

Public Meeting on Pools and Aquatic Venues

Chesapeake College
Wye Mills, Maryland
October 11, 2017
9:30 – 12:00

AGENDA

- Welcome and Introduction
- Overview
- Discussion – Priority Items Based on Stakeholder Input
 - ❖ Standardization and Auditing of Local Health Departments
 - ❖ Inspection Frequency
 - ❖ Replacement Permit Application Process
- Other Possible Topics for Future Changes

Welcome and Introduction

- Goal: Update pool/aquatic venue regulations and business operations/processes to improve both health and safety AND customer service
- Proposals should be clearly explained, and limited to a few regulations at a time
- Other non-regulatory changes being developed:
 - ❖ Online applications
 - ❖ Credit card acceptance

Priority Items Based on Stakeholder Input

- Three items most often mentioned in multiple forums – email, personal contacts, field contacts with stakeholders
 - ❖ Standardization and Auditing of Local Health Departments
 - ❖ Inspection Frequency
 - ❖ Replacement Permit Application Process
- Goal is to address these and make sure that the stakeholder community is “on board” with proposed changes

Standardization and Auditing of Local Health Departments

- New regulation (doesn't currently exist or happen)
- Meant to respond to business and local health department needs for consistency of expectations from jurisdiction to jurisdiction
- Home rule jurisdictions have flexibility to be more strict than State regulations, but cannot be less strict (for health and safety)

Text of 2015 Proposal

10.17.01.52 Standardization and Audits of Local Health Departments

A. The Department shall:

(1) Standardize one local standardization officer related to the enforcement of this chapter for each local health department;

(2) Audit local health department aquatic venue programs related to the enforcement of this chapter once every four years according to the current audit protocols; and

(3) Provide to the local health department an aquatic venue program review final report.

B. Local health departments shall submit to the Department responses to any deficiencies within the aquatic venue program as identified within the aquatic venue program review final report within 30 business days of receipt of the report.

Inspection Frequency

- Stakeholders were supportive of specifying inspection frequency and doing more inspections of pools/venues with violations
- Some comments about whether to specify an exact amount/number of inspections, or just a minimum number (“at least”)
- Comments about whether “previous inspections” included full compliance and routine inspections

Text of 2015 Proposal: Inspection Frequency

10.17.10.11 Inspections and Right of Entry.

C. The Secretary shall conduct:

- (1) A full compliance inspection of the aquatic venue relative to the enforcement of this chapter at least once every 12 months;*
- (2) Except as provided in §C(4) of this regulation, a full compliance or routine inspection of the aquatic venue relative to the enforcement of this chapter at least once every 90 business days;*
- (3) For an aquatic venue that had a critical violation of this chapter on the previous inspection, a full compliance or routine inspection of the aquatic venue relative to the enforcement of this chapter at least once every 30 business days until the aquatic venue has no critical violations of this chapter; and*
- (4) For an aquatic venue that had no critical violations on the three previous consecutive inspections, a full compliance inspection of the aquatic venue relative to the enforcement of this chapter at least once every 12 months.*

Critical Violations - Definition

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|-----------------------------|---|
| <i>(a) Regulation .06</i> | <i>Construction and Alteration Permits</i> |
| <i>(b) Regulation .06-1</i> | <i>Replacements</i> |
| <i>(c) Regulation .08</i> | <i>Approval After Construction, Partial Construction, or Alteration</i> |
| <i>(d) Regulation .21</i> | <i>Barriers</i> |
| <i>(e) Regulation .25</i> | <i>Circulation Systems</i> |
| <i>(f) Regulation .28</i> | <i>Suction Entrapment Prevention</i> |
| <i>(g) Regulation .29</i> | <i>Chemical Storage Area</i> |
| <i>(h) Regulation .40</i> | <i>Public Pool and Spa Safety</i> |
| <i>(i) Regulation .43</i> | <i>Pool and Spa Operation</i> |
| <i>(j) Regulation .44</i> | <i>Disinfection of a Pool and Spa</i> |
| <i>(k) Regulation .45</i> | <i>Water Chemistry of a Pool and Spa</i> |
| <i>(l) Regulation .46</i> | <i>Operating Records Required</i> |
| <i>(m) Regulation .48.</i> | <i>Sanitary Quality of Water</i> |

Replacements and Repairs -- Definitions

- Replacement -- substituting a component, which has a different make or model but has the same operating characteristics and certifications as the previously approved component, for the previously approved component.
- *“Replacement” includes the installation of any component which is being installed at an aquatic facility that received approval after construction from the Secretary prior to **[Date to be Determined]**, to bring an aquatic facility into compliance with new provisions of this chapter.*
- Repair -- substituting a component having the same make and model as the previously approved component for the previously approved component.

Replacements and Repairs

.06-1 Replacements.

A. An owner may replace a component at an aquatic facility or venue prior to obtaining approval from the Secretary.

B. An owner shall obtain necessary local zoning approval and building, electrical, plumbing, and other applicable local permits before replacing a component at an aquatic facility or venue.

C. The local health department may approve a local building permit for or that includes replacement of a component at an aquatic facility or venue before the replacement application is approved by the Secretary.

D. An owner shall submit, on a form provided by the Secretary, an application for the replacement of a component at an aquatic facility or venue within 10 calendar days of completing the replacement.

E. The Secretary shall inspect the replacement of a component at an aquatic facility or venue within 30 business days of receipt of the application.

F. If, during the inspection, the replacement of a component at an aquatic facility or venue is:

(1) In compliance with the requirements of this chapter, the Secretary shall;

(a) Provide the owner a copy of the inspection report; and

(b) Issue an approval letter; or

(2) Not in compliance with the requirements of this chapter, the Secretary shall:

(a) Deny the replacement application; and

(b) Notify the owner:

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- (i) Of the reason or reasons for the denial;*
- (ii) That the owner may request from the Secretary an opportunity for a hearing on the denial pursuant to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, if the owner wishes to contest the denial;*
- (iii) That to preserve the right to a hearing, the owner shall contact the Department within 10 calendar days of the receipt of the notice of denial; and*
- (iv) That the owner shall cease operation of an aquatic facility or venue if the component is essential to operation or cease operation of the replaced component where the replacement of a component was found to violate this chapter until the violation is corrected, a new replacement application and applicable fee is submitted to the Secretary, and the Secretary inspects and approves the replacement of the component.*

.06-2 Repairs.

A. An owner may make a repair to an aquatic facility or venue in accordance with this chapter without:

(1) Obtaining a construction, partial construction, alteration, or replacement permit from the Secretary; or

(2) Notifying the Secretary.

Other Possible Topics

- Combined Chlorine
- Bonding
- Equalizer Lines
- Others?

Questions and Comments

Thank you!

- For questions or to sign up for the mailing list, please email mdh.envhealth@maryland.gov.
- Next meeting: October 18th, 1pm (room HEC 110)
- Information – including drafts of any regulatory proposals, meeting information, and resources – will be posted to the pools website:
<https://phpa.health.maryland.gov/OEHFP/CHS/Pages/CHHCS-Regulations.aspx>