

**CHAPTER 26**

**PUBLIC RECREATIONAL BATHING**

**Authority**

N.J.S.A. 26:1A-7 and 26:4A-7.

**Source and Effective Date**

R.2000 d.241, effective May 12, 2000.  
See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 26, Public Recreational Bathing, expires on November 8, 2005. See: 35 N.J.R. 3005(a).

**Chapter Historical Note**

Chapter 26, Public Recreational Bathing, was adopted as R.1986 d.328, effective August 4, 1986. See: 18 N.J.R. 1040(a), 18 N.J.R. 1576(b). Rules affecting tidal bathing waters became operative on August 4, 1986. All other requirements became operative on November 4, 1986.

Pursuant to Executive Order No. 66(1978), Chapter 26, Public Recreational Bathing, was readopted as R.1991 d.245, effective April 12, 1991. See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Pursuant to Executive Order No. 66(1978), Chapter 26, Public Recreational Bathing, was readopted as R.1996 d.210, effective April 4, 1996. See: 28 N.J.R. 753(a), 28 N.J.R. 2385(a).

Pursuant to Executive Order No. 66(1978), Chapter 26, Public Recreational Bathing, was readopted as R.2000 d.241, effective May 12, 2000 (operative October 1, 2000). See: Source and Effective Date. See, also, section annotations.

**Cross References**

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

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### SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS

#### 8:26-1.1 Purpose

The purpose of this chapter shall be to set reasonable sanitary and safety regulations for public recreational bathing places and to preserve and improve the public health in this state as provided for in N.J.S.A. 26:1A-7.

#### 8:26-1.2 Scope

These rules shall govern all public recreational bathing places in New Jersey. Pursuant to N.J.S.A. 26:1A-9, the provisions of this chapter are enforceable by the New Jersey Department of Health and Senior Services, local departments of health, local police authorities, local sheriff's departments, and other enforcement agencies.

Amended by R.1988 d.229, effective May 16, 1988.

See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Substituted "rules" for "regulations".

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Added authority reference; deleted subsection (b) regarding chapter operative dates.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section.

#### 8:26-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Adult" means a person aged 18 years or older.

"Alter" means and includes any modification, or relocation of any structure or equipment, or diversion and change of water flow patterns in an existing public recreational bathing place such that the design, configuration and/or operating characteristics are different from the original design, configuration and/or operating characteristics. The term does not include normal maintenance, repair, or replacement of previously approved equipment.

"American National Standards Institute, Inc. (ANSI)" means that private nonprofit organization which, for the purposes of this chapter, provides technical materials and expertise and is located at 11 West 42nd Street, 13th Floor, New York, New York 10036-8002 at (212) 642-4949.

"American Society of Mechanical Engineers (ASME)" means that nonprofit educational and technical organization which, for the purpose of this chapter, provides technical materials and expertise and is located at 3 Park Avenue, New York, New York 10016-5990 at (212) 591-7722.

"Approved" means acceptable to the State Department of Health and Senior Services or the local health authority based on its determination as to conformance with appropriate standards and good public health practices.

"Authorized agent" means a licensed health officer, sanitary inspector, or any other properly qualified and licensed person who is delegated to function within specified limits as the agent of the local health authority or the department.

“Bathing beach” means the designated area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters, ocean or other body of fresh or salt water, which is used for bathing and swimming purposes together with buildings, equipment, and appurtenances, if any, and the land areas used in connection therewith.

“Campground” means a plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of 15 days or more in any calendar year, for recreation, education, or vacation purposes.

“Certified laboratory” means a water laboratory certified by the New Jersey Department of Environmental Protection.

“Common interest community” means:

1. Property subject to the Condominium Act, P.L. 1969, c.257 (N.J.S.A. 46:8B-1 et seq.), the Horizontal Property Act, P.L. 1963, c.168 (N.J.S.A. 46:8A-1 et seq.) and The Continuing Care Retirement Community Regulation and Financial Disclosure Act (N.J.S.A. 52:27D-330 et seq.);

2. A housing corporation or association, commonly known as a cooperative, which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association; or

3. Real estate with respect to which a person, by virtue of the ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in the instrument, however denominated, which creates the common interest community. Ownership of a unit does not include holding a lease-hold interest of less than 20 years in a unit, including renewal options.

“Construct” means and includes building or installing a new public recreational bathing place or altering an existing public recreational bathing place or any of its facilities.

“Deck” means areas surrounding a swimming pool which are specifically constructed or installed for use by bathers.

“Deep” means water depths five feet or greater.

“Department” means the State Department of Health and Senior Services.

“Diving” means entering a body of water head first.

“Diving area” means that portion of a swimming pool which is eight feet forward of the tip of the diving board,

eight feet behind the tip of the diving board, and eight feet to each side of the diving board.

“Health authority” means the agent of the Local Board of Health and/or State Department of Health and Senior Services duly licensed to act in the enforcement of its ordinances and the sanitary laws of the state.

“Hot tub or spa” means any pool having a maximum depth of 48 inches used in conjunction with high velocity water recirculation systems. Mineral or non-mineral water is used and is not emptied after each use. Water temperature is hot, cold, or ambient.

“Hotel” or “motel” means a commercial establishment with a building of four or more dwelling units or rooms used for rental and lodging by guests.

“Lifeguard” means a person who holds a lifeguarding certificate from an organization recognized by the New Jersey State Department of Health and Senior Services, as listed in the Appendix of this chapter.

“Locate” means designating the site or place of a public recreational bathing place.

“Mobile home park” means a parcel of land, or two or more contiguous parcels of land, containing at least 10 sites equipped for the installation of mobile or manufactured homes, where these sites are under common ownership and control, other than as a cooperative, for the purpose of leasing each site to the owner of a mobile or manufactured home for the installation thereof, and where the owner provides services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include, but are not limited to:

1. Construction and maintenance of streets;
2. Lighting of streets and other common areas;
3. Garbage removal;
4. Snow removal; and
5. Provision for the drainage of surface water from home sites and common areas.

“National Spa and Pool Institute (NSPI)” means that professional organization which, for the purposes of this chapter, provides technical materials and expertise and is located at 2111 Eisenhower Avenue, Alexandria, Virginia 22314 at (703) 838-0083.

“Nephelometric Turbidity Unit (NTU)” means the turbidity of a specified concentration of formazin suspension used when measuring water clarity.

“Operate” means to conduct, maintain, or otherwise provide facilities for public recreational bathing.

"Person" means any corporations, companies, associations, societies, clubs, firms, partnerships, joint stock companies, governmental agencies as well as individuals.

"Private lake/river/bay or private community lake/river/bay association" means an organization of property owners within a fixed or defined geographical area with deeded or other rights to utilize, with similarly situated owners, various lakefront, riverfront, or bayfront properties, which said properties are not open to the general public, other than bona fide guests of a member of the private lake/river/bay or private community lake/river/bay association.

"Private recreational bathing place" means a body of water, natural or modified by man, used for swimming, diving, and recreational bathing by an individual, family, or living unit member(s) and their guests which shall not serve any type of cooperating house or joint tenancy of three or more living units.

"Public recreational bathing place" means any bathing beach, hot tub or spa, swimming pool, and wading pool that is not private and includes State, county, and municipal facilities.

"Retirement community" means a retirement community which is registered with the Division of Housing and Development in the Department of Community Affairs pursuant to "The Planned Real Estate Development Full Disclosure Act," P.L. 1977, c.419 (N.J.S.A. 45:22A-21 et seq.).

"Sanitary survey" means a comprehensive evaluation of the environmental factors affecting the quality of the waters of a bathing beach. This includes, but is not limited to, sewage and industrial wastewater discharges, storm-water overflows, bird and animal populations, commercial and agricultural drainage, and their relationship to the bathing beach, as well as the location and volume of the pollution, and its chemical, bacterial and physical characteristics.

"Shallow" means water depths less than five feet.

"Specially exempt facility" means a private lake, river or bay or private community lake, river or bay association, or private nonprofit common interest community which restricts the use of its lake, river, bay or pool, as appropriate, to the owners of units thereof and their invited guests. Specially exempt facility also includes a campground, hotel, motel, mobile home park, or retirement community which restricts the use of its pool to renters of the lodging units or owners of the dwelling units, as appropriate, and their invited guests.

"Standard methods for the examination of water and wastewater" means that standard which, for the purposes of this chapter, is the recognized standard that provides the protocol for the microbiological water quality standards for all public recreational bathing places and may be obtained from the American Public Health Association, 1015-18th Street, N.W., Washington, DC 20036.

"Swimming pool" means a watertight structure of concrete, masonry, or other approved materials, located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A swimming pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee, and includes, but is not limited to, pools operated by or serving campgrounds, clubs, churches, cities, common interest communities, counties, day care centers, group home facilities for six or more clients, health spas, institutions, parks, private lake, river, or bay or private community lake, river or bay associations, State, county and municipal agencies, retirement communities, schools, specially exempt facilities, subdivisions, or the cooperative living type projects of three or more living units, such as apartments, boarding homes, condominiums, hotels, mobile home parks, motels, recreational vehicle parks, townhouses, trailer parks, and youth camps.

