



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Manual on Public Swimming Pool Operation	Number 21-12
Originating Department Department of Health and Human Services	Effective Date

Montgomery County Department of Health and Human Services  
Regulation on:

## MANUAL ON PUBLIC SWIMMING POOL OPERATION

Issued by: County Executive  
Regulation No. 21-12  
COMCOR

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Supersedes: Regulation No. 4-95AM  
Council Review: Method (2) under Code Section 2A-15  
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Comment Deadline: May 30, 2013  
Effective Date:  
Sunset Date: None

**SUMMARY:** This regulation has been revised to coincide with State regulations and current industry standards.

**ADDRESS:** Director, Department of Health and Human Services  
255 Rockville Pike, Suite 100  
Rockville, Maryland 20850.

**STAFF CONTACT:** Clark Beil, Telephone 240-777-3831.

**BACKGROUND INFORMATION:** This regulation establishes the operating standard for public pools in Montgomery County in order to protect the health and welfare of the pool users. It has been in effect since 1971 with this version incorporating the requirements of the State of Maryland COMAR 10.17.01: Public Swimming Pools and Spas. Pool management companies, the City of Gaithersburg, the City of Rockville, and the Montgomery County Department of Recreation commented on the revisions and several changes were made at the request of these organizations.



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## Section 1: Definitions

[The following definitions supplement those in Chapter 51, Montgomery County Code:] The section of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing definitions is incorporated for the definitions of this regulation unless superseded or amended by the following definitions:

1. Approving Authority means the Director of the Department of Health and Human Services or the Director’s designee. The Approving Authority is referred to as the “Director” in this document.
2. Backboard [- A] means a device used to stabilize injured [bathers] patrons in the water.
3. Backwash [Procedure] Chart [- A] means a written[,] step-by-step procedure describing the method for backwashing [the] a recirculation system. The [procedure] Backwash Chart must [incorporate] include pipe and valve coding [and] or labeling information.

[Bather – Any person using the spa, pool, or adjoining deck areas for the purpose of water sports, recreation, therapy, or related activities.]

4. Chapter 51 means Montgomery County Code Chapter 51: Swimming Pools.
5. Closed means anytime when patrons are prohibited from entering the water or, if necessary, the immediate premises of a pool due to the existence of one of the summary reasons for closure as listed in Section IX(A).
6. CPR means Cardiopulmonary Resuscitation.
7. Data Sheet means a document, posted in the equipment room, which provides the following information regarding the physical attributes of each Swimming Pool:
  - a. Water volume (gallons);
  - b. Water Surface Area (square feet);
  - c. Pool Perimeter (linear feet);
  - d. Designated Flow Rate (gallons per minute);
  - e. Designed Turnover Time;



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f. Bather Load (Maximum Capacity);

g. Water Depths; and

h. Number of Returns (inlets).

8. Director [- The] means the Director of the Department of Health and Human Services [and designated agents] or the Director's designee.

[F.I.N.A. – The International Amateur Swimming and Diving Federation.]

9. Hazard means a condition or situation that could cause injury or illness to a patron or pool personnel.

10. Immediate Control [- When] means when the assigned [pool operator] Pool Operator is on the pool premises or able to report to the pool premises, if requested, within [twenty (20)] 15 minutes of notification by the [director] Director.

11. Immediate Premises [- The] means the area within the [fenced] enclosed boundaries of the pool site.

12. Immediate Supervision means when a Water-Safe person is no more than arm's length from and continually observing a non Water-Safe person. The Water-Safe person is in addition to the Lifeguard.

13. Imminent Hazard means a condition or situation that must be immediately corrected to prevent injury or illness to a patron or pool personnel and requires closure of a Swimming Pool until the condition or situation no longer exists.

14. Lifeguard [- A] means a person at least 15 years [of age holding] old and in possession of a valid lifeguarding certificate from the American Red Cross, the Young Men's Christian Association, or a comparable program approved by the [director] Director.

[N.C.A.A – National Collegiate Athletic Association.]

