

CHAPTER Env-Wq 1100 PUBLIC BATHING PLACES

Statutory Authority: RSA 485-A:6, X; RSA 485-A:26; RSA 485-A:26-a; RSA 541-A:16, I

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 replaced 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"
- Env-Wq 1102.40 "Pool or spa"
- 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 replaced 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.

REVISION NOTE #3:

Document #13198, effective 5-1-21, adopted or readopted with amendments all of the rules in Chapter Env-Wq 1100. These changes included extensive renumbering of most of the existing rules within Chapter Env-Wq 1100 as indicated in the source notes. Document #13198 replaces the prior filing for rules in the former

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Chapter Env-Wq 1100 in Document #10577, which had been effective 5-1-14.

Document #13198 readopted with amendments Part Env-Wq 1101 through Env-Wq 1103, including the addition of the following definitions in Part Env-Wq 1102 as amendments:

- Env-Wq 1102.06 “Certified pool operator”
- Env-Wq 1102.16 “Daytime telephone number”
- Env-Wq 1102.23 “Electronic portal”
- Env-Wq 1102.26 “Establishment”
- Env-Wq 1102.37 “Operating volume”
- Env-Wq 1102.44 “Pool”
- Env-Wq 1102.52 “Re-entrainment”
- Env-Wq 1102.58 “Steps”
- Env-Wq 1102.59 “Substantial modification”
- Env-Wq 1102.61 “Swimming area”
- Env-Wq 1102.69 “Underwater shelf”

The former Env-Wq 1102.26 defining “Flow Meter” was also renumbered as Env-Wq 1102.28. The former Env-Wq 1102.33 defining “Operator” was readopted with amendment and renumbered as Env-Wq 1102.45 defining “Pool Operator.”

Document# 13198 also added the following rules to Part Env-Wq 1103:

- Env-Wq 1103.13 Transfer of PBF Ownership: Responsibilities of Prior Owner.
- Env-Wq 1103.14 Transfer of PBF Ownership: Responsibilities of New Owner.

These additions necessitated the renumbering of the former Env-Wq 1103.13 Suspension or Revocation of Approvals. as Env-Wq 1103.15.

Document #13198 adopted the following new Parts in Chapter Env-Wq 1100:

- PART Env-Wq 1104 REGISTRATION
- PART Env-Wq 1105 PBF SELF-CERTIFICATION OF COMPLIANCE
- PART Env-Wq 1106 CERTIFIED POOL OPERATOR TRAINING REQUIREMENT
- PART Env-Wq 1114 PBF EMERGENCY CLOSURE PROCEDURE
- PART Env-Wq 1115 EQUIVALENT PROGRAMS

The adoptions necessitated the renumbering of the former Part Env-Wq 1104 through Part Env-Wq 1110 as Part Env-Wq 1107 through Part Env-Wq 1113 and the renumbering of the former Part Env-Wq 1111 as Part Env-Wq 1116.

PART Env-Wq 1101 PURPOSE; 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;
- (c) Ensure that public bathing places are maintained and operated safely for patrons; and
- (d) Implement:

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- (1) RSA 485-A:26, II(b) relative to registration of PBF establishments;
- (2) RSA 485-A:26-a relative to PBF compliance self-certification;
- (3) RSA 485-A:27, II relative to emergency closures;
- (4) RSA 485-A:27-a relative to certified pool operators; and
- (5) RSA 485-A:26, IV relative to equivalent municipal programs.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1101.02 Applicability; Potential Conflicts.

(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 or standard incorporated by reference conflicts with any other applicable requirement or local ordinance, the requirement that is most protective of public health shall apply.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.02 “Automated 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100) ; ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100) ; ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.06 “Certified pool operator” means a pool operator who meets the qualifications established in RSA 485-A:27-a, I, reprinted in Appendix E.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.07 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.06) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.08 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.07) (see Revision Note #3 at chapter heading for Env-Wq 1100)

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Env-Wq 1102.09 “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 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.08) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.10 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.09) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.11 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.10) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.12 “Communicable disease” means “communicable disease” as defined in RSA 141-C:2, VI, as reprinted in Appendix C.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.11) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.13 “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 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.12) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.14 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.13) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.15 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.14) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.16 “Daytime telephone number” means the 10-digit telephone number at which the holder of the number can be reached during normal business hours.

Source. #13198, eff 5-1-22 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.17 “Deck” means the area immediately adjacent to or attached to a pool or spa that is specifically constructed for use by patrons for sitting, standing, or walking.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.15) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.18 “Department” means the New Hampshire department of environmental services.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.16) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.19 “Design flow rate” means the rate of flow used for design calculations in a system.

Source. (See Revision Note #2 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.17) (see Revision Note #3 at chapter heading for Env-Wq 1100)

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Env-Wq 1102.20 “Designated beach” means a public bathing place that comprises an area on the shore of a surface water, the adjacent surface water, 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 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.18) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.21 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.19) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.22 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.20) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.23 “Electronic portal” means an electronic reporting system designed and intended to be used for submitting documents related to the public bathing place program to the department by electronic means.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.24 “*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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.21) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.25 “*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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.22) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.26 “Establishment” means a location that has one or more public bathing places including but not limited to, 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.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.27 “Fence” means a structural safety boundary intended to prevent unauthorized entry from the outside, not intended to be sat on, walked on, or climbed on or over.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.23) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.28 “Flow meter” means a device that measures the rate of flow of water through piping.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.26) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.29 “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.

Source. (See Revision Note #2 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.24) (see Revision Note #3 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.24) (see Revision Note #3 at chapter heading for Env-Wq 1100)

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Env-Wq 1102.30 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.25) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.31 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.27) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.32 “Gravity flow system” means “gravity flow system” as described in ANSI/APSP/ICC-7, 2013, reprinted in Appendix D.

[Source.](#) (See Revision Note #2 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.28) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.33 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (from Env-Wq 1102.23); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.29) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.34 “Hose bib” means a valve with a threaded connection that is used as a hose connection.

[Source.](#) (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.30) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.35 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.31) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.36 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.32) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.37 “Operating volume” means the volume of treated water that will be recirculated, that is contained within the pool envelope as measured from the horizontal centerline of the skimmer or top lip of the perimeter overflow system, as applicable, that includes water held in surge, balance or collection tanks, vented reservoirs, and transit pipes, and that accounts for areas created by benches, steps, foot wells, recessed stairs, underwater shelves, and other such areas.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.38 “Owner” means the person who is legally responsible for ensuring compliance with applicable requirements.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.34) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.39 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.35) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.40 “Patron” means any individual using a public bathing place, regardless of whether the individual enters the water.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.36) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.41 “Person” means “person” as defined in RSA 485-A:2, IX as reprinted in Appendix C.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.37) (see Revision Note #3 at chapter heading for Env-Wq 1100)

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Env-Wq 1102.42 “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 #2 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.38) (see Revision Note #3 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.38) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.43 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.39) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.44 “Pool” means “pool” as defined in RSA 485-A:26, I(a), reprinted in Appendix C.

Source. #13198, eff 5-1-21 (formerly (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.45 “Pool operator” means the individual who has responsibility for the daily operation of a public bathing facility and who is trained in the sanitation, safety, and proper maintenance of the public bathing facility and all physical and mechanical equipment associated therewith.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.46 “Pool or spa” means a water-containing structure at an establishment.

Source. (See Revision Note #2 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.40) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.47 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100) ; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.41) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.48 “Primary water contact” means full body contact with water, with or without incidental ingestion of water.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100) ; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.42) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.49 “*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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.43) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.50 “Public bathing facility” means “public bathing facility” as defined in RSA 485-A:26, I(b), reprinted in Appendix C.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.44) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.51 “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 and does not include any non-recirculating structure that uses potable water as its sole water source.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.44) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.52 “Re-entrainment” means the capture of exhaust gases from a source by the air intake system for the source.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.53 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.46) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.54 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.47) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.55 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.48) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.56 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.49) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.57 “Stabilized chlorine” means an organic compound that reacts with water to form available chlorine and cyanuric acid, such as sodium dichloro-s-triazinetrione (dichlor) or trichloro-s-triazinetrione (trichlor).

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.50) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.58 “Steps” means a series of horizontal surfaces used to ascend or descend. The term includes “stairs.”

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.59 “Substantial modification” means changes to a pool or spa, other than those required for maintenance, that affect operating volume, pool drain or skimmer sizing, perimeter piping replacement, pump size, filtration capacity, or drain disablement.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.60 “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 #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.51) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.61 “Swimming area” means:

- (a) For a pool, the area inside the perimeter of a swimming pool that contains the operating volume; or
- (b) For a designated beach or flow-through bathing place, the area delineated by ropes or other means as being available for swimming, wading, and other water contact activities.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.62 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.52) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.63 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.53) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.64 “Total chlorine” means the sum of free available chlorine and combined chlorine.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.54) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.65 “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 #2 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.55) (see Revision Note #3 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.55) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.66 “Turbidity” means the measure of suspended materials in water, which can obscure visibility, reported in nephelometric turbidity units (NTUs).

Source. (See Revision Note #2 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.56) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.67 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.57) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.68 “Unblockable drain” means “unblockable drain” as defined in the Virginia Graeme Baker Pool and Spa Safety Act, reprinted in Appendix D.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.58) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.69 “Underwater shelf” means a flat, shallow area of a pool that adjoins the pool wall below the surface of the water, typically used for lounging, sitting, and playing in shallow water. The term includes “swim-out”, “sun shelf”, “Baja shelf”, “tanning ledge”, and “tanning shelf”.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.70 “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 at chapter heading for Env-Wq 1100) #10577, eff 5-1-14; ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.59) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.71 “Wading pool” means a water-containing structure that has a maximum depth of 2 feet.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.60) (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1102.72 “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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (formerly Env-Wq 1102.61) (see Revision Note #3 at chapter heading for Env-Wq 1100)

PART Env-Wq 1103 APPROVALS

Env-Wq 1103.01 Approval of Public Bathing Places Required.