"Turnover" means the period of time (usually in hours) required to circulate a volume of water equal to the pool capacity.

"User load" means the number of persons in the swimming pool, hot tub, or spa area at any given moment, or during any stated period of time.

"Wading pool" means a swimming pool that ranges in water depth from zero to two feet and is used for wading.

"Water slide" means a slide exceeding 15 feet in height which carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving the passengers amusement, pleasure, thrills, or excitement.

Amended by R.1988 d.229, effective May 16, 1988.

See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Added "save" to the list of definitions.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Definition for save deleted; common interest community and private lake added.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section.

#### 8:26-1.4 Waiver

(a) The Commissioner or his or her designee may, in accordance with the general purposes and intent of N.J.S.A. 26:4A-1 et seq., and amendments thereto, waive sections of this chapter if, in his or her opinion, such waiver would not endanger the safety or health of the public.

(b) Any agency, organization, or entity seeking a waiver of the standards in this chapter shall apply in writing to:

3. Chemical feeders shall be wired so they cannot operate unless the filter pump is running. Where the chemical feeder has an independent timer, the chemical feed pump timers shall be interlocked.

4. Erosion-type feeders shall be allowed to feed their solution to the suction side of the pump.

(e) Electrolytic chlorine generators, when used for producing chlorine for disinfection, shall conform to the following:

1. Electrolytic chlorine generators shall ensure an adequate feed to meet the chlorine residual specified at N.J.A.C. 8:26-7.8.

2. A sodiumchloride test kit shall be provided to monitor the salt concentration of the swimming pool or wading pool water.

(f) Bromination, when used for disinfection, shall conform to the following:

1. A bromine test kit shall be available to monitor the bromine concentration of the swimming pool or wading pool water.

2. Brominator equipment rooms shall be constructed and ventilated as required at N.J.A.C. 8:26-3.22(c).

(g) Slurry feeders for the addition of pre-coat material, pH adjustment, coagulants, and corrosion control chemicals may be used, provided they are approved by the National Sanitation Foundation or its equivalent.

(h) Other disinfecting materials or methods may be accepted by the health authority when they have demonstrated to provide a satisfactory residual effect. This residual effect shall be easily measured and be equally as effective in conditions of use as the chlorine concentrations specified at N.J.A.C. 8:26-7.8. These disinfecting materials shall not be dangerous to public health, shall not create objectionable physiological effects, and shall not emit toxicities into the water.

(i) Combustible chemicals shall be stored away from water, cleaning solutions, and organic materials which may cause fire or explosion. "No smoking" signs shall be posted in areas where these chemicals are stored.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Exception for erosion-type chlorinators deleted. Recodified from N.J.A.C. 8:26-3.20 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section.

### 8:26-3.23 Depth markings

(a) The depth of water shall be plainly and conspicuously marked in feet. The depth markings shall be on the vertical swimming pool wall at or above the water surface and on

the top of the coping or edge of the deck or on the walkway next to the swimming pool.

(b) The depth markings shall be placed at maximum and minimum points of water depth and at all points of slope change and at no more than two feet of intermediate increments of water depth.

(c) The depth markings shall be horizontally spaced at no more than 25 feet intervals and shall be arranged uniformly on both sides of the pool and at both ends.

(d) Where the swimming pool is irregularly shaped, the depth markings shall designate depths at all major deviations in shape.

(e) The depth markings shall be at least four inches in height, contrasting in color to the background, and permanent. The depth markings shall be specified in feet and inches.

(f) The depth markings on the vertical swimming pool wall shall be on the uppermost portion of the wall and shall be legible to a person in the pool.

(g) The depth markings on the deck shall be within 18 inches of the water's edge and shall be legible to a person standing on the deck facing the water.

(h) Depth markings on the deck shall be slip-resistant.

New Rule, R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

### 8:26-3.24 Existing swimming pools and wading pools

(a) The location and construction requirements at N.J.A.C. 8:26-3.1 to 3.15 shall not apply to those swimming pools and wading pools that were constructed prior to November 4, 1986, until alterations are made. Alterations shall be made in accordance with the applicable provisions of this chapter.

(b) For each existing swimming pool or wading pool having a single drain, with or without a skimmer, in addition to complying with (c) through (f) below, at least one of the following actions shall be taken:

1. Rework the drain system to include a minimum of two drains per pump;

2. Lock the valves of the drain and skimmer in the open position to prevent the drain from becoming a sole source of suction; or

3. Install a secondary back-up system (intervening switch) which shuts down the pump when a blockage is detected.

(c) Facility staff shall inspect the swimming pool or wading pool daily to ensure that the drain covers are firmly attached and in sound condition.

(d) Noncorroding fasteners shall be used to secure all drain covers to the swimming pool or wading pool.

(e) The pump shut off switches shall be accessible, located within sight of the swimming pool or wading pool and prominently marked.

(f) Antivortex drain covers, if commercially available for the size of the drains, shall be installed.

New Rule, R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

## SUBCHAPTER 4. HOT TUBS AND SPAS

### 8:26-4.1 General construction and design

(a) The maximum water depth of a hot tub or spa shall be four feet as measured from the water line. Exceptions may be made by the health authority for hot tubs or spas which are designed for special purposes, such as for instruction, treatment, and therapy.

(b) The maximum depth of any seat or sitting bench, including multi-level seating, in the hot tub or spa shall be 28 inches as measured from the water line.

(c) Handholds shall be provided around the hot tub or spa perimeter where the water depth exceeds three feet six inches. Handholds shall be installed no more than four feet apart from each other. Handholds may be:

1. Coping, ledges, radiused flanges, or decks along the immediate top edge of the hot tub or spa which provides a slip-resistant handhold. This handhold shall be no more than 12 inches above the water line;
2. Ladders, steps, or seat ledges; or
3. A secured rope or railing fastened to the wall and placed no more than 12 inches above the water line.

(d) The slope of the hot tub or spa shall not exceed one foot of fall in 12 feet.

(e) There shall be no protrusions, extensions, means of entanglement, or other obstructions which can cause entrapment, entanglement, or injury to the bather.

(f) Steps, seats, ladders, or recessed treads shall be provided where hot tub or spa depths are greater than 24 inches.

(g) Hot tubs or spas shall be equipped with at least one handrail or ladder-equivalent for every 50 feet of perimeter. The handrail(s) shall designate the points of entry and exit.

(h) The design and construction of hot tub or spa steps, including recessed steps, shall conform to the following:

1. Step treads shall have a minimum unobstructed tread depth of 10 inches and a minimum width of 12 inches.
2. Riser heights shall be a minimum of seven inches and a maximum of 12 inches. When the bottom tread serves as a bench or seat, the bottom riser may be maximum of 14 inches above the hot tub or spa floor.
3. The first and the last risers need not be uniform, but shall comply with the riser height requirements specified in (h)2 above. The first (top) riser shall be measured from the finished deck.
4. Intermediate risers, those between the first and last risers, shall be uniform in height.
5. Step treads shall have slip-resistant tread surfaces.
6. Each set of steps shall be provided with at least one handrail to fully serve all treads and risers.
7. Seats or benches may be provided as part of the steps.

(i) Handrails shall be anchored so they can only be removed with tools.

1. The leading edge of the handrails which facilitate hot tub or spa exit shall be located within 18 inches from the bottom riser.

(j) The design and construction of hot tub or spa ladders shall conform to the following:

1. Ladders shall be made from corrosion-resistant materials.
2. Ladder treads shall have slip-resistant tread surfaces.
3. Ladders shall provide two handholds or handrails to fully serve all treads.
4. The maximum outside diameter of handrails shall be 1.9 inches and the minimum outside diameter shall be one inch.
5. There shall be a three to six inch clearance between any ladder and the hot tub or spa wall.
6. The clear distance between ladder handrails shall be a minimum of 17 inches and a maximum of 24 inches.

(k) The design and construction of recessed treads shall conform to the following:

(f) Strainers shall be provided on all filter systems. Strainers shall be removable and shall be located upstream of the circulation pump(s) to remove solids, debris, hair, and lint. Water entering the pump shall pass through the removable strainer.

(g) Filters shall meet the following requirements:

1. Filters shall maintain hot tub or spa water in accordance with (a) above.

2. All separation tanks shall have a precautionary statement warning the user not to start the filter pump without first opening the air release. The statement shall be readily visible and posted near the air release.

3. The piping which is furnished with the filter shall be capable of withstanding three times the working pressure of the filter. The suction piping shall not collapse when there is a complete shut-off of flow on the suction side of the pump.

4. Filter components shall be installed according to the manufacturer's instructions. Filter components shall be accessible and available for inspection and repair.

5. An influent pressure gauge having an appropriate pressure range shall be provided on all filters.

6. A flow meter shall be provided which meets the requirements at N.J.A.C. 8:26-3.15(f)4.

7. Filters shall provide safe operation which is not hazardous to the operator or maintenance personnel.

8. A means shall be provided to permit release of air which enters the filter tank. This means may be automatic or manual. Any filters and/or separation tanks incorporating an automatic internal air release as its principal means of air release shall have access lids which provide a slow and safe release of pressure. A separation tank used in conjunction with a filter tank shall have a manual means of air release or an access lid which provides a slow and safe release of pressure as it is opened.

