitive diving well floors;
- (3) Step or bench edge markings;
- (4) Water line tiles; and
- (6) Depth change indicator tiles.

(f) Each component of a pool, including all components of the circulation system, shall be installed in accordance with its manufacturer's specifications.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2); ss by #10934, eff 9-19-15

Env-Wq 1106.03 Hydraulic Design: Inlets.

(a) Return inlets shall comply with Env-Wq 1105.22(a)(1).

(b) At least one return inlet shall be provided per 20 gallons per minute (GPM) of total design circulation flow.

(c) Inlets shall be located and directed to provide uniform circulation and uniform disinfectant residual.

(d) Inlets installed in a pool's walls shall be spaced a maximum of 20 feet, center of inlet to center of inlet, around the periphery of the pool.

(e) Inlets installed in a pool's bottom shall be evenly spaced.

(f) The return water flow for each inlet shall not exceed 20 GPM.

(g) The water velocity through each inlet shall not exceed 20 feet per second (fps).

(h) Inlets shall be adjustable to allow for changes in direction of flow.

(i) The flow rate at all inlets shall be balanced, which may be accomplished by connecting the inlets by a continuous loop of pipe.

(j) Inlets shall be designed so as to not constitute a hazard to the user.

(k) Inlets in pools with perimeter overflow systems shall be at least 8 inches below the overflow lip.

(l) In any pool wider than 20 feet, wall inlets shall be permanently directed to half the distance to the longitudinal centerline of the pool.

(m) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1106.04 Hydraulic Design: Pumps, Drains, and Suction Outlets.

(a) Each pump, drain, and suction outlet shall comply with Env-Wq 1105.22(a)(1).

(b) Any pool in operation prior to November 1, 2005 with a single outlet or with 2 drains that are less than 3 feet apart may continue to operate provided each outlet is protected by one or more of the methods or devices specified in ANSI/APSP-7, 2013, available as noted in Appendix B.

(c) If suction outlets are used, a minimum of 2 outlets shall be installed at the lowest point of the pool floor.

(d) Each drain in a suction outlet system shall be:

(1) Connected to a common pipe through a tee configuration located such that the drains are hydraulically balanced; and

(2) Designed to handle a minimum of 100% of the total design circulation flow if all other drains are blocked.

(e) Drains shall be spaced:

(1) Not less than 36 inches and not more than 60 inches apart, center to center, from each other; and

(2) Evenly from the side walls.

(f) Drain suction piping shall:

(1) Be sized to take 100% of the circulation;

(2) Have a minimum nominal pipe size of 2.5 inches when used between multiple drains; and

(3) Be sized to meet the velocity requirements in Env-Wq 1106.06(f).

(g) Each suction outlet in a pool at a PBF shall be protected as required by the VGBA, available as noted in Appendix B.

(h) Each pump shall be equipped with a vacuum and pressure gauge that is separate from the pressure gauge associated with the filter.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1106.05 Hydraulic Design: Skimmers and Overflow Systems.

(a) Each component of a skimmer or overflow system shall comply with Env-Wq 1105.22(a)(1).

(b) The total capacity of all skimmer/overflow systems in any pool shall be at least 100% of the required flow of the circulation system, constructed to provide overflow return around the entire periphery of the pool.

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(c) There shall be one skimmer for 500 square feet of pool surface or fraction thereof and no less than 2 skimmers total.

(d) Skimmers shall:

- (1) Be located so as to maintain effective skimming action over the entire water surface of the pool;
- (2) Have proportioning valves that are adjusted such that the flow rate through the skimmers removes debris from the water surface;
- (3) Have a minimum intake throat width of 5 inches, measured at the weir location;
- (4) Have a weir that adjusts automatically to variations in water level of at least 4 inches; and
- (5) Be installed so that the operating level of the pool is not more than 9 inches below the finished deck level.