15. Open [- Any time people are in or can be admitted to the water of a public swimming pool] means any time patrons can be admitted to the immediate premises, including swim team practices and competitions.

16. Owner [- Any] means any person, cooperative, association, partnership, firm, corporation, public



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agency or authorized agent, excluding a [pool management company,] Pool Management Company, under whose authority the [swimming pool] Swimming Pool is being constructed, remodeled, reconstructed, or operated. For the purposes of serving a notice of violation of [this chapter] Chapter 51, the person who is present and in charge of the operation of the pool is considered an agent of the [owner] Owner.

17. Patron means any person using a Public Swimming Pool, the adjoining deck area, or the immediate premises for the purposes of water sports, recreation, therapy, or related activities.
18. Pool Management Company [- Any] means any person, cooperative, association, partnership, firm, or corporation, excluding a [pool operator] Pool Operator, who is responsible by contract or other agreement with the [owner] Owner of a [public swimming pool] Public Swimming Pool for the operation of the [public swimming pool] Public Swimming Pool, including but not limited to one or more of the following:
- [1.] a. Assuring compliance with all operating standards set forth in Chapter 51 and all rules and regulations promulgated under that Chapter;
  - [2.] b. Providing for the physical maintenance, supplies, and personnel as required by Chapter 51 and all rules and regulations promulgated under that Chapter; and
  - [3.] c. Obtaining all necessary permits and licenses.
19. Pool Operator [- Any] means any person in possession of a valid Montgomery County Pool Operator's license who is in the [immediate control] Immediate Control of the operation of a [public swimming pool] Public Swimming Pool.
20. Private Spa means any outdoor bathing structure that is:
- a. a self-contained unit in which all control, water heating, and water circulating equipment is an integral part of the unit;
  - b. built on the grounds of a single-family private residence;
  - c. used solely by the Owner, immediate family, tenants, or guests; and
  - d. not used for swimming, diving, or wading.
21. Private Swimming Pool [- Any swimming pool built on the grounds of a single family residence and used solely by the owner, immediate family, tenants, or guests.] means any Swimming Pool



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that is:

- a. built on the grounds of a single family residence; and
- b. used solely by the Owner, immediate family, tenants, and guests.

22. Public Swimming Pool [- Any] means any [swimming pool] Swimming Pool, except a [private swimming pool] Private Swimming Pool or Private Spa, which is intended to be used collectively by a number of persons for swimming, diving, wading or recreational bathing. Public [pools] Swimming Pools [are categorized by the following classes] include:

[1] a. [GENERAL USE POOL – Any pool intended for public recreational use of competition except a spa.] A Public Swimming Pool that is:

- 1. not a Public Spa; and
- 2. is intended for public recreational use such as swimming, diving, wading, therapy, competition or associated activity.

[2. SPA - Any pool intended for public, recreational or therapeutic uses other than swimming, wading, diving or general recreational use which is not drained, cleaned or refilled for each user. This standard excludes units used in conjunction with the private practices of physicians.]

b. A Public Spa that is:

- 1. intended for public recreational and therapeutic uses other than swimming, diving, or wading; and
- 2. is not drained, cleaned, or refilled for each user.

23. Ready-To-Rescue means when a Lifeguard is attired in clothing appropriate to conduct the job duties; positioned so there is an unobstructed view of the pool floor; actively observing patrons in the water; and who has appropriate lifesaving equipment at hand.

24. Required Flow Rate means the minimum rate of flow for the recirculation system of a Public Swimming Pool as determined by the Montgomery County Manual on Swimming Pool Construction.

25. Spa Guard [- An] means an individual [currently certified] in possession of an approved current



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certification in infant, child, and adult [cardiopulmonary resuscitation (CPR)] CPR and first aid from an approved organization.

26. Spray Pool means any shallow pool into which treated water is sprayed but not allowed to accumulate. A Spray Pool is considered a Public Pool for the purposes of these regulations. A Spray Pool may also be referred to as an “interactive fountain.”