9. Filter backwash shall be disposed of pursuant to the provisions of N.J.A.C. 8:26-6.5.

(h) Valves shall meet the following requirements:

1. Valves shall be readily and easily accessible for removal and maintenance.

2. Multiport valves shall comply with 1999 American National Standard for Public Spas (ANSI/NSPI-2), incorporated herein by reference, as amended and supplemented, regarding such valves.

3. Where a pump is installed below the overflow rim of the hot tub or spa, the valves shall be installed on permanently connected suction and discharge lines and located in an accessible place outside of the walls of the hot tub or spa.

Amended by R.1987 d.99, effective February 2, 1987.

See: 18 N.J.R. 2281(a), 19 N.J.R. 290(b).

Deleted National Spa and Pool Institute (NSPI) from (d)4.

Recodified from 8:26-4.8 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section. Former N.J.A.C. 8:26-4.7, Inlets and outlets, recodified to N.J.A.C. 8:26-4.6.

#### 8:26-4.8 Disinfection

(a) A means of disinfecting the hot tub or spa water shall be employed which provides a disinfecting residual in the hot tub or spa water. Chlorine or chlorine compounds are the most frequently used disinfecting agents. Other bactericidal agents shall be acceptable if registered for said use by the U.S. Environmental Protection Agency and the New Jersey Department of Environmental Protection.

(b) The disinfectant shall be continuously introduced into the circulation system of the hot tub or spa. The means of introducing approved disinfecting agents shall maintain the disinfectant residual as required at N.J.A.C. 8:26-7.12.

Recodified from 8:26-4.10 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section. Former N.J.A.C. 8:26-4.8, Circulation systems, recodified to N.J.A.C. 8:26-4.7.

#### 8:26-4.9 Air induction systems

(a) An air induction system shall prevent water back-up to eliminate electrical shock hazards.

(b) Air intake sources shall not introduce contaminants, such as deck water, dirt, etc., into the hot tub or spa.

Recodified from 8:26-4.11 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section. Former N.J.A.C. 8:26-4.9, Pumps and strainers, repealed.

#### 8:26-4.10 Surface skimming systems

Surface skimming systems shall conform to requirements set forth at Article X of the 1999 American National Standard for Public Spas (ANSI/NSPI-2).

Recodified from 8:26-4.12 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section. Former N.J.A.C. 8:26-4.10, Disinfectant and chemical feeders, recodified to N.J.A.C. 8:26-4.8.

#### 8:26-4.11 Fencing and enclosures

Fencing and enclosures shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

Recodified from 8:26-4.13 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section. Former N.J.A.C. 8:26-4.11, Air induction systems, recodified to N.J.A.C. 8:26-4.9.

**8:26-4.12 Depth markings**

(a) Water depth shall be plainly and conspicuously marked in feet.

(b) The depth markings shall be spaced at maximum 25 feet intervals and shall be uniformly located around the perimeter of the hot tub or spa.

(c) The depth markings shall be placed within 18 inches of the water's edge.

(d) The depth markings shall be placed so they are legible to a person standing on the deck facing the water.

(e) There shall be a minimum of two depth markings per hot tub or spa, regardless of the hot tub or spa size and shape.

(f) Depth markings shall be slip-resistant.

New Rule, R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Former N.J.A.C. 8:26-4.12, Overflow systems, recodified to N.J.A.C. 8:26-4.10.

**8:26-4.13 Existing hot tubs and spas**

(a) Alterations to existing hot tubs and spas shall be made in accordance with the applicable provisions of this chapter. As used in this section, "existing" means installed and in use prior to June 5, 2000.

(b) The provision for heater and temperature requirements at N.J.A.C. 8:26-4.3 and the disinfection requirements at N.J.A.C. 8:26-4.8 shall apply to existing hot tubs and spas.

(c) For each existing hot tub and spa having a single drain, with or without a skimmer, in addition to complying with (d) through (g) below, at least one of the following actions shall be taken:

1. Rework the drain system to include a minimum of two drains per pump;
2. Lock the valves of the drain and skimmer in the open position to prevent the drain from becoming a sole source of suction; or
3. Install a secondary back-up system (intervening switch) which shuts down the pump when a blockage is detected.

(d) Facility staff shall inspect the hot tub or spa daily to ensure that the drain covers are firmly attached and in sound condition.

(e) Non-corroding fasteners shall be used to secure all drain covers to the hot tub or spa.

(f) Pump shut off switches shall be accessible, located within sight of the hot tub or spa and prominently marked.

(g) Antivortex drain covers, if commercially available for the size of the drains, shall be installed.

New Rule, R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Former N.J.A.C. 8:26-4.13, Enclosure of hot tubs and spas, recodified to N.J.A.C. 8:26-4.11.

**SUBCHAPTER 5. WATERFRONT SAFETY****8:26-5.1 Specially exempt facilities**

(a) Specially exempt facilities shall be exempt from mandatory compliance with the first aid personnel and lifeguard provisions of this subchapter at N.J.A.C. 8:26-5.2(b), (b)1, (d), and (e); 5.6(b); 5.7(a); 5.8(b) and (b)1; and 5.10(b), (b)1, (c) and (e). This exception shall not apply to specially exempt facilities which use ocean waters for bathing. For purposes of this subchapter, invited guests may include occupants or tenants who by affirmative designation by the specially exempt facility through bathing place rules, association rules and bylaws, and lease agreements, are granted such status and corresponding responsibilities normally associated with that of an invited guest.

(b) Specially exempt facilities which do not voluntarily comply with the provisions in (a) above shall post a sign at least three feet by four feet in size. This sign shall be prominently displayed at every entrance to each swimming area and shall state:

"No lifeguard on duty."

"Persons under the age of 16 must be accompanied by an adult."

"No swimming alone."

(c) At campgrounds, hotels, motels, mobile home parks or retirement communities, a second three by four feet sign shall be posted at all swimming areas and shall state:

"This swimming area shall be closed when the owner or manager is not on the premises."

This notice shall also be posted on a sign at least eight inches by 10 inches in size at the registration desk and in each guest room or suite of the campground, hotel or motel used for occupancy by guests.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on swimming pool supervision recodified to 5.2; new text on exceptions added.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote (a) and (b) and added (c).

### 8:26-5.2 Swimming pool supervision

(a) A swimming pool shall be under the management of a designated adult supervisor who is knowledgeable of these rules and who shall be responsible for all phases of the operation. The name and telephone number of the designated adult supervisor shall be conspicuously posted.

(b) At least one person currently certified in standard first aid and professional level infant, child, and adult cardiopulmonary resuscitation (CPR) by a Department of Health and Senior Services approved organization as listed in the Appendix shall be on the premises, available, and readily accessible when the swimming pool is in use. If the trained and qualified personnel are not stationed at the swimming pool side, then the facility shall conspicuously post a sign indicating the location and method of access of such personnel. The facility shall demonstrate to the health authority that said personnel are available, in reasonable proximity to the swimming pool, and can be easily contacted to enable them to render the necessary and appropriate assistance in a timely manner.

1. CPR retraining shall only be required when an individual's current certification expires.

(c) The maintenance and mechanical operation of a swimming pool shall be under the supervision of a trained pool operator. The trained pool operator shall be available for mechanical and maintenance repairs and detection. The trained pool operator shall have completed a pool operator course and shall have certification from a Department of Health and Senior Services approved organization as listed in the Appendix.

(d) At least one lifeguard certified by an organization recognized by the Department of Health and Senior Services as listed in the Appendix shall be on duty for 60 or less swimmers at all times when the swimming pool is in use. Additional lifeguards shall be required depending on bather load, bather activities, size and configuration of the swimming pool, and amount of surface area for shallow and deep water areas, emergencies, and lifeguard's ability to see bathers. All on-duty lifeguards shall be identified by distinguishing apparel or emblems. Lifeguards who are assigned to swimming pool supervision shall not have duties that would distract or intrude upon their attention from proper observation of persons in the swimming pool area, or that prevent immediate assistance to persons in distress in the water. Each lifeguard shall be equipped with a whistle or other signaling device.

(e) Lifeguard platforms or stands shall be provided for swimming pools where water surface area is greater than 2,000 square feet. Lifeguard platforms or stands shall be elevated and located at the water's edge so as to provide a clear unobstructed view of the swimming pool surface and bottom.

(f) Each facility shall establish a written aquatics supervision plan. This plan shall be maintained on-site. It shall be implemented by each facility and shall contain information including, but not limited to:

1. A diagram of the facility;
2. Swimming pool evacuation plans;
3. A schedule for and the number of lifeguards to be on duty depending on conditions and activities;
4. Responsibilities of all employees;
5. A list of emergency telephone numbers;
6. The location of first aid and rescue equipment; and
7. Staff emergency procedures.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on emergency equipment for swimming pools recodified to 5.3; swimming pool supervision recodified from 5.1, with CRP and CPO requirements added.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section.