(e) No skimmer on a pool installed after the 2014 effective date of this chapter shall be equipped with an equalizer line. If a skimmer installed prior to the 2014 effective date of this chapter is equipped with an equalizer line, the suction outlet shall be fitted with a cover that meets the requirements of ANSI/APSP/ICC-16, 2011, available as noted in Appendix B.

(f) The flow rate through any individual skimmer shall not exceed the maximum flow rate of the skimmer as certified by its manufacturer.

(g) Skimmer piping shall be sized to handle the maximum flow rate for the required number of skimmers, but in no case less than 100% of the design flow rate.

(h) Overflow systems shall be capable of handling 100% of the circulation flow without the overflow troughs being flooded.

(i) Surge capacity equal to or greater than one gallon per square foot of swimming pool water surface area shall be provided either in the system or by use of a surge tank.

(j) The water level of the swimming pool shall be maintained above the level of the overflow rim, except for the time needed to transfer all of the water that may be in the surge capacity back into the swimming pool after a period of use.

(k) Perimeter overflow system piping shall be sized to handle 100% of the design flow rate.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1106.06 Piping.

(a) All visible piping, including waste lines and valves and other fittings, shall be color coded and labeled to identify their purpose and the direction of flow.

(b) Unless otherwise specified in an applicable plumbing or building code or local ordinance, the color coding required by (a), above, shall be as specified in table 1106-1, below:

Table 1106-1: Color Coding for Visible Piping, Valves, and Fittings

Purpose	Color
Potable Water	Dark blue
Skimmer or Gutter	Olive Green
Pool Return	Light blue

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Purpose	Color
Main Drain	Black
Alum	Orange
Chlorine, gas or solution	Yellow
Soda Ash	White
Acid	Pink
Backwash	Dark Brown
Sewer or other wastewater	Dark Gray
Deck Drains	Light Brown
Gas other than chlorine	Red
Compressed Air	Dark Green

(c) If plastic pipe is proposed, a minimum of Schedule 40 rigid PVC or equivalent that can withstand operating pressures shall be used.

(d) Flexible pipe shall not be used for pools.

(e) Flexible PVC hoses that meet NSF Standard 50 may be affixed to spa shells where rigid pipes do not provide the necessary angles to connect circulation components.

(f) Piping shall be designed to carry the required quantity of water at a maximum velocity not to exceed 6 fps for suction piping, and not to exceed 10 fps for discharge piping except for copper pipe where the velocity shall not exceed 8 fps.

(g) Return lines, main drain lines, and surface overflow system lines shall each be equipped with proportioning valves.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1106.07 Filter Systems.

(a) Each component of a filter system shall comply with Env-Wq 1105.22(a)(1).

(b) Each filter system shall include the following:

- (1) A strainer such as a pressure-type sand filter, a diatomaceous earth pressure or suction filter, or a cartridge-type filter;
- (2) A flow meter that also meets the requirements of (c), below;
- (3) A pressure gauge and an air relief valve for each filter;
- (4) A sight glass in each waste line from filter to backwash; and
- (5) A set of instructions for operating and maintaining the system.

(c) Each flow meter installed on a PBF filter system shall be:

- (1) Capable of measuring flows that are at least 1.5 times the design flow rate;
- (2) Accurate within 10% of true flow;
- (3) Located where the operator or an inspector can read the meter in the normal course of operations or during a routine inspection, respectively; and
- (4) Installed in accordance with the manufacturer's specifications.

- (d) Pressure-type sand filters also shall comply with the following:
 - (1) For low-rate rapid sand filters, the flow rate shall not exceed 3 gallons per minute per square foot of filter area;
 - (2) For high-rate rapid sand filters, the flow rate shall not exceed 15 gallons per minute per square foot of filter area; and
 - (3) Back wash flow rates shall be 10 to 15 gallons per minute per square foot of filter area.
- (e) Diatomaceous earth pressure or suction filters shall comply with the following:
 - (1) The flow rate shall not exceed 2.0 gallons per minute per square foot of filter area; and
 - (2) Filter piping shall provide for circulation through the filter only or be capable of selection to discharge to waste.
- (f) For cartridge-type filters, filter flow rates shall not exceed 0.375 gallons per minute per square foot of filter media.
- (g) Filter backwash and wastewater disposal shall be as follows:
 - (1) Sewage shall be discharged into either a public sewer or a subsurface disposal system approved under RSA 485-A:29-44 and Env-Wq 1000;
 - (2) Backwash shall be discharged into a public sewer through an air gap of not less than one inch or into a subsurface disposal system approved under RSA 485-A:29-44 and Env-Wq 1000; and
 - (3) When a pool or spa at a PBF is drained by discharge to a public sewer, the free disinfectant residual shall not exceed 3 mg/L chlorine or bromine.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1106.08 Disinfection Methods.

