

OKANOGAN COUNTY PUBLIC HEALTH
WATER RECREATION FACILITIES REGULATION

Adopted August 09, 2005



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SECTION ONE: AUTHORITY

The following rules and regulations are adopted by the Okanogan County Board of Health pursuant to the authority vested in it by RCW Chapter 70.90, RCW Chapter 35.05, Chapter 246-10 WAC, Chapter 246-260 WAC and Chapter 246-262 WAC.

SECTION TWO: SCOPE AND PURPOSE

These regulations are adopted to protect the health and safety of the public using permitted Water Recreational Facilities located in Okanogan County and to assist operators of such facilities in achieving this goal.

SECTION THREE: DEFINITIONS

The following definitions shall apply in the interpretation of these rules and regulations.

- 3.01. "Administrator" shall mean the administrator of Okanogan County Public Health appointed by the Board.
- 3.02. "Board" shall mean the Okanogan County Board of Health.
- 3.03. "Closure" shall mean that no person shall use any water recreation facility or portion thereof as ordered by the health official, but does not include suspension of the permit to operate.
- 3.04. "DOH" shall mean the Washington State Department of Health
- 3.05. "Officer" shall mean the Okanogan County Health Officer or his/her authorized representative. Okanogan County Public Health staff working in their official capacity are authorized representatives of the health officer.
- 3.06. "Health "Permit" shall mean the written authorization by the Health Officer for a water recreation facility to operate.
- 3.07. "Person" shall mean any individual, partnership, corporation, association, or other legal entity or agency of state, county, or municipal government, or agency of the federal government which is subject to the jurisdiction of the state.
- 3.08. "PPM" shall mean parts per million.
- 3.09. "Water recreation facility (WRF)" shall mean any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenance. The term includes, but is not limited to:
 - (a) Conventional swimming pools, wading pools and spray pools;
 - (b) Recreational water contact facilities as defined under RCW 70.90.110 and regulated under chapter 246-262 WAC.
 - (c) Spa pools and tubs using hot water, cold water, mineral water, air induction or hydrojets.

SECTION FOUR: ADOPTION OF REGULATIONS AND REQUIREMENTS

- 4.01. These rules and regulations do hereby adopt as minimum requirements, WAC 246-260 "Water Recreation Facilities" adopted October 31, 2004, and WAC 246-262 "Recreational Water Contact Facilities" adopted July 2, 2003, and any subsequent amendments to these regulations. If standards set herein are different than state regulations, the stricter of the two shall apply. Copies of WAC 246-260 and WAC 246-262 and the Okanogan County Public Health Regulations for WRF shall be kept on file at the Okanogan County Public Health office and made available to the public upon request.
- 4.02. These regulations shall be enforced by the health officer.

SECTION FIVE: PERMIT

- 5.01. No person shall operate a WRF without a valid permit issued by Okanogan County Public Health
- 5.02. Operating permits shall be:
 - (a) Valid for one year
 - (b) Subject to annual renewal
- 5.03. A fee will be charged for the permit as authorized in RCW 70.90.150 and as set by the Board in the current Okanogan County Public Health Fee Schedule.
- 5.04. The permit shall be nontransferable.
- 5.05. Persons planning to install, construct, alter, or modify a WRF, except for routine maintenance, shall submit plans to the DOH when the WRF serves a facility licensed by the DOH, or that serves fifteen or more residential units, or the facility is owned by a municipality, or when the WRF otherwise falls under the authority of RCW 70.90.120. OCPH shall not issue a permit to a WRF requiring such a plan review until the DOH plan review process is completed.
- 5.06 These regulations shall not apply to any water recreation facility constructed, placed or maintained for the sole use of residents and invited guests at a single family residence. Such water recreation facilities shall be exempt from permitting and inspection requirements.

SECTION SIX: INSPECTIONS

- 6.01. The routine inspection of permitted facilities is to ensure compliance with these regulations and WAC 246-260, "Water Recreation Facilities" and WAC 246-262, "Recreational Water Contact Facilities".
- 6.02. Inspections of a WRF shall be performed as often as is necessary in the opinion of the Administrator, to ensure compliance with these regulations.
- 6.03. If any condition could affect the health, safety or welfare of the users of the water recreation facility, the health official may require immediate corrective action as appropriate.
- 6.04. Any violation cited under inspection item numbers 110, 111, 120, 121, 122, 210, 211, 220, 221, 400, 500, 800, 810, 830, 840, 850, 900, 1030, 1300, 1700, 1710, 2400, 2500, 3200, 3800, 3810, 3820, 4200, 4210, 4300, 4400, 5000, 5110 or 5500 of the Water Recreation Facility Inspection Form attached hereto, and by this reference adopted herein as Appendix B, will be cause for a reinspection within 30 days following the routine inspection. (Exceptions will be those items listed in Table 1 and Appendix A, attached hereto and by this reference included herein, Closure and Reopening of pool facilities.)
- 6.05. If the reinspection for the specified red and/or white category items of the inspection report form as set forth in Appendix B reveals no repeat violation(s), the facility is returned to routine inspection status.
- 6.06. A fee will be charged for each reinspection as set by the Board in the current Okanogan County Public Health Fee Schedule
- 6.07. The health officer has the authority to issue citation(s) to any person violating these regulations.