(a) As specified in RSA 485-A:26, II(a), no person shall construct or install, operate, or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, or a public bathing facility unless the construction, design, and physical specifications of such pool or bathing place have received prior approval from the department.

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

(c) Subject to (d), below, the owner of a public bathing facility (PBF) that has been closed for 12 months or longer shall apply for approval in accordance with this part prior to reopening the PBF for public use.

(d) If a publicly-owned year-round pool was closed, or if a publicly-owned seasonal pool was not opened, due to a public health emergency, then in lieu of the application required by (c), above, the public entity that owns the pool shall submit:

- (1) A registration in accordance with Env-Wq 1104 if one has not already been submitted; or
 - (2) If a registration has already been submitted, a notice of intent to re-open in accordance with (e)-(f), below.
- (e) A notice of intent to re-open submitted pursuant to (d)(2), above, shall include:
- (1) The name of the public entity that owns the pool;
 - (2) The location of the pool by street address and municipality;

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- (3) The name, title, daytime telephone number, and email address of a contact for purposes of the notification;
 - (4) The date the pool was last closed; and
 - (5) The date the pool is expected to re-open.
- (f) The notice of intent to re-open shall be submitted to the department:
- (1) By sending it electronically to pools@des.nh.gov; or
 - (2) By sending or delivering it to:

DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: PBF Program Manager

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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) A “PBF Permit Application”, NHDES-W-07-056, dated February 2021, on the form available via the department’s website at www.des.nh.gov, that contains or is supplemented by the information specified in Env-Wq 1103.03 through Env-Wq 1103.05 and is signed as specified in (e) and (f), below;
- (2) Plans and specifications as specified in Env-Wq 1103.06; and
- (3) The fee required by RSA 485-A:26, II(a).

(b) The applicant shall submit the materials required by (a), above, to the department using an electronic portal, which when available will be accessible via www.des.nh.gov, or at the following address:

DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: PBF Program Manager

(c) 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 “Public Beach Application”, NHDES-W-07-043, dated January 2021, or “Flow-Through Bathing Place Application”, NHDES-W-07-044, dated January 2021, as applicable, obtained from the department’s website at www.des.nh.gov, that contains the information specified in Env-Wq 1103.07 and is signed as specified in (e) and (f), below;

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- (2) The information specified in Env-Wq 1103.09; and
- (3) Specifications and dimensions as specified in Env-Wq 1103.08, on the plans specified in Env-Wq 1103.10.

(d) The applicant shall submit the materials required by (c), above, to the department using an electronic portal, which when available will be accessible via www.des.nh.gov, or at the following address:

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

- (e) The applicant and the owner, if other than the applicant, shall sign and date the application form.
- (f) 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
 - 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.03 PBF Application: Site and Contact Information. The applicant shall provide the following information:

- (a) The name of the establishment at which the PBF will be located;
- (b) The street address, municipality, and zip code where the PBF will be located and the establishment's daytime telephone number;
- (c) The name, company, daytime telephone number, and email address of the primary contact for purposes of inspections, billing, and enforcement;
- (d) The name, company, mailing address, email address, and daytime telephone number of:
 - (1) The owner of the PBF;
 - (2) The PBF designer;
 - (3) The PBF installer, if known at the time the application is submitted; and
 - (4) The general contractor, if applicable and known at the time the application is submitted;

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(e) The name, company, NH license number, license expiration date, email address, and daytime telephone number of the professional engineer responsible for the plans;

(f) The type of PBF for which approval is being requested, and if the PBF is a special recreation pool, the type of special recreation pool;

(g) Whether the PBF will be used seasonally or year-round; and

(h) Whether the PBF will be an indoor or outdoor facility, or both.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.04 PBF Application: Specifications. The applicant shall provide the following information regarding the pool or spa specifications:

(a) The operating volume of the pool or spa, in gallons;

(b) Materials of construction;

(c) The shape of the pool or spa and measurements, in feet and inches, of the following pool or spa dimensions:

(1) The depth from operational water level at the shallow end;

(2) The depth from operational water level at the break in depth between the shallow and deep portions of a swimming pool;

(3) The depth from operational water level at the wall of the deep end or 12 inches out from that wall, whichever is deeper;

(4) The maximum depth from operational water level at the deep end;

(5) The depth of any underwater shelves in a pool or the seat or bench in a spa;

(6) The perimeter, length, and width of the pool or spa; and

(7) For a pool, the distance from the edge of each slide to the side walls;

(d) The surface area of the pool or spa, in square feet;

(e) The slope, in feet per feet, of:

(1) The bottom of the shallow end;

(2) The transition between the shallow and deep end; and

(3) The bottom of the deep end;

(f) Details of the deck area showing compliance with Env-Wq 1108.08(b);

(g) Information on the system's hydraulics, as follows:

(1) The designed flow rate of the circulation system in gallons per minute, which for multiple filtration systems shall represent the combined flow;

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- (2) A calculation of the designed turnover time, in hours, based on the operating volume of the pool or spa and the designed flow rate;
 - (3) Calculation of total dynamic head;
 - (4) The type, number, and location of water inlets;
 - (5) Whether skimmers will be used, and if so, the number of skimmers, with the location of skimmers shown on the plans submitted pursuant to Env-Wq 1103.06(c); and
 - (6) Whether there is a perimeter overflow system, also known as a gutter; and
 - (7) Whether a surge tank, balance tank, or collection tank is used, and if so the total capacity and operating volume of the tank in gallons;
- (h) Information on submerged suction outlets, other outlets, and outlet covers, as follows:
- (1) The number and location of submerged suction outlets, whether they are direct suction or indirect suction, sometimes called gravity, and the manufacturer and model of the outlets;
 - (2) The dimensions of each outlet, including open surface area of the cover in square inches;
 - (3) Maximum outlet cover rating, stated in gallons per minute, of wall outlets and of floor outlets;
 - (4) The calculated velocity, stated in feet per second, of water passing through each outlet cover;
 - (5) The diameter, in inches, and schedule of all suction outlet piping, including branch outlet piping connecting sumps, with the piping shown on the plans submitted pursuant to Env-Wq 1103.06(c); and
 - (6) Whether there is a dedicated vacuum line;
- (i) Information on flow measurement, as follows:
- (1) The flow meter manufacturer and model;
 - (2) The range of the flow meter; and
 - (3) Confirmation that vacuum and PSI gauges will be installed at the circulation pump;
- (j) Information on pumps, including the number and type of pumps for filters, boosters, features, and any others, and for each:
- (1) The manufacturer and model of the pump;
 - (2) The horsepower of the pump;
 - (3) The maximum pump circulation rate, in gallons per minute; and
 - (4) The number of suction outlets for each pump;
- (k) Information on the filter system, including:
- (1) The type and quantity of filter(s);
 - (2) The manufacturer and model of the filter;
 - (3) The total filter area, in square feet; and
 - (4) The filtration rate, in gallons per minute per square foot of filter area;

- (l) Information on the disinfection system that will be used, including:
 - (1) The type of primary disinfection system, the type of product, and the method of delivery;
 - (2) The manufacturer and model of the disinfection unit and manufacturer's specifications on the disinfection unit submitted with the plans submitted pursuant to Env-Wq 1103.06(c);
 - (3) The capacity of the disinfection unit, in pounds per day;
 - (4) For a salt disinfection unit, the number of cells, with the piping configuration if more than one being shown on the plans submitted pursuant to Env-Wq 1103.06(c);
 - (5) Whether the unit has an automated controller, and if so the manufacturer and model of the controller; and
 - (6) Whether the disinfection system is interlocked with the pump as required by Env-Wq 1109.08;
- (m) Whether there is any supplemental water treatment system and if so, the type of system and manufacturer and model of the system;
- (n) The type(s) of entrapment avoidance methods used, with the manufacturer and model of each device and specifications for each method submitted with the plans submitted pursuant to Env-Wq 1103.06(c); and
- (o) Documentation that all components meet the requirements of Env-Wq 1108.22(a)(1), submitted with the plans provided pursuant to Env-Wq 1103.06.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.05 PBF Application: Other Required Information. The applicant also shall provide the following information regarding pool or spa operations and safety:

- (a) Information on emergency equipment, including whether there are or will be:
 - (1) For pools:
 - a. A 12-foot pole with body hook as required by Env-Wq 1107.06(a)(1);
 - b. A type IV rescue flotation device as required by Env-Wq 1107.06(a)(2); and
 - c. Whether there is or will be a rope with floats at the break point in a pool as required by Env-Wq 1108.18(f), if applicable;
 - (2) A first aid kit as required by Env-Wq 1107.06(a)(3);
 - (3) Depth markers on the deck and vertical walls as required by Env-Wq 1108.18; and
 - (4) For spas, a functioning clock that is visible to each spa;
- (b) Information on signage, including:
 - (1) Whether there are or will be "No Lifeguard" signs at all points of access as required by Env-Wq 1107.02(c), if there will be no lifeguard or other individual to enforce safety standards;

- (2) Whether patron safety rules are or will be posted as required by Env-Wq 1107.04(a)(2) or Env-Wq 1107.04(e)(2), as applicable;
- (3) Whether there is a phone or a sign identifying the nearest location of a phone as required by Env-Wq 1107.04;
- (c) For outdoor PBFs, confirmation that the security fencing and self-closing, self-latching gates meet the requirements specified in Env-Wq 1108.08(a);
- (d) The anticipated maximum bather load;
- (e) Information on the availability of toilet and shower facilities as specified in Env-Wq 1108.04 and Env-Wq 1108.01, respectively;
- (f) 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 municipality of the water supply; and
 - (3) Whether water service to the PBF meets the requirements of Env-Wq 1108.10;
- (g) Whether sewage and other wastewater, exclusive of filter backwash and pool drainage, will be discharged into a public sewer or a subsurface disposal system approved under RSA 485-A:29-44 and Env-Wq 1000;
- (h) Whether the filter will be backwashed;
- (i) Confirmation that the discharge or disposal of filter backwash and pool drainage meets the requirements of Env-Wq 1109.07(g); and
- (j) Information on the air-handling system to show compliance with Env-Wq 1108.21.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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