- (a) Each component of a disinfection system shall comply with Env-Wq 1105.22(a)(1).
- (b) A PBF shall use at least one of the following disinfection methods in order to meet the water quality standards specified in Env-Wq 1105.12 and Env-Wq 1105.13 for each pool or spa at the PBF:
 - (1) A positive displacement pump type disinfection unit providing hypochlorination;
 - (2) A disinfection unit that controls the rate of hypochlorite or bromine tablet erosion; or
 - (3) A salt electrolytic chlorine generator.
- (c) A disinfection unit as specified in (a)(1) or (2), above, shall be capable of feeding at a rate to permit a free residual chlorine concentration of 10 mg/L or a free residual bromine concentration of 22.5 mg/L to be maintained in the pool.
- (d) A salt electrolytic chlorine generator (“ECG”) as specified in (a)(3), above, shall:
 - (1) Have a total dissolved solids (TDS) readout, a low salt indicator, and integrated pH monitoring and management;
 - (2) Have a feed rate that is adjustable from zero to full range;
 - (3) Be capable of providing a chlorine dosage equivalent to 100% of the total daily requirement during peak bather load;
 - (4) Be installed according to manufacturer’s instructions; and

- (5) Maintain the saline content of the pool or spa water in the required range specified by the manufacturer.
- (e) Gaseous chlorine shall not be permitted as a disinfection method.
- (f) Stabilized chlorine or bromine shall not be permitted as a disinfection method for indoor facilities.
- (g) Each disinfection unit and ECG shall be:
 - (1) Installed in accordance with the manufacturer's instructions; and
 - (2) Wired such that the chemical feed equipment cannot operate when circulation flow stops.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1106.09 Turn-over Rates.

- (a) Any swimming pool installed on or after the 2014 effective date of this chapter shall have a minimum circulation flow rate of one pool water turnover every 6 hours.
- (b) For swimming pools installed prior to the 2014 effective date of this chapter, the following shall apply:
 - (1) Any swimming pool with an average water depth of greater than 4 feet shall have a minimum circulation flow rate of one pool water turnover every 8 hours; and
 - (2) Any swimming pool with an average water depth of 4 feet or less shall have a minimum circulation flow rate of one pool water turnover every 6 hours.

Source. #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1107 DESIGN AND CONSTRUCTION FEATURES FOR SPAS

Env-Wq 1107.01 Minimum Spa Dimensions.

- (a) The maximum water depth of a spa shall be 4 feet measured from the water line.
- (b) The maximum depth of any seat or bench in a spa shall be 2 feet measured from the water line.
- (c) The floor slope of a spa shall not exceed one foot in 12 feet.
- (d) Spas shall be provided with suitable handholds around their perimeter in areas where water depths exceed 3 feet 6 inches.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1107.02 Materials and Methods of Construction.

- (a) The selection of all materials for components and accessories to be used in and around spas shall be such that all parts with external surfaces and edges that may come in contact with the user are assembled, arranged, and finished so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact.
- (b) The selection of component and accessory materials to be used in and around spas shall be such that the assembled and installed product shall not be toxic to man or harmful to the environment and shall be chemically compatible with the materials and environment contacted under intended use.
- (c) Spa surfaces shall be smooth, abrasion free, readily cleanable, and slip-resistant where intended for footing.