27. Swimming Pool [– Any], public or private, means any artificial structure, basin, chamber, or tank, except a [private spa] Private Spa, either above or below ground, which is used or intended to be used for the primary purpose of swimming, diving, wading or recreational bathing. A Swimming [pool] Pool includes all [appurtenant] associated equipment, structures and facilities located within a common enclosure. A unit used in conjunction with the private practice of a physician or physical therapist is not a [swimming pool] Swimming Pool.

[U.S.S – United States Swimming.]

28. Wading Pool [– A pool] means a Public Swimming Pool [not in excess] that is a maximum of 24 inches deep [at its maximum depth] and [usually reserved] primarily intended for use by [small] children.

29. Water Rescue means when a Lifeguard must enter the water with rescue equipment to assist a patron in distress, with or without the need to contact emergency personnel.

30. Water-Safe [– Able] means being able to swim and capable of exercising proper judgment in taking action for self-preservation under emergency conditions.

## Section II: [Water Quality] Permits, Registration, and Certification

### [A. Filtration

When any public swimming pool is open, it is the joint and several responsibility of the owner, pool operator, and pool management company, where appropriate, to maintain the following standards:

1. Water in the pool must be of sufficient clarity so that the main drain is clearly visible from the closest lifeguard chair or the furthest edge of the pool if the pool has no lifeguard chair.
2. Floating or sunken debris, algae, and dirt must not be present. Filter media or filter aids must not appear in the pool.



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3. Flow rate reading must not be less than 90% of the required flow rate specified in the Montgomery County Manual on Public Swimming Pool Construction, Section IX A.2 – Circulation Systems.

## B. Chemical Treatment

At all times when the public swimming pool is open, it is the joint and several responsibility of the owner, pool operator, and pool management company, where appropriate, to maintain the following standards:

### 1. Chemical Balance

	<u>MINIMUM</u>	<u>MAXIMUM</u>
a. General Use Pool Except Wading:		
pH	7.2	7.8
Free Chlorine	1.5 ppm	5.0 ppm
With Copper/Silver	0.5 ppm	5.0 ppm
Total Bromine	3.0 ppm	8.0 ppm
With Copper/Silver	1.5 ppm	8.0 ppm
b. Wading, Spa Therapy Pool:		
pH	7.2	7.8
Free Chlorine	3.0 ppm	5.0
With Copper/Silver	1.0 ppm	5.0 ppm
Total Bromine	4.0 ppm	8.0 ppm
With Copper/Silver	3.0 ppm	8.0 ppm
c. Any Stabilized Pool:		
Cyanuric Acid	None	100 ppm

2. Chemical balance is to be maintained by the addition of chemicals through mechanical feeders.
3. Tests for pH, free chlorine, and total bromine residuals must be made and recorded at least once every hour when the pool is open. The initial tests must be made prior to opening the pool to bathers. Tests for isocyanurates (cyanuric acid) must be made and recorded at least



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once a week prior to opening the pool to bathers and after any cyanuric acid treatment.

4. Any chemicals used in the pool water must: (a) be non-toxic to persons in the concentrations employed in the pool, (b) not build up to toxic levels, and (c) be clearly labeled with directions for use.
5. For chemicals used for disinfection, there must be: (a) an acceptable evidence of bactericidal efficiency, and (b) a convenient method of measuring the effective concentration in the water.

NOTE: See the Hazardous Materials Use Permit Regulation]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

A. Operating Permit.

1. It is the joint responsibility of the Owner and the Pool Management Company to submit an annual application to operate a Public Swimming Pool and pass a pre-opening inspection prior to operating the Public Swimming Pool.
2. If a Public Swimming Pool has closed for the season, an opening inspection must be conducted by and approval obtained from the Director prior to an Owner or Pool Management Company operating the pool.
3. A valid Montgomery County Swimming Pool permit must be posted on the immediate premises of the Public Swimming Pool.

B. Pool Management Company Registration.

1. It is the responsibility of the Pool Management Company to submit an annual application to manage a Public Swimming Pool .
2. A Pool Management Company must post a valid registration permit on the immediate premises of the Public Swimming Pool.

