

Public Recreational Bathing FAQ

Please email your questions to prb@doh.nj.gov

LIFEGUARD REQUIREMENTS	2
Lifeguard Requirements – Pools Over 2,000 Square Feet	2
Lifeguard Requirements – Other Criteria.....	2
Lifeguard Requirements – “Specially Exempt” Facilities	2
Lifeguard Requirements – Platforms/Stands.....	2
Lifeguard Requirements – Zone of Protection.....	3
Lifeguard Requirements – Prohibited Activities	3
PERSONNEL TRAINING REQUIREMENTS	4
Personnel Training Requirements – TPO Training Programs.....	4
Personnel Training Requirements – Pool Director Certificate.....	4
WATER SAMPLING	4
Water Sampling – Microbiological Sampling	4
Water Sampling – Sample Hold Time.....	4
Water Sampling – Swimming Lake Requirements	5
OPERATIONAL REQUIREMENTS	5
Operational Requirements – Turnover Rates	5
Operational Requirements – Alterations.....	5
Operational Requirements – Bonding and Grounding	5
EMERGENCY EQUIPMENT.....	6
Emergency Equipment – First Aid Kits	6
Emergency Equipment – AED requirements.....	6
ENFORCEMENT PROCEDURES.....	6
Enforcement Procedures – Inspections	6
Enforcement Procedures – Self-Inspection Checklist	6

Public Recreational Bathing FAQ

LIFEGUARD REQUIREMENTS

Lifeguard Requirements – Pools Over 2,000 Square Feet

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

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

Q: Please clarify 8:26 5.2.d 1 as it appears to be being interpreted as the total area of several pools, can be under 2,000 and have less than 60 bathers, therefore, 1 guard required to guard 2 or 3 pools located somewhat near each other.

A: The above interpretation is incorrect. Each pool is treated separately when evaluating compliance with the swimming pool supervision requirements.

Lifeguard Requirements – Other Criteria

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

A: Yes. As per N.J.A.C. 8:26-5.2 (d) 3 *Additional lifeguards shall be required depending on bather load, bather activities, size, and configuration of the swimming pool, and amount of surface area for shallow and deep water areas, emergencies, and the lifeguard's ability to see bathers.*

Lifeguard Requirements – “Specially Exempt” Facilities

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

A: No, for as long as they maintain the special exempt status. If a “specially exempt” facility chooses to provide lifeguards the facility is no longer considered “specially exempt” by definition, therefore, must fully comply with ALL swimming pool supervision requirements.

Q: Is it possible for a facility to be partially “specially exempt”? For example, a retirement community or an apartment complex that is “specially exempt” during the week but has lifeguards on weekends?

A: A facility is allowed to be “specially exempt” on weekdays and voluntarily compliant on the weekends providing that that is clearly outlined in their aquatics facility plan.

Lifeguard Requirements – Platforms/Stands

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

A: A: Yes, an additional guard stand would be required. As per N.J.A.C. 8:26-5.2 (e), *Lifeguard platforms or stands shall be provided for swimming pools where water surface area is greater than 2,000 square feet, or where there are diving areas, or where the depth of the water is greater than five feet.*

Public Recreational Bathing FAQ

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

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

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

A: Swimming pool:

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

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

Bathing beach:

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

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

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

Lifeguard Requirements – Zone of Protection

Q: What is the definition of zone of protection?

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

Lifeguard Requirements – Prohibited Activities

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

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

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

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

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

A: **Not** in pools with a swimming area larger than 2,000 square feet. Yes, if the swimming area is under 2,000 square feet.

Public Recreational Bathing FAQ

PERSONNEL TRAINING REQUIREMENTS

Personnel Training Requirements – TPO Training Programs

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

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

Personnel Training Requirements – Pool Director Certificate

Q: What is an acceptable Pool Director training course?

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

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

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

WATER SAMPLING

Water Sampling – Microbiological Sampling

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

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

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

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

Water Sampling – Sample Hold Time

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

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

Please contact the Department for more information.

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

Public Recreational Bathing FAQ

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

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

A: The current Public Recreational Bathing rule does not explicitly require for a water sample to be submitted for testing prior to pool opening. However, it is recommended by the Department and is left to the discretion of the local health authority to request that.

Water Sampling – Swimming Lake Requirements

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

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

OPERATIONAL REQUIREMENTS

Operational Requirements – Turnover Rates

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

A: No. For swimming pools that were constructed prior to 2010 the turnover rate requirement is still 8 hours. The pool will be forced to become in compliance with the 6hr turnover rate only when there is an alteration performed on the circulation system. Under special circumstances a local health authority may require the pool to meet the 6-hour turnover rate requirement even if it was constructed prior to 2010. For further assistance please contact your local health authority.

Operational Requirements – Alterations

Q: Does the pool need to meet the new requirements whenever an alteration is performed ?

A: If the goal of the alteration is to replace a broken part it will not fall under the definition of alteration as long as it is a repair – a substitution of like for like. In a true alteration whatever is being altered needs to meet the new requirements.

Operational Requirements – Bonding and Grounding

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

A: A full bonding inspection may not be required to be done annually. The current requirement under 3.13 (a) is that the bonding and grounding certification conforms to the NJUCC and 3.13 (b) the requirement is to provide a copy of the certificate every year which is interpreted as current certification. New certification may not be required every year, it is the intent of the rule to meet not to exceed the NJUCC.

Public Recreational Bathing FAQ

EMERGENCY EQUIPMENT

Emergency Equipment – First Aid Kits

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

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

Emergency Equipment – AED requirements

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

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

Q: Where AED has to be located?

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

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

A: It depends on the configuration, number and distance between the pools. The goal is for an AED unit to be readily accessible in case of an emergency.

ENFORCEMENT PROCEDURES

Enforcement Procedures – Inspections

Q: Are there any changes to inspection frequency?

A: Seasonal pools will receive a minimum of one operational inspection per season and year-round pools will be inspected at a minimum of twice a year. Newly added self-inspection checklist requirement may replace the pre-operational inspection that will normally take place before the opening of all seasonal pools. Self-inspection checklist was designed to provide local health authorities with the mechanism to prioritize the inspection workload.

Self-checklist must be provided to the local health authority 21 days prior to opening and must be approved or disapproved by the local health authority within 10 days from the receipt. All newly constructed swimming pools must receive a pre-operational inspection before opening.

Enforcement Procedures – Self-Inspection Checklist

Q: Can I submit the self-inspection checklist in March before I open the pools? That way it gives the communities extra time before opening to come in compliance in case they are disapproved at first.

A: The Department established that the checklist should not be submitted too far in advanced before the opening of the pool. A facility may contact their local health authority to obtain further guidance.

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

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