(d) Each component of a spa, including all components of the circulation system, shall:

- (1) Comply with Env-Wq 1105.22(a)(1); and
- (2) Be installed in accordance with its manufacturer's specifications.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1107.03 Spa Inlets, Outlets, and Pumps.

(a) Inlets for spas shall be arranged so as to provide uniform circulation and uniform disinfectant residual.

(b) A minimum of 2 inlets shall be provided for each spa, with inlets added as necessary to accommodate the designed flow rate.

(c) Spa inlets shall be adjustable to allow for changes in direction of flow.

(d) A minimum of 2 outlets shall be provided for each pump in the spa's circulation system.

(e) The outlets shall be:

- (1) Separated by a minimum of 3 feet or located on 2 different planes;
- (2) Connected to a common pipe through a tee configuration located such that the drains are hydraulically balanced;
- (3) Provided with a cover that complies with ANSI/APSP/ICC-16, 2011, available as noted in Appendix B; and
- (4) Protected as required by the VGBA, available as noted in Appendix B.

(f) Piping of the spa's drain outlet shall be capable of handling 100% of the circulation.

(g) Each pump shall be equipped with a vacuum and pressure gauge that is separate from the pressure gauge associated with the filter.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1107.04 Spa Circulation Systems.

(a) A spa shall be operated with a continuous overflow.

(b) The circulation system of a spa shall be separate from that of any companion pool(s).

(c) The circulation system of a spa shall maintain water quality to the standards specified in Env-Wq 1105.12 and Env-Wq 1105.13.

(d) The flow rate through the spa's skimmers shall be designed to:

- (1) Provide more than 50% of the total turnover rate; and
- (2) For each skimmer, not exceed the maximum flow rate of the skimmer as certified by its manufacturer.

(e) The minimum acceptable width for the intake throat of a skimmer used in a spa, measured at the weir location, shall be 5 inches.

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(f) Where surface skimmers are used as the spa's sole overflow system, one surface skimmer shall be provided for each 100 square feet or fraction thereof of the spa's surface area with no less than 2 skimmers total.

(g) Skimmers used in a spa shall:

- (1) Be located so as to maintain effective skimming action over the entire surface area of the spa; and
- (2) Have proportioning valves that are adjusted such that the flow rate through the skimmers removes debris from the water surface.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1107.05 Spa Filter Requirements.

(a) The filter system for a spa shall meet the same requirements as specified in Env-Wq 1106.07.

(b) A spa shall have a filtration system with piping, pumps, filters, disinfection and other equipment which maintain water quality to the standards of Env-Wq 1105.12 and Env-Wq 1105.13.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1107.06 Disinfection. A spa shall meet the same disinfection requirements as specified in Env-Wq 1106.08.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1107.07 Turn-over Rate. A spa shall be operated so as to circulate, filter, and disinfect the entire volume of spa water no less than once every 30 minutes.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1108 DESIGN AND CONSTRUCTION FEATURES FOR WADING POOLS

Env-Wq 1108.01 Minimum Wading Pool Dimensions.

- (a) The maximum water depth of a wading pool shall be 2 feet measured from the water line.
- (b) The floor slope of a wading pool, if any, shall not exceed one foot in 12 feet.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1108.02 Materials of Construction.

(a) The selection of all materials for components and accessories to be used in and around wading pools shall be such that all parts with external surfaces and edges that may come in contact with the user are assembled, arranged, and finished so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact.

(b) The selection of component and accessory materials to be used in and around wading pools shall be such that the assembled and installed product shall not be toxic to man or harmful to the environment and shall be chemically compatible with the materials and environment contacted under intended use.

- (c) Wading pool surfaces shall be smooth, abrasion free, readily cleanable, and slip-resistant.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1108.03 Wading Pool Inlets and Outlets.