- (a) Be prepared or reviewed by a professional engineer licensed in the state of New Hampshire pursuant to RSA 310-A to confirm compliance with the design requirements of Env-Wq 1100;
- (b) Be stamped by the engineer who prepared or reviewed them, which stamp shall serve to certify that the pool shown on the plans complies with the design requirements of Env-Wq 1100; and
- (c) Include:
 - (1) A plan to scale of the layout of buildings, pool(s), spa(s), deck area, rest rooms, showers, equipment room, and location of backflow prevention and water supply;
 - (2) A plan to scale of the pool or spa showing all dimensions, ladders, slides, stairs, underwater shelves, benches, lights, and shut-off switches;

- (3) A longitudinal section to scale of the entire pool or spa and a cross-section to scale of the deep end showing dimensions, depths, and slopes;
- (4) A detailed schematic of the entire PBF piping system, with all pipe diameters shown and all piping labeled and marked to indicate the direction of water flow. including:
 - a. The size, location, and material of piping;
 - b. Configuration of wall and floor inlets, skimmers, and perimeter overflows;
 - c. Submerged suction outlets;
 - d. Surge, balance, or collection tanks;
 - e. Vacuum lines;
 - f. Hydrotherapy jets;
 - g. Fill spout;
 - h. Deck drains; and
 - e. Wastewater disposal;
- (5) A detailed layout or schematic of the equipment room showing the location, size, material, and configuration of all exposed piping, all pumps, all filter and disinfection system components, heaters, valves, manifolds, gauges, meters, anti-entrapment devices, and all other appurtenances as applicable, with all components labeled, pipe diameters noted, and all piping labeled and marked to indicate direction of water flow.
- (6) Cut sheets for all equipment showing that all components are certified to NSF/ANSI 50 requirements as required by Env-Wq 1108.22(a)(1);
- (7) Specifications of the pump, including a pump performance curve showing gallons per minute versus total dynamic head to show that the maximum flow rate of the pump allowing for total dynamic head does not exceed the rating of the main drain cover/grate;
- (8) Specifications of the filtration components, disinfection components including automated controllers, and anti-entrapment system components; and
- (9) Documentation showing that the discharge site for any outdoor shower or filter backwash discharge is approved by the department as required by Env-Wq 1109.07(g).

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.07 Application for Approval of Designated Beach or Flow-through Bathing Place. The information required by Env-Wq 1103.02(c)(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 where the beach or flow-through bathing place will be located; and

- (d) The name, mailing address, and daytime telephone number of:
 - (1) The owner of the beach or flow-through bathing place; and
 - (2) The contractor, if known at the time the application is filed.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.08 Specifications and Dimensions for Designated Beaches or Flow-through Bathing Places. The specifications required by Env-Wq 1103.02(c)(3) 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 swimming area or at the float line;
- (c) The surface area of the swimming area, in square feet;
- (d) The maximum expected bather load and whether the beach or flow-through bathing place will have one or more lifeguards; 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 Shoreland Water Quality Protection Act.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.09 Other Required Information for Designated Beach or Flow-through Bathing Place Application. The information required by Env-Wq 1103.02(c)(2) shall be as follows:

- (a) The location of the nearest toilet facilities per Env-Wq 1108.04, if any;
- (b) Information on the water quality for the swimming 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.10 Plans Required for Designated Beach or Flow-through Bathing Place Application. The plans required by Env-Wq 1103.02(c)(3) shall be as follows:

- (a) A simple layout to scale or with dimensions shown 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 dimensions including depth.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.13 Transfer of PBF Ownership: Responsibilities of Prior Owner.

- (a) If ownership of a PBF is transferred, the owner of the PBF prior to the transfer, hereinafter the “prior owner”, shall submit the notification required by (b), below, in writing to the department within 10 working days prior to the anticipated date of transfer.

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- (b) The notice required by (a), above, shall include the following information:
- (1) The full legal name and mailing address of the prior owner;
 - (2) The name, title, daytime telephone number, and email address, if any, of an individual who has been authorized by the prior owner to file the notice and otherwise communicate with the department regarding the notice and the PBF;
 - (3) The number and date of the approval issued by the department for the plans and specifications for the PBF, if the PBF was approved pursuant to RSA 485-A:26 or predecessor authority;
 - (4) If plans and specifications for the PBF were not approved pursuant to RSA 485-A:26 or predecessor authority, the month and year the PBF was constructed;
 - (5) The location of the PBF, including the name of the establishment at which the PBF is located and the street address, including municipality;
 - (6) The name and mailing address of the person to whom ownership is being transferred; and
 - (7) The anticipated date of transfer.
- (c) The notice required by (a), above, shall be signed and dated as follows:
- (1) If the prior owner is an individual, the individual shall sign and date the notice; and
 - (2) If the prior owner is other than an individual, the owner shall authorize an official of the owner to sign the notice, and the authorized individual shall sign and date the notice and print or type his or her name and title.
- (d) The signature provided pursuant to (c), above, shall constitute certification that:
- (1) The information provided in the notice is true, complete, and not misleading to the knowledge and belief of the signer; and
 - (2) The signer understands that he or she is subject to the penalties specified in New Hampshire law for falsification in official matters.

[Source.](#) #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.14 Transfer of PBF Ownership: Responsibilities of New Owner.

- (a) If ownership of a PBF is transferred, the owner of the PBF subsequent to the transfer, hereinafter the “new owner”, shall submit the information required by (b), below, in writing to the department within 10 working days after the transfer.
- (b) The notice required by (a), above, shall include the following information:
- (1) The full legal name and mailing address of the new owner;
 - (2) The name, title, daytime telephone number, and email address, if any, of an individual who has been authorized by the new owner to file the notice and otherwise communicate with the department regarding the notice and the PBF;
 - (3) The location of the PBF, including the name of the establishment at which the PBF is located and the street address, including municipality;

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- (4) The business identification number assigned to the new owner by the New Hampshire secretary of state; and
 - (5) The date ownership was transferred to the new owner.
- (c) The notice required by (a), above, shall be signed and dated as follows:
- (1) If the new owner is an individual, the individual shall sign and date the notice; and
 - (2) If the new owner is other than an individual, the owner shall authorize an official of the owner to sign the notice, and the authorized individual shall sign and date the notice and print or type his or her name and title.
- (d) The signature provided pursuant to (c), above, shall constitute certification that:
- (1) The information provided in the notice is true, complete, and not misleading to the knowledge and belief of the signer;
 - (2) The signer understands that he or she is subject to the penalties specified in New Hampshire law for falsification in official matters; and
 - (3) The new owner:
 - a. Has obtained and reviewed a copy of Env-Wq 1100; and
 - b. Agrees to comply with all applicable requirements.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1103.15 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 deadline for requesting 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.

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

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

(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. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

PART Env-Wq 1104 REGISTRATION

Env-Wq 1104.01 PBF Registration and Notification of Closure Required.

(a) As specified in RSA 485-A:26, II(b), effective January 1, 2020 no person shall operate or maintain a PBF unless the facility is registered with the department.

(b) As provided in RSA 485-A:26, II(d):

- (1) The registration shall be valid for the life of the facility; and
- (2) The owner of a PBF that has closed shall notify the department of the closure in writing within 30 days of the closure.

(c) After closure, the registration shall no longer be valid.

(d) If the PBF owner wishes to re-open a PBF that has closed, the owner shall submit a new registration prior to re-opening the PBF.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1104.02 Process for Public Bathing Facility Registration.

(a) To register a PBF, the owner or the owner's duly-authorized agent shall submit to the department a completed "PBF Registration Form", NHDES-W-07-088, February 2021, available via the department's website at www.des.nh.gov, that:

- (1) Contains the information specified in Env-Wq 1104.03;
- (2) Is complete, correct, and not misleading; and

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(3) Is signed as specified in (c) and (d), below.

(b) The registrant shall submit the registration to the department via an electronic portal, which when available will be accessible via www.des.nh.gov, or at the following address:

DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: PBF Program Manager

(c) The registrant and the owner, if other than the registrant, shall sign and date the registration.

(d) Each signature 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 registration or suspending any registration that is issued based on the information; and

b. The signer is subject to the penalties established in New Hampshire law for falsification in official matters, currently in RSA 641.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1104.03 Information Required for PBF Registration. The registration required by RSA 485-A:26, II(b) shall include the following the information:

(a) The site and contact information identified in Env-Wq 1104.04;

(b) The specifications identified in Env-Wq 1104.05; and

(c) The additional information identified in Env-Wq 1104.06.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1104.04 PBF Registration: Site and Contact Information. The site and contact information required by Env-Wq 1104.03(a) shall be as follows:

(a) Information on the PBF and the establishment at which the PBF is located, as follows:

(1) The establishment's name;

(2) The establishment's location by street address, municipality, and zip code;

(3) The establishment's mailing address including municipality and zip code; and;

(4) The establishment's daytime telephone number;

(b) The name, company, daytime telephone number, and email address of the primary contact for purposes of inspections, billing, and enforcement;

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(c) The name, company, mailing address, email address, and daytime telephone number of the owner of the PBF;

(d) The name, company, mailing address, email address, and daytime telephone number of each pool operator at the establishment, if known at the time of registration, and beginning with any registrations filed after January 1, 2022, the training provider and certification number of each certified pool operator; and

(e) Identification of each PBF at the establishment, and for each the following:

(1) The file identification number assigned by the department, which can be obtained via the department's website at www.des.nh.gov;

(2) The name by which the PBF is identified, such as "Family Pool", "Resort Pool", "Outdoor Spa", and the like;

(3) Whether the PBF is a swimming pool, wading pool, therapy pool, special recreation pool, or spa, and if a special recreation pool, the type of pool;

(4) Whether the PBF is indoor, outdoor, or both, and if outdoor, whether there is a full enclosure with gate that meets the requirements of Env-Wq 1108.08(a);

(5) Whether use of the PBF is seasonal or year-round;

