Agency Name: Department of Health and Environmental Control

Statutory Authority: 44-1-60, 44-1-140(7), and 44-55-2310 et seq.

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- 01/16/2014 Received by Lt. Gov & Speaker 05/16/2014

S 01/21/2014 Referred to Committee

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- 03/04/2014 Resubmitted 05/16/2014

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Resubmitted: March 4, 2014

Document No. 4431

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-140(7), and 44-55-2310 et seq.

61-51. Public Swimming Pools

**Synopsis:**

 R.61-51 was enacted to protect public health and safety when recreating in public swimming pools. The Department has amended R.61-51 pursuant to the five (5) year review required by the Administrative Procedures Act, SC Code 1-23-270(F)(1) to address new lifeguard standards found in S.C. Code 44-55-2390, enacted in 2012. The amendments are necessary to conform with statutory authority and allow for safe and healthy recreation for citizens and visitors when they choose to swim in public pools throughout the State. See Discussion of Section-by-Section Discussion and Statements of Need and Reasonableness and Rationale herein.

 A Notice of Drafting for the amendments was published in the *State Register* on September 27, 2013.

Regulation Withdrawn and Resubmitted by

the Department of Health and Environmental Control

March 4, 2014, to correct a nonsubstative error:

R.61-51.B.6

The change is to make a nonsubstantive correction of a reference at R.61-51.B.6 in Document 4431, R.61-51, Public Swimming Pools, by correcting the reference of R.61-51.C.25(d) to R.61-51.C.24(d).



Section-by-Section Discussion as submitted to the General Assembly by the

Department of Health and Environmental Health January 16, 2014:

R.61-51.A.45

Revised language to delete language regarding impounding water;

Revisions reconcile regulation definition with the SC Code Section 44-55-2310.

R.61-51.A.45(c)

Added language to exempt spray decks, splash pads, and wet decks that use once-through water from an approved public water system from R.61-51.

R.61-51.A.45(d)

Deleted language to clarify the definition to mean spa pools and hot tubs.

R.61-51.B.4.(b)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.B.4.(c)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.B.6

Revised to clarify regulatory reference.

R.61-51.C.5(b)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.C.6.(a)(ii)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.C.6.(a)(iv)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.C.7

Revised to reorganize paragraph for better readability and clarity.

Divided into introductory paragraph and reorganize section into (a) through (n);

No substantive changes were made.

R.61-51.C.12

Added new language clarifying which type of emergency notification devices are acceptable to the Department. Added language requiring the pool address be posted by the emergency notification device.

R.61-51.C.35

Revised to reorganize paragraph for better readability and clarity.

Divided into introductory paragraph and reorganize section into (a) through (d);

No substantive changes were made.

R.61-51.E.2

Revised to reorganize paragraph for better readability and clarity.

Divided into introductory paragraph and reorganize section into (a) through (f);

No substantive changes were made.

R.61-51.F.2

Revised to reorganize paragraph for better readability and clarity.

Divided into introductory paragraph and reorganize section into (a) through (h);

No substantive changes were made.

R.61-51.G.3(d)(i)

Revised to delete outdated reference and add correct reference standard.

R.61-51.G.3(d)(ii)

Revised to delete outdated reference and add correct reference standard.

R.61-51.G.3(f)

Revised to delete outdated reference and add correct reference standard.

R.61-51.G.8

Revised to correct regulation citation.

R.61-51.H.5

Revised to correct regulation citation.

R.61-51.I.5

Revised to correct regulation citation;

R.61-51.I.7

Revised to correct regulation citation.

R.61-51.J.11(a)

Revised language to delete requirements for lifeguards that were based on pool surface area. The requirements were not in accordance with SC Code Section 44-55-2310;

Added language to R.61-51 to include language from SC Code Section 44-55-2310.

R.61-51.J.11(b)

Added language clarifying that the pool is to be locked when the pool area is not open.