- (a) Each component of a wading pool, including all components of the circulation system, shall:
- (1) Comply with Env-Wq 1105.22(a)(1); and
 - (2) Be installed in accordance with its manufacturer's specifications.
- (b) Non-circulated wading pools shall not be permitted.
- (c) Inlets and drains for wading pools shall provide for uniform circulation and uniform disinfectant residual, in accordance with Env-Wq 1106.03 through Env-Wq 1106.06.
- (d) One inlet shall be provided for each 20 feet of wading pool perimeter, with a minimum of 2 inlets.
- (e) A minimum of 2 drain outlets shall be provided for each pump in the wading pool's circulation system.
- (f) The wading pool's outlets shall be:
- (1) Separated by a minimum of 3 feet or located on 2 different planes;
 - (2) Connected to a common pipe through a tee configuration located such that the drains are hydraulically balanced;
 - (3) Provided with a cover that complies with ANSI/APSP/ICC-16, 2011, available as noted in Appendix B; and
 - (4) Protected as required by the VGBA, available as noted in Appendix B.
- (g) The total velocity through the wading pool's drainage grate openings shall not exceed 1.5 fps.
- (h) Piping of the wading pool's drain outlet shall be capable of handling 100% of the circulation.
- (i) If the circulation system on a wading pool installed prior to November 1, 2005 does not comply with (a) through (g), above, the owner shall close the wading pool until such time as the requirements of (a) through (g), above, are met.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1108.04 Wading Pool Circulation Systems.

- (a) The circulation system of a wading pool shall be separate from that of any companion pool(s).
- (b) Return lines, main drain lines, and surface overflow system lines, shall each be equipped with proportioning valves.
- (c) The flow rate through the wading pool's skimmers shall be designed to:
- (1) Provide more than 50% of the total turnover rate; and
 - (2) For each skimmer, not exceed the maximum flow rate of the skimmer as certified by its manufacturer.

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(d) Skimmers used in a wading pool shall:

- (1) Be located so as to maintain effective skimming action over the entire water surface of the wading pool; and
- (2) Have proportioning valves that are adjusted such that the flow rate through the skimmers removes debris from the water surface.

(e) The minimum acceptable width for the intake throat of a wading pool's skimmer, measured at the weir location, shall be 5 inches.

(f) Where surface skimmers are used as the sole overflow system, one surface skimmer shall be provided for each 100 square feet or fraction thereof of the wading pool's surface area with no less than 2 skimmers total.

(g) The circulation system shall maintain wading pool water quality in accordance with Env-Wq 1105.12 and Env-Wq 1105.13.

(h) Recreational features such as small slides and toy animals placed within a wading pool shall not interfere with the proper water circulation in the wading pool.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1108.05 Wading Pool Filter Requirements

(a) The filter system for a wading pool shall meet the same standards as specified in Env-Wq 1106.07.

(b) The filtration system shall maintain wading pool water quality in accordance with Env-Wq 1105.12 and Env-Wq 1105.13.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1108.06 Disinfection. Wading pools shall meet the same disinfection requirements as specified in Env-Wq 1106.08.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1108.07 Turn-over Rate.

(a) Any wading pool with a maximum water depth greater than 12 inches shall have a minimum circulation flow rate of one pool water turnover per 4 hours.

(b) Any wading pool with a maximum water depth 12 inches or less shall have a minimum circulation flow rate of one pool water turnover per one hour.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1109 DESIGN AND CONSTRUCTION FEATURES FOR SPECIAL RECREATION POOLS

Env-Wq 1109.01 Special Recreation Pool Minimum Dimensions.

(a) The water depth at the end of the flume and for 20 feet minimum straight distance from the end of the flume shall be 3 feet.

(b) A non-slip entrance into and exit from the special recreation pool water shall be provided.

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- (c) There shall be a minimum distance of 5 feet between a slide and the side wall of the receiving pool.
- (d) There shall be a minimum distance of 6 feet between slides that discharge to the same receiving pool.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1109.02 Materials of Construction. Materials for special recreation pools shall be in accordance with Env-Wq 1106.02.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1109.03 Hydraulic Design.

(a) Hydraulic design for special recreation pools shall be in accordance with Env-Wq 1106.03 through Env-Wq 1106.06.