### 8:26-5.3 Emergency equipment for swimming pools

(a) Swimming pools shall be provided with the following readily accessible emergency equipment:

1. Two or more assist poles or life hooks;
2. One or more rescue tubes for each lifeguard on duty. These rescue tubes shall be approved by the United States Coast Guard or the Underwriter Laboratories;
  - i. For specially exempt facilities, at least two ring or rescue buoys approved by the United States Coast Guard or Underwriter Laboratories.
3. A first aid kit (see Appendix) approved by the Department of Health and Senior Services. The kit shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use;
4. A full spine board complete with ties and/or straps that meet the design requirements as specified at N.J.A.C. 8:40-6.15;
5. An emergency care area for swimming pools capable of accommodating 500 or more patrons; and
6. A telephone, radio, signaling device, or other health authority approved means of communication shall be located near the lifeguard station for emergency use. Commercial pay telephones shall be permitted for this purpose provided that coin deposit is not needed to access emergency assistance. Emergency numbers of the nearest rescue squad, physician, ambulance, police department, hospital, clinic, or other appropriate entity shall be posted in a weather-resistant display, adjacent to the telephone.

Amended by R.1988 d.229, effective May 16, 1988.

See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Deleted "American Red Cross"; added "citizen band radio, signaling devices".

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on bather rules for swimming pools, wading pools, hot tubs and spas recodified to 5.4; text on emergency equipment for swimming pools recodified from 5.2, with stylistic changes.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote (a).

#### 8:26-5.4 Bather rules for swimming pools, wading pools, hot tubs and spas

(a) Rules governing admission, bathing, and conduct of patrons shall be conspicuously posted and shall include at a minimum the following provisions verbatim:

"1. Any person showing evidence of any communicable skin disease, sore or inflamed eyes, cold, nasal or ear discharges, or any other communicable disease shall be denied admission.

2. Any person with excessive sunburn, open blisters, cuts, or bandages shall be denied admission.

3. Do not enter the water if you are experiencing or recovering from diarrhea or have had any signs or symptoms of a gastrointestinal (stomach) disease in the past seven days.

4. All children in diapers must wear plastic pants with snug fitting elastic waist and leg bands. Do not wash out soiled diapers in the bathing water.

5. Children should be encouraged to use the restroom before entering the water. Immediately report any "accidents" you observe in the bathing waters to a lifeguard.

6. No animals, except for service animals, shall be allowed in the swimming pool, wading pool, hot tub, or spa area, dressing rooms, or other parts of the enclosure.

7. Glass containers shall be prohibited in food and drink areas.

8. All persons shall shower before entering the water.

9. Conduct which endangers the safety and comfort of others shall be prohibited.

10. Outdoor bathing shall be prohibited during an electrical storm.

11. Persons suspected of being under the influence of drugs or alcohol shall be prohibited from entering the water."

(b) Policies and procedures regarding water toys and floating devices shall be established to ensure a safe bathing environment.

Amended by R.1988 d.229, effective May 16, 1988.

See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Added the words "and communicable" to (a)1.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on wading pool supervision recodified to 5.5; bather rules for swimming pools, wading pools, hot tubs and spas recodified from 5.3, with (c) added.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote (a); in (b), deleted introductory paragraph and recodified (b)1 as (b); and former (b)2 through (c) recodified to N.J.A.C. 8:26-5.5.

#### 8:26-5.5 Diving in swimming pools

(a) Diving rules shall be conspicuously posted in both words and symbols in the swimming pool area. Diving shall be prohibited in water depths five feet or less. Diving and non-diving areas shall be designated and posted with signs and symbols.

(b) Head-first diving entries during competitive swim meets and swim practices shall be permitted in less than five feet of water, provided the following standards are met:

1. The water depth of the swimming pool at the bulkhead at pool side where starting blocks are located shall be at least four feet;

2. Only the "flat dive," also known as a "forward start," shall be used;

3. Signs shall be conspicuously posted to remind swimmers of the dangers of using any dive other than the flat dive, when diving into waters less than five feet deep;

4. Swimmers shall be under the direct supervision of the team swim coach; and

5. Procedures shall be established to ensure that the diving blocks are not used by an untrained swimmer or by the general public.

Recodified from 8:26-5.4(b)2 through (c) and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-5.5, Wading pool supervision, recodified to N.J.A.C. 8:26-5.6.

#### 8:26-5.6 Wading pool supervision

(a) A responsible individual, knowledgeable and trained in a program developed by the designated adult supervisor, shall supervise the activities of the wading pool.

(b) At least one individual currently certified in standard first aid and professional level adult, child, and infant CPR by a Department of Health and Senior Services approved organization as listed in the Appendix shall be readily accessible during wading pool use. If the individual is not stationed at the wading pool, the facility shall post a sign conspicuously placed at the wading pool stating how to reach this individual. The trained individual shall be able to render assistance in a safe and timely manner.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on water slides recodified to 5.6; wading pool supervision recodified from 5.4, with child and infant CPR requirements added. Recodified from 8:26-5.5 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000). 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

In (a), substituted reference to supervising the activities of the wading pool for reference to being present when wading pool is in operation; and rewrote (b). Former N.J.A.C. 8:26-5.6, Water slides, recodified to N.J.A.C. 8:26-5.7.

#### 8:26-5.7 Water slides

(a) Supervision of the waterfront area of water slides shall be provided by a lifeguard as set forth at N.J.A.C. 8:26-5.2. At least one person shall supervise the activities of the water slide. Additional supervision of the water slide shall be required based on the size and configuration of the water slide and swimming pool entry area.

(b) A water slide shall not enter into less than three feet of water.

(c) If the water slide enters into less than five feet of water, the end of the slide shall be no more than six inches above the surface of the water.

(d) Only feet first entries shall be permitted.

(e) The landing area in front of the water slide shall be used solely for water slide users entering the water.

Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on hot tubs and spas recodified to 5.7; water slides recodified from 5.5.

Recodified from 8:26-5.6 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000). 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-5.7, Hot tubs and spas, recodified to N.J.A.C. 8:26-5.8.

#### 8:26-5.8 Hot tub and spa supervision

(a) Supervision of a hot tub or spa shall be provided by a designated adult supervisor who is knowledgeable of these rules and who shall be responsible for all phases of its operation.

(b) At least one person currently certified in standard first aid and professional level adult, child, and infant CPR by a Department of Health and Senior Services approved organization as listed in the Appendix shall be on the premises, available, and readily accessible when the hot tub or spa is in use. If the trained and qualified personnel are not stationed at the hot tub or spa, then the facility shall conspicuously post a sign indicating the location and method of access of such personnel. The qualified personnel shall be able to render assistance in a safe and timely manner.

1. CPR retraining shall only be required when an individual's current certification expires.

(c) The maintenance and mechanical operation of a hot tub or spa shall be under the supervision of a trained pool operator. The trained pool operator shall be available for

mechanical and maintenance repairs and detection. The trained pool operator shall have completed a pool operator course from a Department of Health and Senior Services approved organization as listed in the Appendix.

(d) A precautionary sign shall be posted adjacent to the entrance to the hot tub or spa and shall state the following:

#### “CAUTION”

“Pregnant women, elderly persons, those suffering from heart disease, diabetes, high or low blood pressure, or those using prescription medications should not enter this hot tub or spa without prior medical consultation and permission from their doctor.”

“Unsupervised use by children under 16 years of age is prohibited.”

“Do not use this hot tub or spa while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics, or tranquilizers.”

“Do not use this hot tub or spa while alone.”

“Shower before entering this hot tub or spa.”

“There shall be a 15 minute time limit on time spent in the hot tub or spa. Long continuous exposures may result in nausea, dizziness, or fainting.”

(c) A clock shall be located next to the hot tub or spa.

Amended by R.1987 d.99, effective February 2, 1987.  
See: 18 N.J.R. 2281(a), 19 N.J.R. 290(b).

Substituted “person” for “adult”; added text “the maintenance and mechanical operation”.

Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on bathing beaches recodified to 5.8; hot tubs and spas recodified from 5.6, with CPR and CPO requirements amended in (a)1 and 2.

Recodified from 8:26-5.7 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section. Former N.J.A.C. 8:26-5.8, Bathing beaches, repealed.

#### 8:26-5.9 Emergency equipment for hot tubs or spas

A first aid kit approved by the Department of Health and Senior Services shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use.

New Rule, R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Former N.J.A.C. 8:26-5.9, Bather rules for bathing beaches, recodified to N.J.A.C. 8:26-5.11.

#### 8:26-5.10 Bathing beach supervision

(a) A bathing beach shall be under the supervision of a designated adult supervisor. The name and telephone number of the designated adult supervisor shall be conspicuously

posted. The hours of operation shall also be conspicuously posted.