R.61-51.J.11(g)

Deleted existing requirements regarding emergency notification device;

Add requirements for emergency notification device to match R.61-51.C.12;

Added requirement to post physical pool address near the emergency notification device.

R.61-51.K.1(a)(i)

Revised to delete requirement for displaying the annual operating permit.

R.61-51.K.1(d)

Deleted subsection (d), requirements for technical assistance visit.

R.61-51.L

Deleted subsection L, appeals language.

**Instructions:** Amend R.61-51 pursuant to each individual instruction provided with the text of the amendments below.

**Text:**

61-51. Public Swimming Pools.

**Replace Section R.61-51.A.45 to read:**

 45. "Public Swimming Pool or pool" means an artificial structure either above or below the ground surface to provide for such recreational uses as bathing, swimming, diving, wading, spraying, sliding, floating, rafting, or other similar usage which is not built in connection with a single family residence, or duplex (two living units within a single structure) and the use of which is not confined to the family of the residence and their private guests, or which is not owned, constructed, operated, or maintained by a church, synagogue, or religious organization, or facility exempted under Title 45, Chapter 4, of the South Carolina Bed and Breakfast Act. Public swimming pools are listed in the following categories based upon specific characteristics of size, usage, and other factors:

 (a) Type "A" means any pool open to the general public, except for Type "E" pools, which does not require a membership or that a person be a guest of a member to gain entrance to the pool, or is not operated solely for and in conjunction with a residential development or a place of lodging.

 (b) Type "B" means swimming pools at hotels, motels, apartments, mobile home parks, condominium developments, country clubs, schools, swim clubs, health clubs, campgrounds, subdivisions and other pools of similar usage. Lazy rivers constructed at the above facilities shall be considered Type "B" pools.

 (c) Type "C" means wading pools, kiddie pools, spray pools, spray decks, or wet decks. Spray decks, splash pads, or wet decks that use water from a public water system, as defined by R.61-58 State Primary Drinking Water Regulations, and do not recirculate the water are exempt from these regulations.

 (d) Type "D" means spa pools and hot tubs. Rehabilitation or therapy pools located at hospitals, sports therapy clinics, doctors offices, or other medical facilities which will be used solely for therapy and rehabilitation purposes and under the supervision of a physical therapist or other qualified medical personnel are excluded from this regulation.

 (e) Type "E" means those pools at water parks such as water flumes, water slides, lazy rivers, wave parks, inner tube rides, kiddie play parks, etc. Type "E" also means pools at subdivisions that have a slide that is in use, or not able to be secured to prevent access when not in use. If the slide can be secured to prevent access when not in use, the pool may be open as a type "B" pool when the slide is not in operation and secured.

 (f) Type "F" means special purpose pools used exclusively for limited activities such as scuba diving lessons, helmet diving lessons, underwater work training, or similar, limited uses.

 (g) Type "G" means hybrid pool.

**Replace R.61-51.B.4(b) to read:**

 (b) Plans shall be submitted on sheets no larger than thirty-six (36) inches by forty-two (42) inches and no smaller than eighteen (18) inches by twenty-four (24) inches.

**Replace R.61-51.B.4(c) to read:**

 (c) Typed or legible specifications shall be submitted on sheets eight and one half (8 1/2) inches by eleven (11) inches or printed on the plans.

**Replace R.61-51.B.6 to read:**

 6. Piping Inspection. During actual construction of the public swimming pool, after all piping has been installed and before it is covered, the contractor, design engineer, or architect, must notify the Department in writing so that an inspection of all piping, fittings, and other applicable equipment can be conducted to verify their sizes and locations. Pressure testing of the piping must be conducted in accordance with R.61-51.C.24(d). If there are any variations from the approved plans and specifications, such variations must be corrected by the contractor, or plans and specifications detailing the changes must be re-submitted for a construction permit revision prior to continuance of construction.