(6) The year the PBF was constructed, if known; and

(7) The year of the most recent renovation, if applicable, and whether the renovation was cosmetic or repair of the plumbing or drainage system and whether the pump, filter, or disinfection system was replaced.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1104.05 PBF Registration: Specifications. The information required by Env-Wq 1104.03(b) shall be as follows for each PBF at the establishment:

(a) The operating volume of the PBF, in gallons;

(b) The materials of construction for the PBF;

(c) The shape of the PBF;

(d) The following depths and dimensions, measured in feet:

(1) Depth from operational water level at the shallow end;

(2) Depth from operational water level at the breakpoint between the shallow and deep end;

(3) Maximum depth from operational water level;

(4) Perimeter length and length(s) and width(s) of sides; and

(5) For spas, the spa body dimensions and the dimensions of the spa foot-well;

(e) Surface area, in square feet;

(f) Bather load;

(g) The most recent flow rate measured from the flow meter, in gallons per minute (GPM);

- (h) The turnover time in hours;
- (i) The number of water inlets on the wall and the number of water inlets on the floor;
- (j) Whether a gutter or perimeter overflow system or skimmers are used, and if skimmers are used, the number of skimmers;
- (k) The following information on suction outlets:
 - (1) The total number of submerged suction outlets;
 - (2) The location of each suction outlet, such as on the pool floor or sidewall;
 - (3) Whether the suction outlet cover or grate is VGBA approved;
 - (4) Whether the outlets are direct suction or indirect suction, sometimes called gravity;
 - (5) The date of most recent replacement of suction outlet cover; and
 - (6) Whether there is a dedicated vacuum line;
- (l) Information on pumps, as follows:
 - (1) The type of pump and how many of each type there are;
 - (2) The manufacturer and model of the pump;
 - (3) The horsepower of the pump; and
 - (4) The number of outlets per pump;
- (m) Information on the filter system, as follows:
 - (1) The type of filter and the number of each type;
 - (2) The manufacturer and model of the filter; and
 - (4) The total effective filter area, in square feet;
- (n) Whether entrapment avoidance devices are used and if so, whether it is a safety vacuum release system (SVRS) or automatic shut-off and the manufacturer and model of the device; and
- (o) Information on the disinfection system, as follows:
 - (1) Whether the primary disinfection is chlorination or bromination and the type of product used;
 - (2) The delivery method for the disinfection;
 - (3) The manufacturer and model of the disinfection unit;
 - (4) If a salt disinfection system is used, provide the number of cells and confirm that the system incorporates an automated pH control system as required by Env-Wq 1109.08(d)(1) and provide the manufacturer and model of the controller;
 - (5) Confirmation that the disinfection system is wired such that the chemical feed equipment cannot operate when circulation flow stops as required by Env-Wq 1109.08(g)(2); and

(6) Whether there is supplemental water treatment, and if so the type of disinfection and the manufacturer and model of the unit.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1104.06 PBF Registration: Additional Information. The additional information required by Env-Wq 1104.03(c) shall be as follows:

(a) Whether the water used in the PBF is from a public water system, private well, or surface water;

(b) If the source is a public water system, the name and location of the public water supply;

(c) Whether sewage and other wastewater, exclusive of filter backwash and pool drainage, are discharged into a public sewer or a subsurface disposal system approved under RSA 485-A:29-44 and Env-Wq 1000; and

(d) Whether the filter is backwashed, and if so, confirmation that the discharge or disposal meets the requirements of Env-Wq 1109.07(g).

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1104.07 Acceptance of Registrations.

(a) Upon receipt of a registration, the department shall determine whether the registration contains the information required by Env-Wq 1104.03 and is signed as required by Env-Wq 1104.02(c).

(b) If the registration contains the information required by Env-Wq 1104.03 and is signed as required by Env-Wq 1104.02(c), the department shall accept the registration.

(c) If the registration does not contain the information required by Env-Wq 1104.03 or is not signed as required by Env-Wq 1104.02(c), or both, the department shall return the registration to the registrant with a notice of what is needed to complete the registration.

(d) The owner of a PBF for which a registration was returned pursuant to (c), above, shall not be in compliance with RSA 485-A:26, II(b) unless and until a completed, signed registration is filed with the department.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1104.08 Suspension or Revocation of Registrations.

(a) Upon finding that information submitted to register a PBF is incorrect or misleading in any material aspect, the department shall proceed in accordance with this section.

(b) The department shall notify the owner in writing:

(1) Of the specific information that appears to be incorrect or misleading; and

(2) That the owner has 10 days from the date of the notice to submit a new registration as specified in Env-Wq 1104.02 that is correct and not misleading.

(c) If the owner does not submit a new registration that complies with Env-Wq 1104.02(a) within 10 days of the date of the notice sent pursuant to (b), above, the department shall initiate an action to suspend the

registration pursuant to RSA 541-A:30, II, RSA 541-A:31, and the provisions of Env-C 200 applicable to adjudicative proceedings.

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

- (1) That the department is proposing to suspend the registration;
- (2) Of the grounds on which the department's proposed action is based; and
- (3) Of the deadline for submitting:
 - a. A registration that complies with Env-Wq 1104.02(a); or
 - b. A request for a hearing at which the owner may show cause why the registration is correct and not misleading.

(e) If the owner requests a hearing instead of submitting a registration that complies with Env-Wq 1104.02(a), the department shall suspend the registration if the department determines, as a result of the proceeding initiated under (c), above, that the information submitted was incorrect or misleading in any material aspect.

(f) If the department suspends the registration, the decision issued pursuant to (h), below, shall:

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

(g) A decision to suspend a registration pending receipt of correct, complete, and not misleading information shall not be a final decision from which an appeal may be taken.

(h) The department shall issue a written decision to the owner.

(i) If the registration is suspended, the decision shall:

- (1) Specify the reason(s) for the decision;
- (2) Specify the deadline for submitting a registration that complies with Env-Wq 1104.02(a); and
- (3) Explain that if a registration that complies with Env-Wq 1104.02(a) is not submitted by the deadline, the registration shall be revoked.

(j) The owner of a PBF for which a registration was suspended or revoked pursuant to this section shall not be in compliance with RSA 485-A:26, II(b) unless and until a registration that complies with Env-Wq 1104.02(a) is filed with the department.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

PART Env-Wq 1105 PBF SELF-CERTIFICATION OF COMPLIANCE

Env-Wq 1105.01 Self-Certification Declaration for PBFs Required. As specified in RSA 485-A:26-a:

(a) The owner of a PBF that is open for 9 months or more in a calendar year shall submit a self-certification declaration to the department within 60 days of January 1, 2021 and annually prior to March 2nd thereafter, stating that each PBF at the establishment is in compliance with all applicable requirements of RSA 485-A:26 and Env-Wq 1100; and

(b) The owner of a PBF that is open fewer than 9 months in a calendar year shall submit to the department, prior to opening in 2021 and annually prior to opening thereafter, a self-certification declaration stating that each pool at the facility is in compliance with all applicable requirements of RSA 485-A:26 and Env-Wq 1100.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1105.02 Self-Certification Declaration.

(a) Each owner required to submit a self-certification declaration for a PBF shall submit to the department:

(1) A “PBF Self-Certification Declaration”, NHDES-W-07-048, February 2021, available via the department’s website at www.des.nh.gov, that contains:

- a. The site and contact information specified in Env-Wq 1105.03;
- b. The information and declarations as to specifications identified in Env-Wq 1105.04 for each PBF covered by the self-certification;
- c. The information and declarations as to safety identified in Env-Wq 1105.05 for each PBF covered by the self-certification; and
- d. The declarations as to water quality and testing specified in Env-Wq 1105.06 for each PBF covered by the self-certification;

(2) The signatures and certifications required by (c) and (d), below;

(3) The fee required by RSA 485-A:26-a, IV; and

(4) For declarations submitted on or after January 1, 2022, a statement that each PBF is operated under the supervision of a certified pool operator.

(b) The certifier shall submit the materials requested by (a), above, to the department using an electronic portal, which when available will be accessible via www.des.nh.gov, or, if an electronic portal is not available, at the following address:

DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: PBF Program Manager

(c) The owner and the individual completing the declaration, if other than the owner, shall sign and date the self-certification declaration form.

(d) Each signature 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 refusing to accept the declaration; and

b. The signer is subject to the penalties established in New Hampshire law for falsification in official matters.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1105.03 Self-Certification Declaration: Site and Contact Information. The site and contact information required by Env-Wq 1105.02(a)(1)a. shall be as follows:

- (a) The name of the establishment at which the PBF is located;
- (b) The location, by street address, municipality, and zip code where the PBF is located and the establishment's mailing address;
- (c) The name, company, daytime telephone number, and email address of the primary contact for purposes of inspections, billing, and enforcement;
- (d) The name, company, mailing address, email address, and daytime telephone number of the owner of the PBF;
- (e) Whether there has been a change in ownership or primary contact since the prior self-certification;
- (f) Beginning with the self-certification filed in 2022 and annually thereafter, the following:
 - (1) The number of certified pool operators (CPO); and
 - (2) For each CPO, the individual's name, company if any, mailing address, email address, daytime telephone number, training provider, certificate number, and certificate expiration date; and
- (g) A list of each PBF at the establishment for which the declaration is being submitted, and for each:
 - (1) The PBF file identification number, obtained from the department via its website at www.des.nh.gov;
 - (2) The name used to identify the PBF, such as "Family Pool", "Resort Pool", "Outdoor Spa", or the like;
 - (3) Whether the PBF is an indoor or outdoor facility, or both; and
 - (4) Whether the PBF is operated seasonally or year-round; and
- (h) Whether there has been any change in the anticipated bather load, and if so, whether it has increased or decreased.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1105.04 Self-Certification Declaration: Specifications.