(b) At least one person currently certified in standard first aid and professional level infant, child, and adult CPR by a Department of Health and Senior Services approved organization as listed in the Appendix shall be on the premises, available, and readily accessible when the bathing beach is in operation. If the trained and qualified personnel are not beach-side, then the facility shall conspicuously post a sign indicating the location and method of access of such personnel. The facility shall demonstrate to the health authority that said personnel are available, in reasonable proximity to the bathing beach. The qualified personnel shall be able to render assistance in a safe and timely manner.

1. CPR retraining shall only be required when an individual's current certification expires.

(c) At least one lifeguard for every 300 feet of visible shoreline shall be on duty at all times when the bathing beach is in operation. Additional lifeguards shall be required depending upon bather load, currents, tides, contour or slope of the beach, and any other condition(s) which may cause changes in water conditions. All on-duty lifeguards shall be identified by distinguishing apparel or emblems. Lifeguards who are assigned to supervision of the bathing beach shall not have duties that would distract or intrude upon their attention from proper observation of persons in the water and beach area, or that prevent immediate assistance to persons in distress in the water. Each lifeguard shall be equipped with a whistle or other signaling device.

1. A lifeguard training program certified by the United States Lifesaving Association shall be established by the owner or operator for ocean and tidal waters.

(d) Each bathing beach shall establish a written aquatics supervision plan. It shall be implemented and maintained by each facility on-site and shall contain information including, but not limited to:

1. A map of the bathing beach;
2. Bathing beach evacuation plans;
3. A schedule for the number of lifeguards to be on duty depending on conditions and activities;
4. Responsibilities of all lifeguards;
5. A list of emergency telephone numbers;
6. The location of first aid and rescue equipment; and
7. Staff emergency procedures.

(e) Lifeguard stations shall be located within 30 feet of the shoreline. Lifeguards shall be isolated from the beach crowds on elevated slats or stands. These slats or stands shall be high so as to give the lifeguards a complete and unobstructed view of the bathing area.

(f) Swimming areas shall be maintained in a clean and safe condition, free from rocks, holes, and hidden dangers. Any known hazard in the vicinity shall be properly safeguarded and marked as such.

(g) Each bathing beach shall be designated by buoys, flags, or other methods approved by the health authority.

New Rule, R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Former N.J.A.C. 8:26-5.10, Lifesaving equipment for bathing beaches, recodified to N.J.A.C. 8:26-5.12.

#### 8:26-5.11 Bather rules for bathing beaches

Bather rules and policies shall be provided as specified in the regulations governing swimming pools at N.J.A.C. 8:26-5.4(a)3, 4, 5, 6, 7, 9, 10 and 11 and 5.4(b).

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on lifesaving equipment for bathing beaches recodified to 5.10; bather rules for bathing beaches recodified from 5.8.

Recodified from N.J.A.C. 8:26-5.9 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Amended N.J.A.C. references. Former N.J.A.C. 8:26-5.11, Diving stands and boards for bathing beaches, recodified to N.J.A.C. 8:26-5.13.

#### 8:26-5.12 Lifesaving equipment for bathing beaches

(a) Lifesaving equipment shall be provided in case of an emergency. The equipment shall include, at a minimum:

1. One reach pole measuring at least 12 feet with blunt ends. The reach pole shall be provided at bathing beaches where docks or similar protruding structures are located in the bathing area.
2. One ring buoy 18 inches in diameter attached to a 60 foot length  $\frac{1}{4}$  inch rope shall be provided at each lifeguard station. A rescue tube, torpedo buoy, or similar device with sufficient line attached may also be used;
3. A 600 foot  $\frac{1}{4}$  inch poly rope with brass swivel snap hooks shall be provided at each lifeguard station at ocean bathing beaches;
4. A paddle rescue device capable of supporting two adults;
5. A first aid kit (see Appendix) approved by the Department of Health and Senior Services shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use;
6. A full spine board complete with ties and/or straps that meets the design requirements of N.J.A.C. 8:40-6.15;
7. Every bathing beach capable of accommodating 500 swimmers and bathers shall have an emergency care room; and

8. A telephone or other means of communication approved by the health authority shall be located near the lifeguard station for emergency use. Emergency numbers for the nearest rescue squad, physician, ambulance, police department hospital, clinic, or other appropriate entity shall be posted in a weather-resistant display adjacent to the telephone or communication device.

Amended by R.1987 d.99, effective February 2, 1987.  
See: 18 N.J.R. 2281(a), 19 N.J.R. 290(b).

(a)2 amended.

Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on diving stands and boards for bathing beaches recodified to 5.11; lifesaving equipment for bathing beaches recodified from 5.9, with requirements for two adults added at (a)4.

Recodified from N.J.A.C. 8:26-5.10 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section. Former N.J.A.C. 8:26-5.12, Waterfront restrictions for bathing beaches, recodified to N.J.A.C. 8:26-5.14.

### 8:26-5.13 Diving stands and boards for bathing beaches

(a) Diving stands and boards for bathing beaches shall conform to the diving rules at N.J.A.C. 8:26-5.5 governing swimming pools.

(b) Fixed platforms for bathing beaches are permitted if they are constructed with a visible one foot air space below the platform or float. There shall be little underwater construction consistent with the strength requirements of the platform or float. All braces and struts shall be designed to prevent entanglement or trapping of the bathers.

1. Fixed platforms shall be permitted for bay or tidal waters provided there is a visible one foot air space below the platform at the flood high tide mark.

2. The minimum water depth surrounding a fixed platform or float without a diving board or similar device shall be eight feet for an outward distance of 12 feet from the platform.

3. Where a fixed platform or float has a diving board or other device three or more feet above the water, the water depth at the end of the board shall be at least 12 feet for a distance of 12 feet beyond the end of the board and in all cases the minimum depths shall extend nine feet to each side of the board or platform.

Amended by R.1988 d.229, effective May 16, 1988.  
See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Added bathing beaches.

Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on waterfront restrictions for bathing beaches recodified to 5.12; diving stands and boards for bathing beaches recodified from 5.10, with air space requirement added at (b)1.

Recodified from N.J.A.C. 8:26-5.11 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section.

### 8:26-5.14 Waterfront restrictions for bathing beaches

Waterfront restrictions for bathing beaches shall be posted and shall include the following verbatim:

“No motorized vehicles, except emergency and maintenance vehicles, shall be permitted in the bathing area during its use.”

“No boating, water skiing, sailboating, windsurfing, scuba diving, or surfboarding shall be permitted in the swimming and bathing area while in use.”

“Rope drops shall not be permitted except those licensed and inspected by the Department of Community Affairs pursuant to N.J.S.A. 5:3-31 through 55.”

Amended by R.1988 d.229, effective May 16, 1988.  
See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Added bathing beaches.

Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Text on waterfront restrictions for bathing beaches recodified from 5.11.

Recodified from N.J.A.C. 8:26-5.12 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section.

## SUBCHAPTER 6. GENERAL SANITATION AND MAINTENANCE

### 8:26-6.1 General provisions

(a) A swimming pool, hot tub, spa, or bathing beach shall be maintained in a clean, sanitary, and safe condition. The health authority may require a public recreational bathing place to correct or eliminate any specific condition not described in these rules, but which it deems necessary for proper sanitation, safety, or fire protection.

(b) Dressing rooms and sanitary facilities shall be provided at all public recreational bathing places unless dressing rooms and sanitary facilities are provided in close proximity to the swimming pool, wading pool, hot tub, or spa and are of adequate capacity and number. Bathing beaches constructed prior to November 4, 1986 shall be exempt from this requirement.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section.

### 8:26-6.2 Dressing rooms and bathhouses

(a) Dressing rooms and bathhouses shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(b) Separate dressing rooms and sanitary facilities shall be provided for each sex. Line of sight shall be broken at

the entrances and exits of the dressing rooms. The room shall be well lit, drained, ventilated, and constructed from impervious materials.

(c) Floors shall have a slip-resistant surface that shall be relatively smooth and readily cleanable. The floors shall be sloped at least one-quarter inch per foot toward the floor drains to ensure drainage.

(d) Walls and partitions of the dressing room area, screen partitions, shower partitions, toilet partitions, and dressing room booths shall be constructed of durable material which is not subject to water damage. A waterway shall be provided between the bottom of the partitions and the floor to permit thorough cleaning of the walls and floor area with hoses and brooms.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote section.

### 8:26-6.3 Showers

(a) Showers shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(b) Shower stall floors which are located adjacent to walkways shall be lower than the level of the walkways.

(c) The cross-sectional area of the floor drains in shower rooms and stalls shall be at least twice the cross-sectional area of the outlet pipe to which it is connected.

(d) Wood slats or wood flooring material and slopes which are conducive to slipping, tripping, or falling shall not be used.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote section.

### 8:26-6.4 Water closets and lavatories

(a) Water closets and lavatories shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(b) Water closets shall be enclosed with noncorrosive partitions. There shall be sufficient space between the floor and the bottom of the partition to permit washing of the floor.

(c) Fixtures shall conform to the following requirements:

1. Toilet tissue holders, supplied with an adequate supply of toilet tissues, shall be provided at each toilet.

2. Suitable receptacles shall be provided for paper towels and waste materials. Such receptacles in toilet rooms for women shall be covered.