**Replace R.61-51.C.5(b) to read:**

 (b) A moderately smooth, non-slip white or light colored water proof finish, which will withstand repeated brushing, scrubbing and cleaning procedures, must line the pool. Paint, fiberglass, or epoxy coated finishes shall be non-toxic, water-resistant, of one single very light color, and must continually and permanently bond so as not to separate at any time. Colors must have reflectance of fifty-five percent or greater except for logos. All corners and edges shall be rounded and smooth to prevent cuts or abrasions to swimmers. All corners and all junctions of walls and floor must be rounded with a minimum six (6) inch radius. Any variation of this required six (6) inch radius must be approved on an individual basis.

**Replace R.61-51.C.6(a)(ii) to read:**

 (ii) Type "B" four (4) feet; Type "B" pools over 1600 square feet, six (6) feet.

**Replace R.61-51.C.6(a)(iv) to read:**

 (iv) Type "D" (less than 700 square feet) at least two (2) feet around one hundred percent or four (4) feet around at least fifty percent of the facility. Type "D" (700 square feet to 1600 square feet) at least four (4) feet. Type "D" (greater than 1600 square feet) at least six (6) feet.

**Replace R.61-51.C.7 to read:**

 7. Depth Markers. Permanent depth markers must be plainly marked at or above the water surface on the vertical pool wall and on the edge of the coping or deck next to the pool, at a maximum and minimum point and at not more than two (2) foot intermediate increments of depth. Depth markers must also meet the following requirements:

 (a) Depth markers must be spaced at not more than twenty five (25) foot intervals on center, as measured around the perimeter of the pool.

 (b) A minimum of three (3) sets of evenly spaced depth markers are required for Type "C" and "D" pools.

 (c) One set of markers must be located adjacent to the steps or handrail.

 (d) Depth markers must be in numerals and letters of four (4) inch minimum height and of a light-colored background (that is, having a reflectance of fifty-five (55) percent or greater) with dark, contrasting lettering. Alternative designs, having sufficient contrast, will be considered on case-by-case basis.

 (e) Depth markers must be accurate to within three (3) inches at normal operating level

 (f) The abbreviation "ft." or word "feet" must be included.

 (g) A total of twelve (12) inches of white background tile must be included as part of each depth marker(s).

 (h) Depth markers are required for all pools, kiddie pools, spas, hot tubs, special water park pools, etc. Kiddie spray decks do not require depth markers.

 (i) Depth markers on the deck must be non-slip and must start within fifteen (15) inches of the pool edge.

 (j) In pools requiring "No Diving" signs, a single six inch by six inch universal no diving tile must be co-located with each set of deck depth marker tiles.

 (k) Metric depth markers may be installed at any facility in addition to the standard markers required above.

 (l) Depth markers for pools with multiple slopes (bowl shaped and diving wells) must accurately reflect the minimum depth at the edge of the pool and the maximum depth at the center of the pool and separated by a hyphen. For example, a pool sloping from all sides to the center would require the installation of the following depth markers, "3 FT - 5 FT".

 (m) Alternative types of depth markers will be considered on a case by case basis for pools using stainless steel gutters or fiberglass shells.

 (n) Depth markers shall be verified by measuring the depth at a distance of two (2) feet from the edge of the pool.

**Replace R.61-51.C.12 to read:**

 12. Emergency Notification Device. A toll free emergency notification device to notify emergency personnel must be provided within a two hundred (200) foot walking distance of the pool and in a location that it is easily accessible during the hours that the pool is in operation. Only permanently-mounted notification devices are acceptable to the Department. Mobile, voice over internet, or cordless telephones are not an acceptable alternative to permanently-mounted emergency notification devices. The physical address of the pool must be displayed at the emergency notification phone or device in a manner that is permanent and weather resistant.