SECTION SEVEN: CLOSURE

- 7.01. Those items and conditions listed in Table 1 and Appendix A are deemed severe enough to be cause for immediate closure and/or corrective action as required by the health official.
- 7.02. When a routine inspection or reinspection results in closure of any or all portions of a water recreation facility, the following shall occur prior to the operator resuming operation of said portions of the facility:
 1. The health official must receive, in writing, a list of any and all corrections made to the facility to attain compliance, and a request for reinspection of the facility. All written request must be delivered in person to Okanogan County Public Health during normal working hours and the reinspection fee paid.
 2. The health official must reinspect the facility within two working days of receipt of such request and leave a written report with the operator indicating whether the corrections made are satisfactory. If so, the facility is then returned to routine status.
 3. If the reinspection reveals noncompliance then the closure remains in effect, and the permit may be suspended.

SECTION EIGHT: SUSPENSION OF PERMIT

- 8.01. A health official shall immediately suspend the water recreation facility permit to operate if the facility continues to operate after being advised to cease operation.
- 8.02. A permit will be considered suspended in accordance with WAC 246-260-211 or WAC 246-262-120 by serving, in person or by certified mail to the last known address, a suspension order to the person in charge or the permit holder.

When a health official suspends a water recreation facility permit to operate and there is no operator on site, the health official shall post the water recreation facility as CLOSED prior to leaving the facility. Reasonable attempts shall be made by the health official to notify the operator of the suspension.

SECTION NINE: REVOCATION OF PERMIT

- 9.01. When a water recreation facility has had two permit suspensions within a two-year period, the Health Officer may consider permit revocation in accordance with WAC 246-260-211 or WAC 246-262-120.

SECTION TEN: CIVIL PENALTY

- 10.01. In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person or establishment who violates this regulation or by each act or commission or omission procures, aids or abets such violation, may be assessed a civil penalty not to exceed fifty dollars (\$50.00) for each day of continuous violation to be directly assessed by the Administrator until such violation is corrected. The per diem penalty shall double for the second separate violation and triple for the third and subsequent separate violations of the same regulation within any five (5) year period.

SECTION ELEVEN: CRIMINAL PENALTY

11.01. In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person who violates this regulation or by each act of commission or omission procures, aids or abets such violation, shall, upon conviction, be guilty of a misdemeanor. For purposes of this regulation, each section violated shall constitute a separate and distinct offense, and each day's violation shall constitute a separate and distinct offense. Penalty, upon conviction, shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

SECTION TWELVE: SEVERABILITY

12.01. Should any section, paragraph, clause, or phrase of these rules and regulations be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of said rules and regulations shall not be affected thereby.

TABLE 1

VIOLATION REQUIRING IMMEDIATE CLOSURE

| Inspection Item # | Condition requiring closure |
|--------------------------|---|
| 110, 120 | Water Quality - See Appendix A |
| 210, 220 | pH - < 6.8 or > 8.2 |
| 400 | Clarity - pool bottom or main drain not visible |
| 500 | Temperature - >106 deg. F. |
| 800, 810, 830, 840, 850 | Barriers - none or not effective |
| 900 | Main drain grate - none, broken, not secured |
| 1700, 1710 | Pumps and filters - improperly or not operating |
| 3800 | Lifeguard - none present if required. |

< = "less than"
> = "greater than"
≥ = "greater than or equal to"

APPENDIX A - POOLS

ACTION LEVELS FOR DISINFECTANTS (levels
are noted in ppm)

WAC 246-260-999 Appendix A-Water quality standards.

Table 111.1 Minimum and Maximum Levels of Disinfectant (ppm) *

| SWIMMING POOL: *** | Minimum |
|----------------------------------|----------------|
| Chlorine | 1.5 |
| Chlorine with cyanurate compound | 2.0 |
| Bromine | 2.5 |
| <hr/> | |
| SPA & WADING POOL *** | Minimum |
| Chlorine | 3.0 |
| Chlorine with cyanurate compound | 3.5 |
| Bromine | 4.0 |

- * Chlorine is measured as free available chlorine residual.
- ** Recirculating spray pools and sensory deprivation tanks shall meet spa and wading pool levels.
- *** The maximum disinfectant level shall conform with manufacturers' recommendations and shall not exceed 10 ppm for any pool.

APPENDIX B

WATER RECREATION FACILITIES INSPECTION FORM

APPENDIX C

GUIDANCE FOR INTERPRETATION OF ITEMS ON THE WATER RECREATION FACILITIES INSPECTION FORM