- (a) The information and declarations required by Env-Wq 1105.02(a)(1)b. shall be as follows:
 - (1) Information on the disinfection system that is used, including:
 - a. The type of disinfection system;
 - b. The specific disinfection product used and the method of delivery used, such as erosion, positive displacement, or salt ECG;

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- c. Whether the disinfection system uses a timer;
 - d. Whether the disinfection system includes an automated chemical controller; and
 - e. Whether the disinfection unit is interlocked with the pump system as required by Env-Wq 1109.08(g)(2);
- (2) Declarations that:
- a. The disinfection system is being maintained and is functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problems; and
 - b. No hand-feeding of disinfection chemicals is being done while patrons are using the PBF;
- (3) The type of pumps used, and the following information on each type of pump:
- a. The number of pumps;
 - b. The most recent flow rate measured from the flow meter, in gallons per minute; and
 - c. For each pool or spa system, the turnover time in hours and minutes, calculated as the operating volume in gallons divided by the flow rate in gallons per minute divided by 60 minutes per hour;
- (4) A declaration that all pumps are being maintained and are functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problem;
- (5) Information on the filter system, including:
- a. The type(s) of filter(s) and the number of each type;
 - b. The effective filter area, in square inches; and
 - c. The frequency of backwash or filter element cleaning;
- (6) A declaration that the filter system is being maintained and is functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problem;
- (7) Information on water inlets, suction outlets, skimmer or gutter systems, and equalizer lines, as follows:
- a. Whether all water inlets are functioning and whether all wall inlets are adjustable to allow for changes in direction of flow as required by Env-Wq 1109.03(h);
 - b. Whether all suction outlets are functioning and have covers that meets applicable requirements, including that they cannot be removed without using tools and are not broken, loose, or missing;
 - c. Whether a skimmer system is being used, and if so, whether all skimmers are functioning with functioning weir flaps;
 - d. Whether there are any skimmer equalizer lines, and if so whether they have been permanently disabled or covered with a cover that meets applicable requirements;
 - e. Whether a perimeter overflow system, also known as a gutter system, is being used, and if so whether it is functioning according to its design; and
 - f. Whether any inlets, skimmers, skimmer equalizers, or suction outlets have been repaired, retrofitted, added, or disabled since the last self-certification declaration, and if so:

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1. For new equipment, the date of installation, the manufacturer and model, and whether the equipment was installed according to its manufacturer's specifications; and
2. For all other modifications, the date of the modification and a description of the modification;

(8) A declaration that the water inlets, suction outlets, skimmer or gutter system, and equalizer lines are functioning as intended and all suction outlet covers are approved and installed according to manufacturer's specifications or, if not, the date by which repairs or other actions will be taken to correct the problem(s);

(9) Information on entrapment avoidance devices, as follows:

- a. Whether a safety vacuum release system (SVRS) or automatic pump shut-off is used on any pump system, and if so, the following:
 1. The manufacturer and model of the device;
 2. Whether the device is installed according to the manufacturer's specifications;
 3. Whether all devices are functioning; and
 4. The most recent date each device was tested;

(10) A declaration that each entrapment avoidance device is functioning as intended or, if not, the date by which repairs or other actions will be taken to correct the problem(s);

(11) Information on piping, as follows:

- a. Whether all pipes are correctly labeled and color coded based on their purpose; and
- b. Whether all visible pipes have arrows indicating flow direction; and

(12) A declaration that all pipes are correctly colored and marked or, if not, the date that repairs or other actions necessary to correct the problem(s) will be taken.

(b) If any of the equipment identified in (a), above, has changed from the previous self-certification, the owner shall provide the following information for each new item:

- (1) The date of the installation;
- (2) The manufacturer and model number for the equipment; and
- (3) Whether the equipment was installed according the manufacturer's instructions.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1105.05 Self-Certification Declaration: Safety.

(a) The compliance information and declarations required by Env-Wq 1105.02(a)(1)c. shall be as follows:

- (1) Safety rules for patrons are posted conspicuously in each pool area and in each spa area;
- (2) A telephone or radio capable of reaching emergency services is within 200 feet of pool or spa, or signs are posted that identify the location of the emergency phone if phone is not in pool area;
- (3) A functioning clock is visible from each spa;

- (4) The following items are present:
 - a. For pools, a 12-foot-long pole with a body hook affixed;
 - b. For pools, a type IV throwable rescue flotation device; and
 - c. For all PBFs, a first aid kit;
- (5) The showers are functioning and each has a working mixing valve as required by Env-Wq 1108.01;
- (6) Toilets are provided as required by Env-Wq 1108.04;
- (7) Trash receptacles are located in toilet areas and bathing areas;
- (8) If towels are provided, they are washed and dried after each use and stored in a sanitary location;
- (9) If dressing rooms are provided, the rooms:
 - a. Are kept free of visible dirt and debris; and
 - b. Have trash receptacles;
- (10) The security wall or fencing surrounding outdoor PBFs is at least 4 feet high, includes at least one gate, and completely encloses the PBF; and
- (11) Gates to the outdoor PBF area:
 - a. Are at least 4 feet high, self-closing, and self-latching;
 - b. Open outward; and
 - c. Can be locked.

(b) If a declaration cannot truthfully be made that one or more of the items listed in (a), above, meets the applicable requirement, the individual completing the self-certification declaration shall identify the item and provide the date by which the requirement(s) will be met.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1105.06 Self-Certification Declaration: Water Quality and Testing.

(a) The compliance information and declarations required by Env-Wq 1105.02(a)(1)d. shall be as follows:

- (1) No issues or problems have been experienced with water chemistry, clarity, foaming, or algae, or, if problems have arisen, the proper methods of bringing the PBF back into compliance, such as shocking, were used;
- (2) The PBF is maintaining the bacteriological and chemical/physical standards set forth in Env-Wq 1108.12 and Env-Wq 1108.13, respectively;
- (3) The water quality test kit and reagents being used meet the requirements of Env-Wq 1107.01; and
- (4) Daily logs are being completed that demonstrate the PBF is tested every 4 hours of operation and maintaining the department's water quality standards.

(b) If a declaration cannot truthfully be made that one or more of the items listed in (a), above, meets the applicable requirement, the individual completing the self-certification declaration shall identify each item and provide the date by which the requirement(s) will be met.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

PART Env-Wq 1106 CERTIFIED POOL OPERATOR TRAINING REQUIREMENT

Env-Wq 1106.01 Certified Pool Operator (CPO) Responsibilities

(a) Pursuant to RSA 485-A:27-a, each PBF shall have a certified pool operator (CPO) no later than January 1, 2022.

(b) A CPO may be the owner or duly-authorized designee, an employee of the establishment where the PBF is located, or a contracted vendor.

(d) The CPO shall be responsible for training on-site personnel in the basic operation of the PBF, including but not limited to water testing and record keeping, water clarity, handling sanitizers, pool rules, hours of operation, and pool closure procedures.

(e) The CPO shall:

- (1) Personally visit the PBF not less frequently than once per week to ensure the pool is being operated in a safe and sanitary manner; and
- (2) Be available by telephone to on-site personnel whenever not personally present.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1106.02 CPO Training Required.

(a) As provided in RSA 485-A:27-a, successful completion of the certified pool and spa operator certification program offered by the Association of Pool and Spa Professionals or National Swimming Pool Foundation shall qualify an individual as a CPO.

(b) Successful completion of the certified pool and spa operator certification program offered by the following also shall qualify an individual as a CPO:

- (1) Pool & Hot Tub Alliance; and
- (2) Any training program approved by the department pursuant to Env-Wq 1106.04.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1106.03 Application for Certification Program Approval. An organization seeking approval of a certified pool and spa operator certification program shall apply by submitting the following using an electronic portal, which when available will be accessible via www.des.nh.gov, or in writing to the department:

(a) A description of the organization, including:

- (1) The organization's name, mailing address, email address, and daytime telephone number;
- (2) The legal form of the organization, such as a corporation, limited liability corporation,

partnership, etc.; and

(3) If the organization is required by RSA 292, RSA 293, RSA 293-A, or other applicable provisions of New Hampshire law to register with the New Hampshire secretary of state, proof of being registered and in good standing to do business in New Hampshire;

(b) The name, mailing address, email address, and daytime telephone number of an individual at the organization who can be contacted regarding the application;

(c) A list of courses to be offered; and

(d) A complete description of each course for which the organization is seeking approval, including:

(1) The name of the course;

(2) The name and qualifications of each individual who will present the course;

(3) The length of time attendees of the course will be under direct supervision of the instructor;

(4) A syllabus for the course and the written materials to be used in the course;

(5) A demonstration of how the proposed course complies with Section 6.1 of the Model Aquatic Health Code, 3rd edition, 2018, available as noted in Appendix B; and

(6) The type of test to be offered at the end of the course to evaluate whether attendees have obtained the knowledge required by Env-Wq 1100.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1106.04 Approval of Training Program.

(a) The department shall review information submitted pursuant to Env-Wq 1106.03 within 30 days of receipt.

(b) The department shall approve the proposed training program if the information submitted demonstrates that the proposed training program meets the standards of Section 6.1 of the Model Aquatic Health Code, 3rd edition, 2018, available as noted in Appendix B. For purposes of this section, training programs offered by the Association of Pool and Spa Professionals, National Swimming Pool Foundation, or Pool & Hot Tub Alliance shall be deemed to meet this requirement.

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

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

PART Env-Wq 1107 TESTING, SUPERVISION, AND SAFETY

Env-Wq 1107.01 PBF Testing and Recordkeeping Requirements.

(a) The pool operator 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 pool operator shall use a water quality testing kit with unexpired reagents, such as diethylphenylene diamine (DPD) and phenol red, capable of testing for pH and free and total chlorine or total bromine. 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 pool operator shall test a heated pool or spa for temperature prior to use and every 4 hours during operation.

(e) The pool operator shall conduct each test:

- (1) At each end of a PBF that is 10,000 gallons or greater; and
- (2) At one location in a PBF that is less than 10,000 gallons.

(f) The pool operator shall:

- (1) Maintain dated daily logs for each PBF at the establishment for a rolling 12-month period; and
- (2) Make the records available to the department and patrons of the PBF upon request.

(g) The pool operator shall record the following on the daily log:

- (1) The results of the inspection of the cover/grate required by Env-Wq 1107.07(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
- (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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1104.01)

Env-Wq 1107.02 PBF Supervision.