**Replace R.61-51.C.35 to read:**

 35. Steps and Ladders. At least one (1) ladder/steps must be provided for each seventy-five (75) feet of pool perimeter. Two (2) or more ladders/steps must be provided for all Type "A" and "B" pools.

 (a) Ladders - All ladders must have a minimum of three (3) tread design and must include treads of non-slip construction. All ladders must be commercially-rated and designed so as to be secured tightly in place when the pool is in operation unless they are removed for certain aquatic events. Grab rail recess step type ladders can be used in lieu of the standard three (3) tread ladder.

 (b) Steps - Steps shall have a minimum tread width of twelve (12) inches, a maximum rise of eleven (11) inches and a minimum length of thirty (30) inches. All step risers must be of uniform height (within one half (1/2) inch of each other) with the exception of the bottom riser. All step treads must be level with a tolerance for step slope of one half (1/2) inch. When radial steps are to be constructed, the minimum standards are shown in Figures 1, 2 and 3 as follows. All steps shall be non-slip and constructed in the shallow end of the pool only. Permanent black or dark colored edge stripes such as tile must mark steps. The edge stripe must be a minimum of two (2) inches wide, must be provided the entire length of each step, must be non-slip in texture, and must be installed on the run of each step so as to be clearly visible by patrons upon entering the pool. The step edge stripe must start within one (1) inch from the edge of the step.



 (c) Handrails - Where steps are used, a minimum of one (1) handrail must be installed. All handrails must be securely anchored, extend over and anchor into the bottom step, and be easily accessible for exiting the pool. No portion of the handrail shall be closer than three (3) feet from any other handrail, unless Americans with Disabilities Act (ADA) requirements apply. No figure four type handrails may be installed except on fiberglass pools and Type "C" pools. Where the average step length, as measured from the front edge of the middle step, is over ten (10) feet in width there shall be one (1) additional handrail for every average ten (10) feet of step width or major fraction thereof and they shall be evenly spaced. Handrails must be of the removable type. Handrails shall be designed so as to be secured tightly in place when the pool is in operation unless they are removed for certain aquatic events.

 (d) Tanning Ledges - When tanning ledges are provided, the maximum water depth shall be twelve (12) inches. If the distance from the tanning ledge to the coping exceeds eleven (11) inches, then a single step and handrail must be provided.

**Replace R.61-51.E.2 to read:**

 2. Type "C" Pools. In addition to meeting all other applicable requirements of these regulations as found in Section C, Type "C" pools must also meet the following:

 (a) There must be a minimum of two (2) inlets and two (2) main drains and at least one (1) surface skimmer positioned and operated in accordance with R.61-51.C.26(b).

 (b) When only one (1) skimmer is provided and the equalizer outlet is installed on the pool floor, it must be equipped with a minimum of two (2) interconnected suction fittings spaced at least twelve (12) inches apart. The interconnecting line must be sized to accommodate one hundred (100) percent of the recirculation flow.

 (c) Main drains shall be located on the pool bottom floor.

 (d) Inlets and outlets must be provided and arranged to produce complete recirculation of pool water and the maintenance of a uniform and adequate level of disinfecting medium at all times.

 (e) A means of completely draining the contents of the pool to waste must be provided without passing through the filter. This may be done by a gravity waste line directly from the pool or by pumping and by-passing the filter.

 (f) The maximum depth for a wading pool shall be eighteen (18) inches at the center. The bottom must have a maximum slope of no greater than five-eighths (5/8) inches per foot toward waste outlets or main drains. The depth at the perimeter may be zero (0) feet.

**Replace R.61-51.F.2 to read:**

 2. Type "D" Pools. In addition to meeting all other applicable requirements of these regulations as found in Section C, including steps and handrails, except where fiberglass spas are used, figure four handrails may be acceptable provided they extend over the last step. Type "D" pools must also meet the following:

 (a) There must be a minimum of two (2) inlets, two (2) main drains to be located on the pool bottom floor and at least one (1) surface skimmer or gutter system positioned and operated in accordance with R.6-51.C.26.