3. Common towels shall not be permitted.

4. Soap dispensers for providing either liquid or powdered soap shall be provided at each lavatory. The soap dispenser shall be made of all metal or all plastic materials. Glass shall not be permitted in these units.

5. Unbreakable mirrors shall be provided.

Amended by R.1988 d.229, effective May 16, 1988.

See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Deleted (c)4 and renumbered (c)5.-6. as (c)4.-5.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Safety glass specified in (c)5.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote section.

### 8:26-6.5 Wastewater disposal

(a) The wastewater disposal system shall be of adequate size to serve the facility including the bathhouse, locker room, and related accommodations.

(b) Sanitary sewage and filter backwash waters shall be disposed of without creating nuisances or sources of foulness.

(c) Overflow water shall be returned to the filter system or discharged to a waste system.

(d) Backwash water shall be discharged in a manner approved by the health authority.

(e) All wastewater shall be disposed of by one of the following approved methods:

1. Sanitary sewer: The discharge of any wastewater into a sanitary sewer shall have the approval of the appropriate sewer authority or the municipality that owns and/or operates the treatment system.

2. Natural waters: The discharge of any wastewater into the natural waters of the State shall not be allowed without a NJPDES permit issued by the State Department of Environmental Protection, Division of Water Quality, Bureau of Standard Permitting, PO Box 029, Trenton, New Jersey 08625-0029.

3. Subsurface sewage disposal facilities: The location and construction of a subsurface sewage disposal system shall conform to the requirements of Standards for the Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A, the New Jersey Water Pollution Control Act Regulations, N.J.A.C. 7:14 and local laws, ordinances, and regulations.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote (a), (d) and (e).

**8:26-6.6 Solid waste disposal**

(a) Solid waste shall be disposed of pursuant to the solid waste management rules at N.J.A.C. 7:26 promulgated by the Department of Environmental Protection, and any other applicable rules and regulations.

(b) All garbage and rubbish shall be stored in durable, fly-tight, water-tight containers equipped with a tight fitting lid.

(c) There shall be a sufficient number of containers to hold all of the garbage and rubbish which accumulates between periods of removal from the premises.

(d) Bulk storage facilities shall be sized adequately for the storage of all garbage and rubbish.

(e) Storage areas for garbage and rubbish shall be clean and shall not constitute a nuisance.

(f) All garbage and rubbish shall be disposed of at least twice a week and in such a manner as to prevent a public health nuisance.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote (a), (b), (e) and (f).

**8:26-6.7 Potable water supply**

The potable water supply shall be of adequate quantity, of a safe, sanitary quality, and from a water system which is constructed, protected, operated, and maintained pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., its attendant rules at N.J.A.C. 7:10, and local laws, ordinances, and regulations. Copies of these documents can be obtained by writing to the Department of Environmental Protection, Bureau of Potable Water, PO Box 029, Trenton, New Jersey 08625-0029.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote section.

**8:26-6.8 Drinking water fountains**

Drinking water fountains shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Substituted "conform to the requirements of" for "be constructed according to" preceding "the New Jersey".

**8:26-6.9 Food service**

All food service and milk supplies shall conform to the requirements of N.J.A.C. 8:24.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote section.

**8:26-6.10 Plumbing**

The installation, maintenance, repair, and control of plumbing shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

**8:26-6.11 Insect, rodent, and weed control**

(a) The application of pesticides shall conform to the provisions of the New Jersey Pesticide Control Regulations, N.J.A.C. 7:30.

(b) Effective control measures shall be used to minimize and/or eliminate the presence of rodents, flies, roaches, and other vermin on the premises. The public recreational bathing place shall be kept in such condition as to prevent the harborage or breeding of vermin.

(c) All buildings shall be rodent-and insect-proofed. Storage areas shall be maintained in such a manner as to minimize the possibility of rodent harborage.

(d) Poison ivy, poison oak, poison sumac, and ragweed shall be controlled at all times.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote section.

**8:26-6.12 Recreational equipment**

Recreational equipment, including playground devices, shall be inspected for defects at least once per week during the season. A written record of these inspections shall be maintained for a minimum of one year. Recreational equipment shall be maintained in safe operating condition at all times.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote section.

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**SUBCHAPTER 7. SAMPLING AND WATER QUALITY CRITERIA**
**8:26-7.1 Water source**

(a) Fresh water for swimming pool, wading pool, hot tub, or spa use shall be obtained from a potable water source, approved by the New Jersey Department of Environmental

Protection the New Jersey Department of Health and Senior Services, or the local health authority.

(b) Salt water for use in salt water pools shall be obtained from a source which meets the water quality criteria for a salt water bathing beach as set forth at N.J.A.C. 8:26-7.18 and 7.19.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-7.2 Microbiological sampling for public recreational bathing places

All microbial analyses for public recreational bathing places shall be performed by a laboratory certified by the New Jersey Department of Environmental Protection, pursuant to the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18. Information concerning laboratory certification may be obtained from the New Jersey Department of Environmental Protection, Office of Quality Assurance, PO Box 424, Trenton, New Jersey 08625-0424.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-7.3 Sample collection for swimming pools, wading pools, hot tubs, and spas

(a) Water samples shall be collected only when the swimming pool, wading pool, hot tub, or spa is in use and during periods of maximum user load. The hour of the day and the day of the week of sample collection shall be varied to obtain, over a period of time, a representative sampling of the sanitary quality of the swimming pool, wading pool, hot tub, or spa.

(b) Sampling shall be done at least once every week during periods of maximum use load.

1. For swimming pools using disinfection and filtration, sampling may be done biweekly, based upon three months of consecutive satisfactory sample results.

(c) All sample containers shall be sterilized and treated with sodium thiosulfate to reduce chlorine or other halogens present in the water at the time the sample is collected.

(d) The following sampling technique shall be used:

1. The sample shall be taken at least 18 inches below the water surface in the vicinity of groups of bathers;

2. The sterile container shall be opened carefully without touching the inner surfaces;

3. The sterile container shall be held near its base at a 45 degree angle;

4. The sterile container shall be plunged vertically into the water while making sure that the dechlorinating agent is not washed out;

5. The container shall be filled with one slow sweep down through the water with the mouth of the container always ahead of the hand.

6. Care shall be taken to avoid contamination of the sample by floating debris;

7. The container shall be closed without touching the inner surfaces; and

8. The container shall not be rinsed.

Recodified from N.J.A.C. 8:26-7.4 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.3, Sample containers, repealed.

#### 8:26-7.4 Disposition of water samples from public recreational bathing places

The sample(s) taken from swimming pools, wading pools, hot tubs, and spas shall be taken to a certified laboratory within 30 hours of collection for processing. Samples taken from bathing beaches shall be taken to a certified laboratory within six hours of collection for processing. The sample(s) shall be refrigerated immediately upon collection or kept in an ice chest and held at a maximum of 45 degrees Fahrenheit while being transported. Information documenting the sampling time, sampling date, location of sample collection, sampler's identification, and desired analysis(es) shall accompany the sample.

Recodified from N.J.A.C. 8:26-7.5 and amended by R.2000 d. 241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.4, Collection of samples for swimming pools, wading pools, hot tubs, and spas, recodified to N.J.A.C. 8:26-7.3.

#### 8:26-7.5 Microbiological water quality standards for swimming pools and wading pools

(a) Heterotrophic plate count shall be performed in accordance with the procedures set forth in Method 9215B pour plate method, found in the 19th edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, incorporated herein by reference, as amended and supplemented. The number of colony forming units (CFU) shall not exceed 200 colonies per one milliliter sample.

(b) Total coliform densities:

1. The multiple-tube fermentation technique for total coliform densities shall be conducted in accordance with the procedures set forth in Method 9221A, B, C found in the 19th edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, incorporated herein by reference, as amended and supplemented. None of the 10 standard 10 milliliter portions shall show the presence of the coliform group.

(c) The following disinfectant levels and chemical values shall be continuously maintained within the following ranges.

	Minimum	Ideal	Maximum
Free Chlorine, residual parts per million (ppm)	2.0	3.0-5.0	10.0
Combined Chlorine (ppm)	None	None	0.2 <sup>†</sup>
Bromine (ppm)	2.0	3.0-5.0	10.0
pH	7.2	7.4-7.6	7.8

<sup>†</sup> Remedial action shall be taken if combined chlorine residuals exceed 0.2 ppm as it will result in reduced disinfectant efficacy.

(d) If disinfectants other than those specified in (c) above are used, residuals of equivalent disinfecting strength shall be maintained.

(e) If stabilized chlorines are used as disinfectants in hot tubs and spas, the cyanuric acid level shall be maintained within the following range:

	Minimum	Ideal	Maximum
Cyanuric Acid	10	30-50	100

1. Stabilized chlorines shall be prohibited in indoor hot tubs and spas.

Recodified from N.J.A.C. 8:26-7.13 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote (a) and (d). Former N.J.A.C. 8:26-7.12, Microbiological water quality standards for hot tubs and spas, recodified to N.J.A.C. 8:26-7.11.