(a) The owner shall allow public use of a PBF only when a pool 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 pool operator designated by the owner pursuant to (a), above, shall:

- (1) Maintain the quality of the water at the facility;
- (2) Have access to and be knowledgeable of the PBF circulation and disinfection systems; and
- (3) As of January 1, 2022, either:
 - a. Be a CPO; or
 - b. Be trained and supervised by a CPO.

(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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1104.02)

Env-Wq 1107.03 Testing and Supervision at Other Public Bathing Places.

(a) The pool operator of a common interest bathing facility that uses automated chemical controllers for both pH and disinfectant shall test for temperature, disinfectant residual, and pH at least once a day.

(b) The pool operator of a common interest bathing facility that does not use automated chemical controllers shall test for temperature, pH, and disinfectant residual prior to opening the PBF and every 4 hours during operation.

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

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

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1104.03)

Env-Wq 1107.04 PBF Safety.

(a) The owner of an establishment that has a swimming 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;
- (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;

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(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 establishment's management.

(c) The owner of an establishment shall ensure that a telephone or radio capable of reaching emergency services is located within 200 feet of any pool or spa at the establishment.

(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 an establishment 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 pool 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; and

(6) Any additional rules developed by the establishment's management.

(g) A functioning clock shall be visible from all public spas.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1104.04)

Env-Wq 1107.05 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

(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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1104.05)

Env-Wq 1107.06 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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1104.06)

Env-Wq 1107.07 Suction Outlet Cover/Grate.

(a) The pool operator shall inspect each cover/grate daily to ensure 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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1104.07)

PART Env-Wq 1108 DESIGN FEATURES, WATER QUALITY STANDARDS, AND OPERATION REQUIREMENTS

Env-Wq 1108.01 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) 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.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.01)

Env-Wq 1108.02 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-5-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.02)

Env-Wq 1108.03 Dressing Rooms. The owner of a PBF shall ensure that any dressing room provided for use by patrons is kept free of visible dirt and debris.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by

#13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.03)

Env-Wq 1108.04 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 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 May 1, 2014, 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 May 1, 2014, 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.04)

Env-Wq 1108.05 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.05)

Env-Wq 1108.06 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.06)

Env-Wq 1108.07 Food and Drink Prohibited in the Bathing Area. The owner of a PBF shall not allow food or drink in the pool or spa or within 4 feet of the edge of the pool or spa.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.07)

Env-Wq 1108.08 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, each fence shall have at least one gate and 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 of unobstructed space, measured from the edge of the pool;
- (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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (from Env-Wq 1105.07); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.08)

Env-Wq 1108.09 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 1108.08(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 1108.08(b).

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.09)

Env-Wq 1108.10 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 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.10)

Env-Wq 1108.11 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.11)

Env-Wq 1108.12 PBF Bacteriological Water Quality Standards. The owner of a PBF shall not allow bathers to use the PBF unless the water in the PBF 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* count per 100 milliliters; and

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

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.12)

Env-Wq 1108.13 PBF Chemical and Physical Water Quality Standards.

- (a) The owner of a PBF shall not allow bathers to use 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 1.0 nephelometric turbidity unit (NTU);
- (6) For swimming, wading, and special recreation pool water:
 - a. The free available chlorine level shall be one 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 added to the water while the pool is open for operation.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.13)

Env-Wq 1108.14 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:

- (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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.14)

Env-Wq 1108.15 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.15)

Env-Wq 1108.16 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 1108.12 and Env-Wq 1108.13.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.16)

Env-Wq 1108.17 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 1108.12.

Source. #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.17)

Env-Wq 1108.18 Depth Markers and Float Lines.

(a) The owner of a PBF shall plainly and conspicuously mark the depth of water in feet:

- (1) At or above the waterline on the vertical wall of the PBF; and
- (2) On the top of the coping or edge of the deck or walkway next to 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;
- (3) Intermediate increments of water depth not to exceed 2 feet, nor spaced at distances greater than 25-foot intervals; and
- (4) When an underwater shelf does not use steps as a transition to the rest of the pool, depth markers of the adjacent pool depth shall be placed at the underwater shelf's edge a minimum of every 10 feet.

(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, provided that semi-permanent markers may be used until the PBF undergoes renovations that allow permanent markers to be affixed.

(f) Any 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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.18)

Env-Wq 1108.19 Water Surface Area Per Bather.

(a) The surface area of a swimming pool installed prior to May 1, 2014 shall provide not less than 27 square feet of water surface per bather.

(b) For pools installed on or after May 1, 2014, 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 sq. ft. of water surface per bather.

Source. #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.19)

Env-Wq 1108.20 Ladders, Recessed Steps, and Underwater Shelves for PBFs.

(a) Subject to (c), below, the owner of a PBF shall provide ladders or steps, or both, as follows:

- (1) Where the vertical distance from the bottom of a PBF to the deck is more than 2 feet, one set of recessed steps or a ladder shall be provided for each 75-foot length of perimeter or portion thereof;
- (2) Recessed steps or ladders shall be provided:
 - a. At the deep portion of all swimming pools; and
 - b. On each side of the pool near the deep end if the swimming pool is more than 30 feet wide; and
- (3) Subject to (d), below, the top edge and leading horizontal edge of each step, underwater shelf, and spa seat or bench shall be outlined with a continuous 2-inch slip-resistant contrasting tile or other permanent marking that can be seen from the deck and from underwater.

(b) If the owner of a PBF provides underwater shelves, the following shall apply:

- (1) Underwater shelves shall be installed in pool areas no deeper than 4 feet;

- (2) Underwater shelves shall be not more than 12 inches deep;
- (3) Underwater shelf floors shall be:
 - a. Horizontal; or
 - b. Of a uniform slope no steeper than 1:12 from a zero depth entry;
- (4) When an underwater shelf does not use steps as a transition to the rest of the pool, the underwater shelf shall not be used as a means of entry to the rest of the pool; and
- (5) Additional inlets shall be provided in the underwater shelf area as needed to ensure the volume of water in the shelf is filtered and chemically treated once every 60 minutes or less.

(c) If the owner of a PBF that does not have ladders or steps 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.

(d) The owner of a pool or spa that is in operation as of May 1, 2014 shall comply with (a), 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 steps, underwater shelves, or spa seat or bench, as applicable, are no longer under water.

Source. #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.20)

Env-Wq 1108.21 Air and Ventilation for Indoor PBFs.

(a) Ventilation shall be provided through mechanical systems, engineered openings for natural ventilation, or a combination thereof.

(b) Subject to (c), below, air handling systems shall be designed to:

- (1) Dehumidify the recirculated air from the enclosed area;
- (2) Deliver outside air to the enclosed area;
- (3) Replace a volume of air equal to the volume of exhausted air, or as required in the air handling system specifications;
- (7) Prevent any re-entrainment; and
- (8) Limit physical or electronic access to system controls to the owner, the owner's duly-authorized designee, and the certified pool operator.

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

(d) The owner of a PBF that is in operation as of the 2021 effective date of this chapter and that does not have an air handling system, shall comply with (a) and (b), above, only if the facility to which the requirements apply undergoes renovations that make the installation of a suitable air handling system possible.

[Source.](#) #13198, eff 5-1-21

Env-Wq 1108.22 Requirements for All Pool or Spa Components.

(a) Subject to (b), below, any pool or spa component installed on or after May 1, 2014 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 May 1, 2014 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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1105.22)

PART Env-Wq 1109 DESIGN AND CONSTRUCTION FEATURES FOR SWIMMING POOLS

Env-Wq 1109.01 Minimum Swimming Pool Dimensions.

(a) Swimming pools at PBFs shall be designed and constructed to meet the dimension standards specified in:

- (1) ANSI/APSP-1, 2003, Standard for Public Swimming Pools, as noted in Appendix B and available by contacting the department, for pools installed on or after May 1, 2014 but before the 2021 effective date of these rules; and
- (2) ANSI/APSP/ICC-1, 2014, Standard for Public Swimming Pools, available as noted in Appendix B, for pools installed on or after the 2021 effective date of these rules.

(b) A swimming pool installed prior to May 1, 2014 shall comply with the plans on which the approval was issued.

[Source.](#) (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.01)

Env-Wq 1109.02 Materials and Methods of Construction.

(a) Materials of construction for swimming pools shall comply with the following:

- (1) The material shall be smooth, non-toxic, and impervious, finished concrete or concrete block, steel, or fiberglass;
 - (2) The pool bottom shall have a non-slip finish;
 - (3) Plastic liners may be used in conjunction with any of the materials in (1), above; and
 - (4) Asphalt, "black-top," and similar materials shall not be permitted.
- (b) The pool bottom shall have a light-colored finish.
- (c) Each component of a swimming pool, including all components of the circulation system, shall be installed in accordance with its manufacturer's specifications.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #10934, eff 9-19-15; ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.02)

Env-Wq 1109.03 Hydraulic Design: Inlets.

- (a) Return inlets shall comply with Env-Wq 1108.22(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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.03)

Env-Wq 1109.04 Hydraulic Design: Pumps, Drains, and Suction Outlets.

(a) Each pump, drain, and suction outlet shall comply with Env-Wq 1108.22(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/ICC-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 handle 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 1109.06(f).

(g) Each suction outlet in a pool shall be protected as required by the VGBA, available at <https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter106&edition=prelim>, and its implementing regulations at 16 CFR § 1450, available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=1410c3f48d73aa2683c546eab89a43b5&mc=true&node=pt16.2.1450&rgn=div5>.

(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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.04)

Env-Wq 1109.05 Hydraulic Design: Skimmers and Overflow Systems.

- (a) Each component of a skimmer or overflow system shall comply with Env-Wq 1108.22(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.
- (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 May 1, 2014 shall be equipped with an equalizer line. If a skimmer installed prior to May 1, 2014 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.05)

Env-Wq 1109.06 Piping.

- (a) All visible piping, including waste lines and valves and other fittings, shall be:

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- (1) Color coded as specified in (b), below;
- (2) Labeled to identify its purpose; and
- (3) Marked to show 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 1109-1, below:

Table 1109-1: Color Coding for Visible Piping, Valves, and Fittings

Purpose	Color
Potable Water	Dark blue
Skimmer or Gutter	Olive Green
Pool Return	Light blue
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 or compressed air	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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.06)

Env-Wq 1109.07 Filter Systems; Wastewater Disposal.