 (b) All drains providing water to the booster system must be located on the pool bottom floor.

 (c) Inlets and outlets must be provided and arranged to produce complete recirculation of pool water and the maintenance of a uniform and adequate level of disinfecting medium at all times.

 (d) The maximum depths for Type "D" pools shall be four (4) feet. Type "D" pools must be provided with a means of completely draining the contents of the pool to waste without passing through the filter. This may be done by a gravity waste line directly from the pool or by pumping and by-passing the filter.

 (e) All Type "D" pools must have a single timer set for a maximum of 15 minutes which must turn on and off the hydro pump and blower if provided. This timer switch must be inaccessible to persons while in the spa.

 (f) An emergency cut-off switch must be provided in the pool area which, when triggered, will simultaneously shut off the spa booster and recirculation pumps. This switch must be clearly visible, labeled, easily accessible at all times, and no greater than a twenty five (25) foot distance from the entrance steps of the spa.

 (g) The top front edge of seats must be marked with a black or dark colored stripe in accordance with R.61-51.D.2(h).

 (h) No sliding boards are allowed in Type "D" pools.

**Replace R.61-51.G.3(d)(i) to read:**

 (i) The overall average slope of a flume shall conform to the design criteria of the recommendations of the ASTM F 2376, “Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems.”

**Replace R.61-51.G.3(d)(ii) to read:**

 (ii) The slope of each flume section shall conform to the design criteria of the recommendations of the ASTM F 2376, “Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems.”

**Replace R.61-51.G.3(f) to read:**

 (f) All items not covered above with regard to Type "E" Pools shall use the current edition of the ASTM F 2376, “Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems” as guidelines.

**Replace R.61-51.G.8 to read:**

 8. Pool Deck. The pool deck must be constructed in accordance with R.61-51.C.6.

**Replace R.61-51.H.5 to read:**

 5. Pool Deck. The pool deck must be constructed in accordance with R.61-51.C.6.

**Replace R.61-51.I.5 to read:**

 5. Deck Changes. A change order request must be submitted detailing the proposed work. If replacing existing decking, painting or resurfacing, the new decking must comply with applicable portions of R.61-51.C.6 and R.61-51.C.7. Temporary pool enclosures may be installed with prior Department approval provided that they do not hinder or limit access by emergency personnel and minimum deck widths are maintained. Adequate lighting must be provided if the facility will be used for night swimming.

**Replace R.61-51.I.7 to read:**

 7. Piping Changes. A change order is required for piping changes beyond routine repair. In addition to a change order request, plans and specifications detailing any proposed alteration requiring piping changes that affect the location or pipe size of the overall recirculation system or a major fraction of the system of a public swimming pool must be submitted following the requirements of Section B of this regulation, including submission of the appropriate fee. When replacing pipe, a reasonable effort must be made to comply with applicable portions of R.61-51.C.24.

**Replace R.61-51.J.11 to read:**

 11. Safety Precautions.

 (a) One or more lifeguards shall be on duty during operation hours at Type "A" and "E" pools. The minimum lifeguard requirements are listed in paragraph R.61-51.J.11(a)(i). Lifeguards must have their current certifications available for inspection while on duty. Lifeguards, when on duty, shall have no other duty but to supervise the swimmers.