C. Pool Operator and Lifeguard Certification.



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Pool Operators, Lifeguards, and Spa Guards must be in possession of original documentation of their qualifications when they are on duty at the Public Swimming Pool.

### Section III: [Operating Staff and Duties] Water Quality

#### [A. Pool Operators, Lifeguards, and Pool Management Companies

##### 1. Pool Operators

- a. It is the joint and several responsibility of the owner, pool operator, and pool management company, of every public pool, to ensure that a Montgomery County licensed pool operator is in immediate control of the operation of the swimming pool and all of its appurtenances at all times when the pool is open and in use.
- b. If a pool permit is summarily suspended two times period for any of the conditions stated in Section VII of this regulation, for the remainder of the licensure period, a pool operator must be on the premises at any time the pool is open. This requirement will not apply if an operator is not in immediate control of the pool but no other conditions in Section VII exist. Not having an operator in immediate control will still result in summary closure.

##### 2. Lifeguards

###### a. General Use Pool

It is the joint and several responsibility of the owner, pool operator, and pool management company of every general use pool, to maintain at least one lifeguard on the pool deck observing the pool when bathers are permitted in the water. The director may require additional lifeguards to be on the deck or restrict swimming to one portion of any public swimming pool because of:

(1) the inadequate guarding of the pool due to the number of bathers using the pool, (2) the shape dimensions, and layout of the pool and filter room location, (3) the existence of obstructions to vision, or (4) the capability of the bathers using the pool. At least one lifeguard with a valid infant/child/adult CPR certificate must be on the premises when the pool is open.

###### b. Spas

It is the joint and several responsibility of the owner, pool operator, and pool



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management company of every spa to maintain at least one spa guard on the licensed premises when bathers are permitted in the water.

- c. A person may fulfill the function of both lifeguard/spa guard and pool operator when such duplication can be accomplished without adversely affecting the safety and operational standards. In acting as a lifeguard, the person must be on the deck and must observe the pool whenever any person is in the water and must not leave the post for any reason without ensuring that all persons are out of the water.

### 3. Pool Management Company Registry

Pool management companies must submit information so the director can maintain a registry of each pool operated by a pool management company in Montgomery County. The registry will consist of a file for each pool management company and contain the registration applications for each pool managed by that company. The pool management company will notify the department within 48 hours when the responsible person for a pool changes. The change will be made by the director on the original application. Applications must be added to or removed from the files as the management company for the pools change.

### 4. Evidence of Qualifications

Pool operators, lifeguards, spa guards, and pool management companies must have written documentation of qualifications, acceptable to the director, available at the pool at all times while they are on duty.

## B. Occupancy

It is the joint and several responsibility of the owner, pool operator, and pool management company of every public pool to ensure that:

- 1. The number of persons within the pool enclosure does not exceed the authorized limit established by the Montgomery County Manual on Public Swimming Pool Construction, and the number of persons in the water does not exceed that which can be safely supervised by the lifeguards.
- 2. A set of rules for admission to the pool(s) is established, and printed legibly on a backing of durable and water-resistant construction. The Rules must be posted conspicuously, enforced, and include:



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- a. Restricting the introduction of dirt, excreta, and extraneous matter into the water by bathers;
- b. Restricting the importation of dangerous objects and materials into the pool area;
- c. Controlling unsafe acts, both in and out of the water; and
- d. Ensuring that small children and disabled or infirm persons in the water are water-safe, and are in the proper pool area or are properly supervised by competent water-safe persons in addition to the lifeguards.

3. Bathers are excluded from the pool who:

- a. Show apparent signs of infection or other evidence of high contamination risk;
- b. Are not demonstrably water-safe or under the immediate supervision of water-safe persons in addition to the pool staff;
- c. Are incontinent, either temporarily or permanently, unless such individuals are:
  - (1) Closely supervised; and
  - (2) Clothed in diapers and snugly fitting waterproof pants.