(b) Slide pump intakes shall be in a reservoir separate from the receiving pool.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1109.04 Filter Requirements. Special recreation pools shall meet the same filter requirements as specified in Env-Wq 1106.07 and shall maintain water quality standards as specified Env-Wq 1105.12 and Env-Wq 1105.13.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1109.05 Disinfection. Special recreation pools shall meet the same disinfection requirements as specified in Env-Wq 1106.08.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1109.06 Turn-over Rate. Circulation flow rates shall be one turnover per hour.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1110 DESIGN AND CONSTRUCTION FEATURES FOR THERAPY POOLS

Env-Wq 1110.01 Therapy Pool Minimum Dimensions. Floor configuration for therapy pools may vary due to the variety of depth needs unique to the use of therapy pools.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1110.02 Materials of Construction. Materials for therapy pools shall be in accordance with Env-Wq 1106.02.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1110.03 Hydraulic Design. Hydraulic design for therapy pools shall be in accordance with Env-Wq 1106.03 through Env-Wq 1106.06.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

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Env-Wq 1110.04 Filter Requirements. Therapy pools shall meet the same filter requirements as specified in Env-Wq 1106.07 and shall maintain water quality standards as specified Env-Wq 1105. 10 12 and Env-Wq 1105.13.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1110.05 Disinfection. Therapy pools shall meet the same disinfection requirements as specified in Env-Wq 1106.08.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1110.06 Turn-Over Rates. A therapy pool shall have a minimum circulation flow rate of one pool water turnover per 4 hours.

Source. (See Revision Note #1) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2)

PART Env-Wq 1111 WAIVERS

Env-Wq 1111.01 Purpose. The purpose of this section is to accommodate situations where:

(a) Strict compliance with the requirements in this chapter would result in a design or method of operation that is not in the best interests of public health or the environment; or

(b) An alternative method or material is available that would provide at least the same degree of protection to public health and the environment as the method or material specified.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1111.02 Request for Waiver.

(a) Any owner of a public bathing place who wishes to request a waiver of one or more specific requirements of this chapter shall submit a request for a waiver to the department in writing as set forth in this section.

(b) A request to waive a design requirement shall be submitted with the application filed pursuant to Env-Wq 1103.02 or as soon thereafter as the need for the waiver becomes known to the applicant.

(c) A request to waive an operational requirement may be submitted whenever the owner becomes aware that a waiver is needed.

(d) The waiver request shall include the following:

(1) The name, mailing address, and daytime telephone number of the owner of the public bathing place to which the request relates and, if available, a fax number and email address;

(2) The name, mailing address, and daytime telephone number and, if available, the fax number and email address of the person requesting the waiver, if other than the owner;

(3) Identification of the rule for which a waiver is requested;

(4) A full explanation of why a waiver is necessary, including an explanation of the economic and operational consequences of complying with the rule as written;

(5) For waivers of operational requirements where the owner is not proposing to implement an alternative to the stated requirement, the length of time the owner needs to come into compliance with the stated requirement;

- (6) If the waiver is based on strict compliance with the rule not being in the best interests of public health or the environment:
 - a. An explanation of why strict compliance would not be in the best interests of public health and the environment; and
 - b. A description of any alternative methods, procedures, or designs that will be used in lieu of complying with the rule;
 - (7) If the waiver is based on an alternative method or material being available that would provide at least the same degree of protection to public health and the environment as the method or material specified:
 - a. A description of the proposed method or material; and
 - b. An explanation of why the proposed method or material provides the same degree of protection to public health and the environment as the method or material specified;
 - (8) Supporting data for the proposed alternative(s); and
 - (9) An explanation of how granting the request would be consistent with the criteria specified in Env-Wq 1111.03(c).
- (e) The requestor shall submit the request to the department at the address specified in Env-Wq 1103.02(c).
 - (f) The applicant and the owner, if other than the applicant, shall sign and date the application form.
 - (g) The signature(s) shall constitute certification that:
 - (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
 - (2) The signer understands that:
 - a. The submission of false, incomplete, or misleading information is grounds for denying the waiver request or revoking any waiver that is granted based on the information; and
 - b. That he or she is subject to the penalties specified in RSA 641:3, as reprinted in Appendix E, for making unsworn false statements.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Env-Wq 1111.03 Review of Request; Criteria for Granting Request.