 (i) As a condition of obtaining and maintaining an operating permit, all Type “A” public swimming pools shall provide lifeguards in accordance with the following:

 (A) A public swimming pool of three thousand (3,000) square feet or fewer must have:

 (1) One (1) lifeguard for one (1) through twenty-five (25) patrons;

 (2) Two (2) lifeguards for twenty-six (26) through fifty (50) patrons;

 (3) Three (3) lifeguards for fifty-one (51) through one hundred-fifty (150) patrons;

 (4) Four (4) lifeguards for one hundred fifty-one (151) through two hundred-fifty (250) patrons;

 (5) One (1) additional lifeguard for each one hundred patrons greater than two hundred-fifty (250) patrons

 (B) A public swimming pool of three thousand one (3,001) square feet through six thousand (6,000) square feet must have:

 (1) Two (2) lifeguards for one (1) through twenty-five (25) patrons;

 (2) Three (3) lifeguards for twenty-six (26) through fifty (50) patrons;

 (3) Four (4) lifeguards for fifty-one (51) through one hundred-fifty (150) patrons;

 (4) Five (5) lifeguards for one hundred fifty-one (151) through two hundred-fifty (250) patrons;

 (5) One (1) additional lifeguard for each one hundred patrons greater than two hundred-fifty (250) patrons

 (C) A public swimming pool of six thousand one (6,001) square feet through nine thousand (9,000) square feet must have:

 (1) Two (2) lifeguards for one (1) through twenty-five (25) patrons;

 (2) Three (3) lifeguards for twenty-six (26) through fifty (50) patrons;

 (3) Five (5) lifeguards for fifty-one (51) through one hundred-fifty (150) patrons;

 (4) Six (6) lifeguards for one hundred fifty-one (151) through two hundred-fifty (250) patrons;

 (5) One (1) additional lifeguard for each one hundred patrons greater than two hundred-fifty (250) patrons

 (D) A public swimming pool of greater than nine thousand (9,000) square feet must have:

 (1) Three (3) lifeguards for one (1) through twenty-five (25) patrons;

 (2) Four (4) lifeguards for twenty-six (26) through fifty (50) patrons;

 (3) Six (6) lifeguards for fifty-one (51) through one hundred-fifty (150) patrons;

 (4) Seven (7) lifeguards for one hundred fifty-one (151) through two hundred-fifty (250) patrons;

 (5) One (1) additional lifeguard for each one hundred patrons greater than two hundred-fifty (250) patrons

 (ii) A public swimming pool that is required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.

 (iii) Any request for a variance from the lifeguard requirements listed in R.61-51.J.11(a)(i) must be made in writing and must include a site-specific evaluation that demonstrates proof of equivalency with the provisions in R.61-51.J.11(a)(i). The Department will consider the variance request and will provide written notice of its decision.

 (iv) Lifeguard requirements for Type “E” public swimming pools.

 (A) Type “E” pools shall submit to the Department a lifeguard coverage plan. The lifeguard coverage plan must contain notification that the pool chooses to follow the lifeguard requirements enumerated in R.61-51.J.11(a) for Type “A” pools or, in the alternative, provide the following information:

 (1) A pool schematic or diagram that shows lifeguard positions or stations along with sightlines;

 (2) The number of lifeguards used during all expected conditions of facility operations. The pool surface area and user loading must be taken into account;

 (3) The plan must include references, standards, and information from pool safety consultants and or other experts in pool safety and lifeguard coverage.

 (B) Upon Department approval, Type “E” public swimming pools shall provide lifeguards in accordance with their approved plan. Until approval is received, Type “E” pools must follow the lifeguard requirements enumerated in R.61-51.J.11(a) for Type “A” pools.

 (b) Type "A" and "E" pools must be locked when not under lifeguard supervision. All pools must be locked when the pool area is not open for patrons.

 (c) Each Type "E" facility must provide attendants during operation of the facility to control the spacing and number of patrons utilizing each ride and to ensure and maintain the safe egress of all sliders out of the landing pool.

 (d) At least one unit of life saving equipment must be inside the fence and be within two hundred (200) feet walking distance from any point on the pool perimeter and must be readily accessible and functional during posted pool hours. Life saving equipment is not required for Type "C" and "D" pools. Shepard's crook and life ring are not required for Type "A" and "E" pools if rescue tubes are provided.

 (e) For all Type "A" and "E" pools one unit of emergency equipment must be readily accessible and functional during posted pool operating hours.