(a) Each component of a filter system shall comply with Env-Wq 1108.22(a)(1).

(b) Each filter system shall include the following:

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- (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 and other wastewater, exclusive of filter backwash and pool drainage, 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 and pool drainage shall be discharged:
 - a. Into a public sewer through an air gap of not less than one inch; or
 - b. 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; 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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.07)

Env-Wq 1109.08 Disinfection Methods.

- (a) Each component of a primary disinfection system shall comply with Env-Wq 1108.22(a)(1).
- (b) A PBF shall use at least one of the following primary disinfection methods in order to meet the water quality standards specified in Env-Wq 1108.12 and Env-Wq 1108.13 for each 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 (b)(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 (b)(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 used as a disinfection method.
- (f) Stabilized chlorine or bromine shall not be used 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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.08)

Env-Wq 1109.09 Turn-over Rates.

(a) Any swimming pool installed on or after May 1, 2014 shall have a minimum circulation flow rate of one pool water turnover every 6 hours.

(b) If any swimming pool installed prior to May 1, 2014 that, when operated in accordance with these rules cannot consistently maintain water quality, is substantially modified after the 2021 effective date of this chapter, the final minimum circulation flow rate shall be one pool water turnover every 6 hours.

(c) For swimming pools installed prior to May 1, 2014 and not substantially modified thereafter, 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.

(d) Turnover rates for water covering an underwater shelf shall be as specified in Env-Wq 1108.20(b)(5).

Source. #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1106.09)

PART Env-Wq 1110 DESIGN AND CONSTRUCTION FEATURES FOR SPAS

Env-Wq 1110.01 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1107.01)

Env-Wq 1110.02 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:

(1) Not be toxic to man or harmful to the environment; and

- (2) Be chemically compatible with the materials and environment contacted under intended use conditions.
- (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 1108.22(a)(1); and
 - (2) Be installed in accordance with its manufacturer's specifications.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1107.02)

Env-Wq 1110.03 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 at <https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter106&edition=prelim> and its implementing regulations at 16 CFR § 1450, available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=1410c3f48d73aa2683c546eab89a43b5&mc=true&node=pt16.2.1450&rgn=div5>.
- (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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1107.03)

Env-Wq 1110.04 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 1108.12 and Env-Wq 1108.13.
- (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.
- (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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1107.04)

Env-Wq 1110.05 Spa Filter Requirements.

- (a) The filter system for a spa shall meet the same requirements as specified in Env-Wq 1109.07.
- (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 1108.12 and Env-Wq 1108.13.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1107.05)

Env-Wq 1110.06 Disinfection. A spa shall meet the same disinfection requirements as specified in Env-Wq 1109.08.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1107.06)

Env-Wq 1110.07 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1107.07)

PART Env-Wq 1111 DESIGN AND CONSTRUCTION FEATURES FOR WADING POOLS

Env-Wq 1111.01 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1108.01)

Env-Wq 1111.02 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1108.02)

Env-Wq 1111.03 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 1108.22(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 1109.03 through Env-Wq 1109.06.
- (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 at <https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter106&edition=prelim>, and its implementing regulations, 16 CFR § 1450, available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=1410c3f48d73aa2683c546eab89a43b5&mc=true&node=pt16.2.1450&rgn=div5>.
- (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 does not comply with (a) through (h), above, the owner shall close the wading pool until such time as the requirements of (a) through (h), above, are met.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1108.03)

Env-Wq 1111.04 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.
- (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 1108.12 and Env-Wq 1108.13.

(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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1108.04)

Env-Wq 1111.05 Wading Pool Filter Requirements.

(a) The filter system for a wading pool shall meet the same standards as specified in Env-Wq 1109.07.

(b) The filtration system shall maintain wading pool water quality in accordance with Env-Wq 1108.12 and Env-Wq 1108.13.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1108.05)

Env-Wq 1111.06 Disinfection. Wading pools shall meet the same disinfection requirements as specified in Env-Wq 1109.08.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100);); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1108.06)

Env-Wq 1111.07 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1108.07)

PART Env-Wq 1112 DESIGN AND CONSTRUCTION FEATURES FOR SPECIAL RECREATION POOLS

Env-Wq 1112.01 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.

(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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1109.01)

Env-Wq 1112.02 Materials of Construction. Materials for special recreation pools shall be in accordance with Env-Wq 1109.02.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1109.02)

Env-Wq 1112.03 Hydraulic Design.

(a) Hydraulic design for special recreation pools shall be in accordance with Env-Wq 1109.03 through Env-Wq 1109.06.

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

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1109.03)

Env-Wq 1112.04 Filter Requirements. Special recreation pools shall:

(a) Meet the same filter requirements as specified in Env-Wq 1109.07; and

(b) Maintain water quality standards as specified Env-Wq 1108.12 and Env-Wq 1108.13.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100);); ss by

#13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1109.04)

Env-Wq 1112.05 Disinfection. Special recreation pools shall meet the same disinfection requirements as specified in Env-Wq 1109.08.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1109.05)

Env-Wq 1112.06 Turn-over Rate. Circulation flow rates shall be one turnover per hour.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1109.06)

PART Env-Wq 1113 DESIGN AND CONSTRUCTION FEATURES FOR THERAPY POOLS

Env-Wq 1113.01 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1110.01)

Env-Wq 1113.02 Materials of Construction. Materials for therapy pools shall be in accordance with Env-Wq 1109.02.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1110.02)

Env-Wq 1113.03 Hydraulic Design. Hydraulic design for therapy pools shall be in accordance with Env-Wq 1109.03 through Env-Wq 1109.06.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1110.03)

Env-Wq 1113.04 Filter Requirements. Therapy pools shall meet the same filter requirements as specified in Env-Wq 1109.07 and shall maintain water quality standards as specified Env-Wq 1108.12 and Env-Wq 1108.13.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1110.04)

Env-Wq 1113.05 Disinfection. Therapy pools shall meet the same disinfection requirements as specified in Env-Wq 1109.08.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1110.05)

Env-Wq 1113.06 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 at chapter heading for Env-Wq 1100) #8468, eff 11-1-05; ss by #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1110.06)

PART Env-Wq 1114 PBF EMERGENCY CLOSURE PROCEDURE

Env-Wq 1114.01 Purpose. The purpose of this part is to implement RSA 485-A:27, II relative to emergency closures of PBFs.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1114.02 Grounds for an Emergency Closure. As specified in RSA 485-A:27, II(a), violation of the following standards shall form the basis for an emergency closure order:

- (a) Bacteriological water quality standards, as specified in Env-Wq 1108.12;
- (b) Chemical water quality standards, as specified in Env-Wq 1108.13(a)(1), (6), (7), (8), (10), and (b);
- (c) Physical water quality standards, as specified in Env-Wq 1108.13(a)(2), and (5); and
- (d) Patron safety requirements relating to:
 - (1) Emergency response, as specified in Env-Wq 1107.04(c) or Env-Wq 1107.05(b), as applicable;
 - (2) Emergency rescue equipment, as specified in Env-Wq 1107.06(a)(1) and (2);
 - (3) First aid kits, as specified in Env-Wq 1107.06(a)(3);
 - (4) Suction outlet covers/grates, as specified in Env-Wq 1109.04(g); and
 - (5) Security fencing, as specified in Env-Wq 1108.08 or Env-Wq 1108.09, as applicable.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1114.03 Closing Procedure.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(a) If as a result of an on-site inspection the department determines that one or more of the violations noted in Env-Wq 1114.02 are present and that the deficiencies threaten the health or safety of patrons of the facility, the department shall:

- (1) Issue an emergency closure notice to the PBF owner or the owner's on-site representative; and
- (2) Make all reasonable attempts to notify the local health officer immediately and provide a copy of the notice as soon as practicable.

(b) The notice issued shall state with specificity:

- (1) The identity of each pool and spa to be closed;
- (2) The violation(s) that form the basis of the closure notice for each pool and spa;
- (3) The action(s) the department requires the PBF owner to take to correct all identified violations; and
- (4) How to reopen the PBF once all deficiencies have been corrected.

(c) As required by RSA 485-A:27, II(c), upon receipt of an emergency closure notice, the PBF owner shall:

- (1) Immediately close each identified pool and spa; and
- (2) Not reopen the pool until each deficiency cited in the emergency closure notice has been corrected and the department has confirmed the corrections.

(d) As provided in RSA 485-A:27, II(d):

- (1) If an owner believes an emergency closure notice has been issued in error, the owner shall notify the department in writing, which may be sent by email, fax, United States Postal Service delivery, or private delivery;
- (2) The written notice shall identify each reason why the owner or operator believes the emergency closure notice is not appropriate; and
- (3) The department shall provide the owner or operator with an opportunity for an adjudicative hearing within 10 days of receiving the written notice.

(e) If a hearing pursuant to (d), above, is held and the PBF owner is aggrieved by the decision of the department after the hearing, the owner may appeal the decision as an enforcement decision to the water council as provided in RSA 21-O:14.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1114.04 Reopening Procedure Following an Emergency Closure.

(a) Once the PBF owner has corrected all deficiencies listed on the emergency closure notice, the owner shall contact the department in writing by mail or email to:

- (1) Inform the department of what actions have been taken to address the identified violations, which shall include water quality test results if water quality standard violations formed the whole or partial basis for the emergency closure notice; and
- (2) Request a follow-up inspection and water test, as applicable.

(b) Within 10 days of receiving a request pursuant to (a), above, the department shall review the request to determine if the PBF is ready to reopen, provided that the department shall conduct an inspection if necessary to confirm that the violations have been corrected.

(c) If the PBF owner has corrected all violations, the department shall notify the owner that the PBF may be reopened.