- (a) The department shall review a request for a waiver of a design requirement as part of the review of the application submitted pursuant to Env-Wq 1103.02.
- (b) The department shall review a request for a waiver of an operational requirement within 15 working days of receiving the request.
- (c) The department shall grant a waiver if the department determines that:
 - (1) The requirement is not established in a statute or that the statute which establishes the requirement expressly authorizes waivers to the requirement to be granted; and
 - (2) Granting the waiver will not result in a lower level of protection being afforded to public health or the environment than complying with the rule as adopted.
- (d) The department shall include such conditions in the waiver as are necessary to ensure the criteria of (c), above, are met.

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(e) For operational waivers where the owner is not proposing to implement an alternative to the stated requirement, the department shall specify the expiration date of the waiver.

(f) The department shall notify the owner of the decision on the waiver request in writing. If the request is denied, the decision shall specify the reason(s) for the denial.

Source. #10577, eff 5-1-14 (See Revision Note #2)

Appendix A: State Statutes Implemented

Rule Section(s)	State Statutes Implemented
Env-Wq 1100 (also see specific part below)	RSA 485-A:26
Env-Wq 1111	RSA 541-A:22, IV

Appendix B: Incorporated References

Rule Section(s)	Title, Date	Obtain at:
Env-Wq 1106.01(a)	ANSI/APSP-1, 2003 American National Standard for Public Swimming Pools	The Association of Pool & Spa Professionals (APSP) 2111 Eisenhower Ave. Alexandria, VA 22314
Env-Wq 1106.04(b) Env-Wq 1107.03(f)(2) Env-Wq 1108.03(e)(2)	ANSI/APSP-7, 2013 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins	
Env-Wq 1106.05(f) Env-Wq 1107.03(e)(3) Env-Wq 1108.03(f)(3)	ANSI/APSP/ICC-16 2011 American National Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs	Phone: 703.838.0083 Fax: 703.549.0493 Web: www.APSP.org \$129/copy + S&H
Env-Wq 1106.04(g) Env-Wq 1107.03(e)(4) Env-Wq 1108.03(f)(4)	Virginia Graeme Baker Pool and Spa Safety Act, 2007	Free On-line at http://www.poolsafely.gov

Appendix C: State Statutory Definitions

RSA 141-C:2

VI. “Communicable disease” means illness due to a microorganism, virus, infectious substance, biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, which may be transmitted directly or indirectly to any person from an infected person, animal or arthropod (including insecta or arachnida) or through the vehicle of an intermediate host, vector, or inanimate environment.

RSA 485-A:2

IX. “Person” means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

Appendix D: Additional Definitions

Virginia Graeme Baker Pool and Spa Safety Act - Pub. L. 110-140

Sec. 1403. Definitions.

(7) UNBLOCKABLE DRAIN.—

The term `unblockable drain´ means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

ANSI/APSP-7, 2013

Gravity flow systems are systems that incorporate a receptacle or container as part of a circulation system that is vented to atmosphere and receives water from the pool/spa or water feature by force of gravity, from which the pump draws its water supply. [from definition of vented reservoir]

vented reservoir: A receptacle or container incorporated as part of a circulation system that is vented to atmosphere and receives water from the pool/spa or water feature by force of gravity, from which the pump draws its water supply. Systems including vented reservoirs are commonly referred to as *gravity flow systems*, *gravity feed systems*, or *gravity drainage systems*. Vented reservoirs include but are not limited to the following: catch pools, surge tanks, collector tanks, skimmers open to the atmosphere, atmospheric vent, gutters, overflow gutters, or perimeter gutter systems.