 (f) All Type A and E pools must have a first aid kit. This kit must be readily accessible during posted pool hours.

 (g) A toll free emergency notification device to notify emergency personnel must be provided within a two hundred (200) foot walking distance of the pool and in a location that it is easily accessible during the hours that the pool is in operation. Only permanently-mounted notification devices are acceptable to the Department. Mobile, voice over internet, or cordless telephones are not an acceptable alternative to permanently-mounted emergency notification devices. The physical address of the pool must be displayed at the emergency notification phone or device in a manner that is permanent and weather resistant.

 (h) Signs in accordance with R.61-51.C.28 must be posted in a conspicuous place in the pool area for all pools. A single sign, if used for multiple pools must be clearly visible from each body of water.

 (i) All diving boards and handrails must be maintained in a safe condition. Handrails and ladders must be rigidly secured while the pool is in operation and must comply with R.61-51.C.35.

 (j) The lifeline must be maintained in good condition and kept in place except when lap swimming or routine maintenance is conducted. The lifeline must conform to the requirements listed in R.61-51.D.2(b).

 (k) All removable diving stands must be removed when not in use.

 (l) Any automatic vacuum systems must be removed from the pool during the hours the pool is open to the general public. In-floor cleaning systems must not be in operation during hours that the pool is open.

**Replace R.61-51.K.1(a)(i) to read:**

 (i) When a public pool has not been issued a valid annual operating permit from the Department.

**Delete R.61-51.K.1(d):**

**Delete R.61-51.L:**

**Fiscal Impact Statement:**

 No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

**Statement of Need and Reasonableness:**

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Sections 44-1-140(7), 44-55-2310 et seq., 44-1-60.

DESCRIPTION OF REGULATION: Amendment of Regulation 61-51, *Public Swimming Pools* (R.61-51).

 Purpose: The Department is revising R.61-51 to address specific issues related to changes to the lifeguard staffing requirements in S.C. Code Section 44-55-2390, clarification of the Public Swimming Pool definition, and grammatical and citation changes. The amendments are necessary to conform with statutory authority and allow for safe and healthy recreation for citizens and visitors when they choose to swim in public pools throughout the State.

 Legal Authority: R.61-51 is authorized by 1976 Code Sections 44-1-140(7), 44-55-2310 et seq.,44-1-60.

 Plan for Implementation: The amendments will be incorporated within R.61-51 upon approval and publication in the *State Register* as a final regulation. The amendments will be implemented in the same manner in which the current regulation is implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

 The adoption of these amendments seek to enhance safety at public swimming pools by incorporating the lifeguard requirement changes that were adopted into the Recreational Waters Act, SC Code 44-55-2390 as amended June 2012. In addition, the adoption of these amendments will enhance clarity by incorporating the definition change and the changes to grammar and citation references.

DETERMINATION OF COSTS AND BENEFITS:

There should be no cost increases to the public and regulated community for the lifeguard changes. The lifeguard changes seek to positively impact pool safety and emergency response.

UNCERTAINTIES OF ESTIMATES:

Moderate.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There are no anticipated effects on the environment. The amendments seek to protect public health through better bather safety.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

While there are no anticipated detrimental effects on the environment if the amendments are not implemented, there is potential for adverse public health impacts as noted above.

**Statement of Rationale:**

 The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

 The Department is required to review R.61-51, Public Swimming Pools every 5 years by SC Code 1-23-270(F)(1). A change in the statute, S.C. Code Section 44-55-2390, went into effect in 2012. This statutory change made the regulation incompatible with the statute. Therefore, the Department is amending this regulation to realign the regulation with the statute.

 The R.61-51 amendments seek to better protect the health of public swimming pool users and decrease the potential for accidents and injuries through better lifeguard coverage. Anticipated beneficiaries of the safety measures include the public and those working in and around public swimming pools. See Statement of Need and Reasonableness.