**8:26-7.13 Algae**

All hot tubs and spas shall be maintained to eliminate the presence of algae.

Recodified from N.J.A.C. 8:26-7.14 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.13, Chemical water quality standards for hot tubs and spas, recodified to N.J.A.C. 8:26-7.12.

**8:26-7.14 Physical water quality standards for hot tubs and spas**

The operator of each hot tub or spa shall monitor the water clarity as set forth at N.J.A.C. 8:26-7.9.

Recodified from N.J.A.C. 8:26-7.15 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Changed N.J.A.C. reference. Former N.J.A.C. 8:26-7.14, Other biological factors (algae), recodified to N.J.A.C. 8:26-7.13.

**8:26-7.15 Pre-operational assessment for bathing beaches**

(a) Before a bathing beach opens each year, a pre-operational assessment shall be conducted of the bathing beach and the surrounding areas. This assessment shall be conducted by the owner or operator and shall include:

1. A review of historical sampling and epidemiological data;

2. A field investigation of the bathing and surrounding areas to identify physical hazards and sources of potential contamination. During this investigation all changes to the bathing and surrounding areas shall be documented and evaluated; and

3. A sampling of waters in the bathing area and in areas of suspected sources of contamination.

(b) Records of the pre-operational assessment shall be maintained as part of the permanent file.

(c) The health authority shall annually review monitoring stations at Cooperative Coastal Monitoring Program (CCMP)-participating bathing beaches to determine:

1. The extent to which the water is representative of the quality of near shore ocean and bay waters;
2. The proximity of the monitoring stations to the ocean and bay public recreational bathing areas; and
3. The extent to which the monitoring stations enable the health authority to assess the effects of point and non-point sources of pollution.

(d) The health authority shall prepare a list of monitoring stations to be included in the Cooperative Coastal Monitoring Program (CCMP). This list shall be submitted to the Department of Environmental Protection (DEP) prior to May 1 of each year. The DEP shall approve or disapprove the stations within 14 days after receiving the proposed list, based upon the extent to which the DEP expects them to meet the criteria listed above.

Recodified from N.J.A.C. 8:26-7.16 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.15, Physical water quality standards for hot tubs and spas, recodified to N.J.A.C. 8:26-7.14.

**8:26-7.16 Sample collection at bathing beaches**

(a) Bathing beach water, with the exception of ocean and bay waters, shall be sampled one week prior to the opening of the bathing beach and at one week intervals during the bathing season. Sample(s) shall be obtained during periods of maximum user load from depths used for bathing. Subject to the approval of the health authority, sampling frequency may be biweekly based on three months of consecutive satisfactory samples from the previous year.

1. Ocean and bay waters shall be sampled in accordance with the Cooperative Coastal Monitoring Program (CCMP) administered by the DEP. The health authority shall perform this sampling from May through September. The DEP shall set the exact beginning and end of the minimum sampling season after consulting with the health authority. The health authority shall:
  - i. Sample all ocean stations on Mondays unless Monday is a holiday, in which case the sampling shall be performed the next day;

- ii. Sample all bay stations on Monday or Tuesday; and
- iii. Sample all stations one day after the above listed days if severe oceanographic and/or meteorological conditions unreasonably threaten the safety of sampling personnel or the integrity of the sample.

2. The samples from all other waters not participating in the Cooperative Coastal Monitoring Program (CCMP) shall be obtained during various hours of the day and week over a period of time to obtain representative samples of the sanitary quality of the natural waters.

3. All pertinent field data including water temperatures, air temperature, wind direction, bathing load, and recent precipitation shall be documented and incorporated into the sampling record.

(b) One sample shall be taken for the first 300 linear feet of bathing beach front. Oceans participating in the Cooperative Coastal Monitoring Program (CCMP) are exempt from this requirement.

1. Additional samples shall be required as follows:
  - i. 300 linear feet to 500 linear feet—two samples.
  - ii. In excess of 500 linear feet—three samples.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Sampling frequency exception added.

Recodified from N.J.A.C. 8:26-7.17 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.16, Sanitary survey criteria for bathing beaches, recodified to N.J.A.C. 8:26-7.15.

#### 8:26-7.17 Sampling techniques for bathing beaches

(a) Water sampling techniques for bathing beaches are those set forth at N.J.A.C. 8:26-7.3(d) and, for natural bathing waters, techniques shall also include the following:

1. Water samples shall be taken in an area with a stabilized water depth between the sampler's lower thighs and chest with the optimum depth being at the sampler's waist.
2. The sample container shall be placed approximately eight to 12 inches below the water surface with the lid and stopper still attached.
3. With the collector's arms extended to the front, the container shall be held near its base and downward at a 45 degree angle. The cap shall be removed and the container filled in one slow sweeping motion (downward or horizontally, not upward). The mouth of the container shall be kept ahead of the collector's hand and the container recapped while it is still submerged. The cap shall remain submerged during the sample collection and care shall be taken not to touch the inner surfaces of the cap.

i. In the event that samples need to be taken during cold water conditions, reach assist poles shall be used to obtain the samples. In this situation, the cap may be removed prior to submersion as long as the container is pointed downward upon entry into the water.

4. If a head space in the container is needed, the collector can carefully pour out a small amount of the sample and recap the sampling container.

(b) Sampling shall not be performed when oceanographic and/or meteorological conditions unreasonably threaten the safety of the sampling personnel or the integrity of the sample.

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Sampling technique for natural bathing waters added.

Recodified from N.J.A.C. 8:26-7.18 and amended by R.2000 d.421, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.17, Collection of samples at bathing beaches, recodified to N.J.A.C. 8:26-7.16.

#### 8:26-7.18 Microbiological water quality standards for bathing beaches

(a) Microbiological water quality standards for bathing beaches shall be determined on the basis of fecal coliform densities, sanitary survey results, and/or epidemiological evidence.

(b) Fecal coliform count standards shall be as follows:

1. The multiple-tube fermentation technique for fecal coliforms shall be conducted in accordance with the procedures set forth in Method 9222D Fecal Coliform Membrane Filter Procedure or Method 9221E.2. Fecal Coliform MPN Procedure (A-1 medium) found in the 19th edition of "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, incorporated herein by reference, as amended and supplemented. The estimated fecal coliform concentrations shall not exceed 200 fecal coliform per 100 milliliters.
2. If the membrane filtration method is used, the number of colony forming units shall not exceed 200 fecal coliform organisms per 100 milliliters.

(c) All analyses shall be conducted in accordance with the standards set forth at N.J.A.C. 7:18 and in accordance with the methodologies set forth at N.J.A.C. 7:18-2.22.

Recodified from N.J.A.C. 8:26-7.19 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.18, Techniques of sampling, recodified to N.J.A.C. 8:26-7.17.

**8:26-7.19 Chemical water quality standards for bathing beaches**

(a) Chemical water quality standards for natural waters shall be monitored by the bathing beach operator.

(b) Chemicals used to control aquatic vegetation shall not cause bathers to suffer from toxic reactions or skin or membrane irritations. These chemicals shall be applied in accordance with N.J.A.C. 8:26-6.11(a).

Recodified from N.J.A.C. 8:26-7.20 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.19, Microbiological water quality standards for bathing beaches, recodified to N.J.A.C. 8:26-7.18.

**8:26-7.20 Physical water quality standards for bathing beaches**

(a) Physical water quality standards for natural waters shall be monitored by the bathing beach operator.

(b) Visual observations and/or physical determinations shall indicate that the natural water is free from deposits, aquatic vegetation, growths, oils, greases, or other substances which may cause health or safety hazards.

Recodified from N.J.A.C. 8:26-7.21 and amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section. Former N.J.A.C. 8:26-7.20, Chemical water quality standards for natural waters, recodified to N.J.A.C. 8:26-7.19.

**8:26-7.21 (Reserved)**

Recodified to N.J.A.C. 8:26-7.20 by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

**SUBCHAPTER 8. ENFORCEMENT PROCEDURES****8:26-8.1 Legal authority**

All public swimming pools, wading pools, hot tubs, spas, or bathing beaches shall be operated in compliance with the provisions of this chapter and Title 26, Revised Statutes of New Jersey.

**8:26-8.2 Inspection of public swimming pools, wading pools, hot tubs, spas, or bathing beaches**

(a) The health authority shall inspect every swimming pool, wading pool, hot tub, spa, or bathing beach as often as the health authority deems necessary.

(b) The facility operator shall permit access to the health authority and Department of Health and Senior Services representatives to all parts of the establishment.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote (b).

**8:26-8.3 Report of inspections**

(a) Inspection findings shall be recorded on an inspection report form approved by the Department of Health and Senior Services.

(b) The inspection report form shall identify in a narrative form any violations of this chapter and shall reference the section of the chapter being violated.