(d) If the PBF owner has not corrected all violations, the department shall not allow the facility to reopen, and shall provide the owner with a list of further actions to be taken in order to come into compliance.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

PART Env-Wq 1115 EQUIVALENT PROGRAMS

Env-Wq 1115.01 Purpose. The purpose of this part is to:

(a) Implement RSA 485-A:26, IV relative to equivalent municipal programs of sampling and analysis; and

(b) Establish a process whereby municipalities may voluntarily establish inspection programs that are equivalent to the department's so as to have more direct oversight of the municipality's own PBFs, and, if desired, the other PBFs within the municipality.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1115.02 Equivalent Program Request For Approval Process.

(a) Any municipality that wishes to establish an equivalent program of sampling and analysis shall submit to the department a written request for approval that contains the information specified in Env-Wq 1115.03 and is signed as specified in (c) and (d), below;

(b) The municipality shall submit the materials required by (a), above, to the department using an online portal, which when available will be accessible via www.des.nh.gov, or at the following address:

DES Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Attn: PBF Program Manager

(c) An authorized representative of the municipality shall sign and date the request. If the request is submitted electronically, the submittal itself shall constitute the signature and the date shall be the date of receipt by the department.

(d) The signature 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 approval that is issued based on the information; and

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

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1115.03 Equivalent Program Request for Approval Contents. The request for approval of an equivalent program of sampling and analysis shall include the following information:

- (a) The name of the municipality submitting the application;
- (b) The name, title, mailing address, email address, and daytime telephone number of the authorized representative for the municipality's program;
- (c) A plan detailing how the municipality will conduct sampling and analysis for biological and chemical water quality that is equivalent to the department's;
- (d) A timeline for training all staff to be involved in sampling and analysis or a request for such training from the department;
- (e) The date by which the municipality intends to implement its equivalent program; and
- (f) Whether the municipality intends to implement the program with respect to only those PBFs owned by the municipality or also to all other PBFs in the municipality.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1115.04 Optional Inspection Program. A municipality seeking approval for an equivalent program of sampling and analysis may also seek approval for an equivalent program of inspections by providing the following information:

- (a) A plan detailing how the municipality will conduct inspections that are equivalent to the department's in the areas listed in Env-Wq 1114.02(c)-(d);
- (b) A timeline for training all staff to be involved in the inspections or a request for the department to provide such training; and
- (c) Whether the municipality intends to implement the program with respect to only those PBFs owned by the municipality or also to all other PBFs in the municipality.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1115.05 Review of Requests.

- (a) Upon receiving a complete request as specified in Env-Wq 1115.02, with or without the optional information as specified in Env-Wq 1115.04, the department shall review the request.
- (b) The department shall approve the proposed equivalent program if the department determines that the proposed program is equivalent to the department's.
- (c) The department shall inform the applicant of its decision in writing. If the application is denied, the decision shall state the reasons(s) for the denial.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1115.06 Maintaining Equivalent Program Status. In order for a municipality to maintain its status as an equivalent program, it shall:

- (a) Have available to the department, all sampling and analysis records and, if an inspection program was approved, all inspection reports and related documents for not less than 3 years;
- (b) Update the department of any changes in the staff responsible for the sampling and analysis program and, if applicable, the inspection program within 30 days of the change; and
- (c) Notify the department annually of the municipality's intent to continue the equivalent program no later than May 1st of each year.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1115.07 Effect of Approved Equivalent Program. The following shall apply in any municipality that has an approved equivalent program:

- (a) If the approved program is for sampling and analysis only, the department shall continue to inspect all PBFs in the municipality for compliance with the areas covered by Env-Wq 1114.02(c)-(d); and
- (b) If the approved program is for municipal PBFs only, the department shall continue to inspect all other PBFs in the municipality.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

Env-Wq 1115.08 Suspension or Revocation of Approval.

- (a) If the department receives information that supports a determination that the municipality is not implementing an approved program in accordance with the approval, the department shall initiate an adjudicative proceeding under RSA 541-A:31 and Env-C 200 to provide an opportunity to the municipality to show cause why the approval should not be revoked.
- (b) The notice issued to initiate the action shall inform the municipality:
 - (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 deadline for requesting a hearing at which the municipality may show cause why the approval should not be suspended or revoked.
- (c) If as a result of the proceeding initiated under (a), above, the department determines that the municipality is not implementing the approved program in accordance with the approval but that the municipality can change how it is implementing the program to comply with the approval, the department shall suspend the approval until the municipality provides proof that it has corrected the deficiencies.
- (d) If the department suspends the approval, the decision issued pursuant to (g), below, shall:
 - (1) Specify a reasonable time in which the municipality can correct the deficiencies that formed the basis for the suspension; and

(2) Notify the owner that if the deficiencies are not corrected within the time specified, the approval shall be revoked.

(e) A decision to suspend an approval pending correction of deficiencies shall not be considered a final decision from which an appeal may be taken.

(f) If as a result of the proceeding initiated under (a), above, the department determines that the municipality is not implementing the approved program in accordance with the approval and that the municipality cannot or will not change how it is implementing the program to comply with the approval, the department shall revoke the approval.

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

(h) A municipality whose approval has been suspended pursuant to this section shall not conduct any sampling and analysis or other inspections until the approval has been reinstated.

(i) A municipality whose approval has been revoked that wishes to resume an equivalent program shall apply as specified in Env-Wq 1115.02, provided that in addition to the required information, the municipality shall provide a clear and concise written explanation as to what has been done to correct the situation or circumstances that previously prevented it from implementing the program as approved.

Source. #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100)

PART Env-Wq 1116 WAIVERS

Env-Wq 1116.01 Purpose. The purpose of this part 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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1111.01)

Env-Wq 1116.02 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;

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- (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 1116.03(c).
- (e) The requestor shall submit the request to the department at the address specified in Env-Wq 1103.02(b).
- (f) The requestor and the owner, if other than the requestor, shall sign and date the request.
- (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 penalties for falsification in official matters, currently in RSA 641.

Source. #10577, eff 5-1-14 (See Revision Note #2 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see

Revision Note #3 at chapter heading for Env-Wq 1100)
(formerly Env-Wq 1111.02)

Env-Wq 1116.03 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.
- (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 at chapter heading for Env-Wq 1100); ss by #13198, eff 5-1-21 (see Revision Note #3 at chapter heading for Env-Wq 1100) (formerly Env-Wq 1111.03)

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	Statutory Section(s) Implemented
Env-Wq 1100 (see also specific parts below)	RSA 485-A:26 through 27-a
Env-Wq 1104	RSA 485-A:26, II(b)-(d)
Env-Wq 1105	RSA 485-A:26-a
Env-Wq 1106	RSA 485-A:27-a
Env-Wq 1114	RSA 485-A:27, II
Env-Wq 1115	RSA 485-A:26, IV
Env-Wq 1116	RSA 541-A:22, IV

APPENDIX B: INCORPORATED REFERENCES

Rule Section(s)	Title, Date	Obtain at:
Env-Wq 1106.03(d)(5) Env-Wq 1106.04(b)	Section 6.1, Model Aquatic Health Code, 3rd edition, 2018	U.S. DHHS, Centers for Disease Control and Prevention Download for free at: https://www.cdc.gov/mahc/pdf/2018-MAHC-Code-Clean-508.pdf
Env-Wq 1109.01(a)(1)	ANSI/APSP-1, 2003 American National Standard for Public Swimming Pools	The Association of Pool & Spa Professionals (APSP) 2111 Eisenhower Ave. Alexandria, VA 22314 [Now merged with PHTA] ANSI/APSP-1 (2003) - contact department to review
Env-Wq 1109.01(a)(2)	ANSI/APSP/ICC-1, 2014 American National Standard for Public Swimming Pools	Pool and Hot Tub Alliance (PHTA) 4775 Granby Cir, Colorado Springs, CO 80919 Phone: (719) 540-9119
Env-Wq 1109.04(b)	ANSI/APSP/ICC-7, 2013 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins	ANSI/APSP/ICC-1 (2014) https://www.poolweb.com/media/state_regs/ansi.pdf ANSI/APSP/ICC-7, \$165, https://webstore.ansi.org/standards/apsp/ansiapspicc2013-1508182
Env-Wq 1109.05(e) Env-Wq 1110.03(e)(3) Env-Wq 1111.03(f)(3)	ANSI/APSP/ICC-16, 2011 American National Standard for Suction Fitting Assemblies (SOFA) for Use in Pools, Spas, and Hot Tubs	ANSI/APSP/ICC-16, \$165, https://webstore.ansi.org/standards/apsp/ansiapspicc162017

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.

RSA 485-A:26 Swimming Pools and Bathing Places Public Bathing Facilities.

I. In this section:

(a) “Pool” means a man-made structure and associated pump, filter, drain, and electrical equipment that is used for recreational or therapeutic bathing, swimming, diving, or other contact with the water such as by wading, splashing, tubing, or sliding. “Pool” shall include, but is not limited to, swimming pools, therapy pools, spas, special recreation pools, slides, and tubing courses, 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. “Pool” shall not include any pool, spa, or other pool that serves 3 or fewer living units and is used only by the residents of the living units and their guests, and does not include baptismal fonts or similar structures owned by a religious organization and used for religious rituals.

(b) “Public bathing facility” means a pool that is operated by or for any governmental subdivision, public or private corporation, partnership, association, or educational institution and that is open to the public, members, or students, whether for a fee or free.

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/ICC-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.

APPENDIX E: STATUTORY PROVISIONS

485-A:27-a Certified Operator Training Required.

I. Effective January 1, 2022, a public bathing facility shall be operated only under the supervision of an individual who has successfully completed a certified pool and spa operator certification program offered by the Association of Pool and Spa Professionals, National Swimming Pool Foundation, or other pool and spa operator certification programs approved by the department.

II.(a) By January 1, 2022, each owner of a public bathing facility that is open for 9 months or more in a calendar year shall submit to the department the name and daytime telephone number including area code of each certified pool operator engaged by the owner to supervise the pool at the facility. The submission of this information shall occur as part of the self-certification in RSA 485-A:26-a.

(b) For facilities that begin operation after January 1, 2022, the information in subparagraph (a) shall be submitted prior to beginning operation.