(c) The health authority shall immediately notify via telephone or fax the Department of Environmental Protection, Department of Health and Senior Services, and adjacent local health authorities when it anticipates closing a bathing beach.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

**8:26-8.4 Public availability of inspection reports**

Any reports made and maintained pursuant to this chapter shall be available to members of the public upon request.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

**8:26-8.5 Criteria for closure of public recreational bathing places**

(a) The approval, license, or permit to operate a swimming pool, wading pool, hot tub, spa, or bathing beach may be suspended at any time, when in the opinion of the health authority or its authorized agent, such action is necessary to abate a present or threatened menace to public health.

(b) The health authority shall order the owner or operator of a swimming pool, hot tub, spa, or bathing beach to physically sequester the bathing area and to prohibit any bathing until the violation is abated.

(c) The following shall be grounds for closure:

1. Poorly maintained equipment, structures, areas, or enclosures or lack of equipment, structures, areas, or enclosures which jeopardize the health or safety of the users and/or operators;
2. Lack of required supervisory personnel and/or required lifeguards;
3. Failure to meet specific water quality standard(s);  
or
4. Any other condition(s) which pose(s) an immediate health or safety hazard.

(d) In the event that remedial action is not taken immediately, the health authority may issue an order requiring the facility to be closed in order to protect the public health or safety. A closure order may be issued verbally but shall be followed up by a written confirmation within 24 hours. Such order shall be sent by certified mail, return receipt requested or shall be hand delivered. The order shall give the alleged violator an opportunity to be heard by the health authority within 15 days of notification of the order, while the order remains in effect.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-8.6 Closure of swimming pools and wading pools

(a) Whenever a swimming pool or wading pool water sample exceeds the microbiological water standards as set forth at N.J.A.C. 8:26-7.5 and 7.11, the certified laboratory and the swimming pool or wading pool operator, or the facility management shall notify the health authority by telephone or fax on the same day that the unsatisfactory microbiological sample result was obtained. The water shall be resampled immediately.

(b) If the resample exceeds the microbiological water standards as set forth at N.J.A.C. 8:26-7.5 and 7.11, the pool shall be immediately closed and shall not be reopened until a satisfactory microbiological water sample is obtained.

(c) A written copy of all laboratory analyses shall be transmitted to the health authority within five business days of completion of the analyses.

(d) The swimming pool or wading pool shall not be in operation for bathing if the disinfectant residual is below or above that set forth at N.J.A.C. 8:26-7.8 or if the physical water quality is not in conformance with N.J.A.C. 8:26-7.7.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-8.7 Closure of hot tubs or spas

(a) Whenever a hot tub or spa water sample exceeds the microbiological water standards set forth at N.J.A.C. 8:26-7.11, the certified laboratory and the hot tub or spa operator shall notify the health authority by telephone or fax on the same day that the unsatisfactory microbiological sample result was obtained. The hot tub or spa shall be closed, drained, disinfected, refilled, and resampled.

(b) The hot tub or spa may be reopened at the discretion of the health authority after the actions in (a) above have been taken and while laboratory results of the resampling are pending.

(c) If the results of the resampling are unsatisfactory, the certified laboratory and the hot tub or spa operator shall immediately notify the health authority. The hot tub or spa shall then again be closed, drained, disinfected, refilled, and resampled. The hot tub or spa shall not be reopened until a satisfactory sample result is obtained and the health authority gives its approval.

(d) A written copy of all laboratory analyses shall be transmitted to the health authority within five business days of completion of the analyses.

(e) The hot tub or spa shall not be operated for bathing if the disinfectant residual is not within the range as set forth at N.J.A.C. 8:26-7.12.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-8.8 Closure of bathing beaches

(a) When a bathing beach water sample exceeds the microbiological water standards set forth at N.J.A.C. 8:26-7.18, the following actions shall be taken:

1. The certified laboratory and bathing beach operator shall notify the health authority by telephone or fax on the same day that the unsatisfactory microbiological sample result was obtained. Health authorities participating in the CCMP shall immediately notify the Department of Health and Senior Services and the Department of Environmental Protection.

i. Sampling points for resamples shall be clustered around the areas from which the unsatisfactory sample was obtained and shall be approved by the health authority.

ii. When resampling CCMP ocean stations, the health authority shall resample the station that first exceeded the standard and bracket locations to either side of that station.

iii. When resampling CCMP bay stations, the health authority shall resample the station that first exceeded the standard and locations at the outer limits of the bathing area.

2. A sanitary survey of the area shall be conducted by the health authority and the operator of the bathing beach. This sanitary survey shall be designed to identify the source(s) of pollution. This survey shall include a survey of nearby point sources of pollution.

3. If the result of the microbiological water quality resample is unsatisfactory, or if the sanitary survey discloses any condition which may present an imminent hazard to public health or safety, the bathing beach shall be closed for bathing. The local health authority shall immediately notify the Department of Health and Senior Services and the DEP of closings of recreational bathing areas which are monitored in the CCMP.

4. If the overall microbiological water quality data indicates that an area exceeds the bathing water microbiological quality standards as a consequence of certain environmental conditions, that bathing area shall be kept closed for a period of time following those environmental conditions as indicated by past sampling data. Further, if environmental conditions, such as heavy rainfall, cause sewage and/or stormwater infrastructure failures such as surcharging manholes, then bathing areas having the potential to be affected shall be closed or sampled at the discretion of the health authority.

5. A bathing beach shall not be opened until the sanitary survey and, if necessary, appropriate sampling, shows the microbiological water quality to be acceptable. The local health authority shall immediately notify the Department of Health and Senior Services and the DEP when a bathing beach which is monitored by the Cooperative Coastal Monitoring Program (CCMP) has been re-opened.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-8.9 Recordkeeping

(a) Accurate and complete records shall be maintained and kept on the premises and shall be available upon request of the authorized agent or the health authority. Such records shall be kept for a minimum of one year, except those records related to deaths, all injuries to the head, neck and spinal cord and any injury rendering a person unconscious shall be kept for 10 years, and shall include:

1. Water analyses results;
2. Sanitary survey records;
3. Daily number of bathers;
4. Copies of all necessary credentials of personnel associated with the public recreational bathing operation(s);
5. Accidents requiring external emergency services, including the patient's name, time, date, description of occurrence, treatment, action taken, and name of person on duty supervising the facility;
6. Deaths and/or drownings. The record shall include the name of the person, the date, and a description of the occurrence; and
7. Inspection logs of recreational equipment.

Amended by R.1988 d.229, effective May 16, 1988.  
See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).  
Added (a)8.  
Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).  
Text at (a)8 deleted.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-8.10 Deaths and/or serious injuries

All deaths, all injuries to the head, neck and spinal cord, and any injury rendering a person unconscious shall be reported to the health authority within 24 hours of its occurrence. The local health authority shall report such deaths and/or injuries to the Department of Health and Senior Services within 30 days of the incident.

Amended by R.1988 d.229, effective May 16, 1988.  
See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).  
Added text "All saves shall . . . November 1 of each year."  
Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).  
Stylistic changes.  
Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-8.11 Penalties

Any person who violates any provision of this chapter or who refuses to comply with a lawful order or directive of the health authority, shall be liable for penalties set forth at N.J.S.A. 26:1A-10 and penalties under all other applicable laws, and/or an injunctive action as provided by law.

Amended by R.1991 d.245, effective May 6, 1991.  
See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).  
Added statute.  
Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Rewrote the section.

#### 8:26-8.12 (Reserved)

Repealed by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).  
See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).  
Section was "Separability".

### APPENDIX

The following organizations are currently recognized by the Department of Health and Senior Services to certify the personnel and/or programs required pursuant to N.J.A.C. 8:26-5.

First Aid Certification  
American Red Cross  
National Safety Council

CPR Certification  
American Heart Association  
American Red Cross  
National Safety Council

Lifeguarding Certification—Swimming Pools and Lake Bathing  
American Red Cross  
Boy Scouts of America

National Pool and Waterpark  
 Lifeguard Training  
 YMCA

Lifeguarding Certification—Ocean  
 and Tidal Waters  
 United States Lifesaving Association

Pool Operators Certification  
 National Recreation and Park Association  
 National Swimming Pool Foundation  
 YMCA

First Aid Kit Contents

<u>Product Description, items required</u>	<u>Quantity</u>
Adhesive compress strips (band-aid type) .....	50
Sterile gauze dressings (sponge) (3 inches x 3 inches) .....	5
Sterile gauze dressings (sponge) (4 inches x 4 inches) .....	5
Sterile gauze roller bandage (3 inches wide) .....	5
Sterile eye dressing pads .....	5
Triangle bandages .....	4
Waterproof tape (1 inch x 5 yards) .....	1
Bandage scissors .....	1

<u>Product Description, items required</u>	<u>Quantity</u>
Tweezers (4½ inches) .....	1
Instant cold pack .....	1
Disposable latex, vinyl or nitrile gloves (pair) .....	5
Liquid hand soap .....	1
Antiseptic wipes (box) .....	1
Disposable protective face shield .....	5
Disposable protective gown .....	5
Pocket resuscitation mask .....	1
First aid guidebook .....	1

Amended by R.1988 d.229, effective May 16, 1988.

See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Deleted "24 inches by 72 inches" from "Plain Absorbent Gauze" and substituted "Adhesive tape" for "Tourniquet".

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the appendix.