4. If fecal matter is introduced into the pool, the pool must be closed and the fecal matter removed. The pool must remain closed for a minimum of 20 minutes with the chemical levels maintained in accordance with Section II, B.1. of this regulation.

C. Spa

In addition to Section III, B. 1-4 above, the following rules must be printed on a backing of durable and water-resistant construction, conspicuously posted at the spa, and enforced:

1. Bathers are not permitted in the water for periods in excess of 15 minutes if the water temperature is between 98°F. and 104°F. A minimum interval of five minutes must be spent out of the water for every 15 minutes in the water.
2. Alcoholic beverages and food are not permitted in the spa area. Nonalcoholic beverages in unbreakable containers may be served to bathers in the spa. Admittance will be denied to anyone under the influence of alcohol or drugs.



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3. Children under 5 years of age are not permitted in the spa.
4. Bathers that are pregnant, or have a history of heart disease, diabetes, or circulatory problems, should consult a physician before using the spa.

#### D. Hazards

It is the joint and several responsibility of the owner, pool operator, and pool management company of every public pool to ensure that:

1. Bathers and operating personnel are not exposed to contact with high temperature surfaces, electric shock hazards, slippery floors or decks, and projections or surfaces which would cause injury;
2. Bathers do not have access to machinery, electric panels, or pools chemicals;
3. Artificial lights are functioning in those areas used by bathers or operating personnel when such light is required by law or for safety;
4. Gas chlorine containers are located in a mechanically ventilated area, out of direct sunlight, secured to prevent tipping, and equipped with a shut-off wrench when in use. A properly labeled bottle of ammonia must be available to test for leaks;
5. Required safety devices are installed and in proper working order;
6. A timing device, method, or procedure is provided at every spa a 15 minute interval has expired;
7. Mechanically heated pool water must not exceed 88°F. in a general use pool and 104°F. in a spa;
8. Skimmer access covers are in place whenever bathers are permitted in the pool area; and;
9. Prior to releasing large volumes of water from a pool for maintenance or cleaning to the surface waters of Montgomery County, the water must be retained for at least 48 hours after the last disinfection to allow for the dissipation of the disinfectant. This requirement does not apply to the short backwashing procedure inherent in the day to day operation of a pool.]



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## A. Filtration.

When any Public Swimming Pool is open, it is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to comply with the following:

1. Water in the Public Swimming Pool must be of sufficient clarity so that the main drain is clearly visible from the closest lifeguard chair or the furthest edge of the Public Swimming Pool, if the Public Swimming Pool has no lifeguard chair;
2. Floating or sunken debris, algae, dirt, filter media, or filter aids must not be present in the Public Swimming Pool; and
3. The circulation system must operate between the minimum Required Flow Rate and the manufacturer's listed filter capacity, as indicated on an approved flow meter.

## B. Chemical Treatment.

At all times when the Public Swimming Pool is open, it is the responsibility of the Owner, Pool Operator, and Pool Management Company to comply with the following:

1. Chemical levels.
  - a. Public Swimming Pool (Except Wading, Spa, Spray, and Therapy Pools):
    1. pH a minimum of 7.2 and a maximum of 7.8;
    2. Free chlorine a minimum of 1.5 ppm and a maximum of 10.0 ppm; and,
    3. Total bromine a minimum of 3.0 ppm and a maximum of 8.0 ppm;
  - b. Public Wading, Spray, and Therapy Pools:
    1. pH a minimum of 7.2 and a maximum of 7.8;
    2. Free chlorine a minimum of 3.0 ppm and a maximum of 10.0 ppm; and,



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3. Total bromine a minimum of 4.0 ppm and a maximum of 8.0 ppm;

c. Public Spas:

1. pH a minimum of 7.2 and a maximum of 7.8;

2. Free chlorine a minimum of 4.0 ppm and a maximum of 10.0 ppm;

3. Total bromine a minimum of 4.0 ppm and a maximum of 8.0 ppm; and

d. Cyanuric acid a maximum of 80 ppm in any stabilized pool.

2. Tests for pH, free chlorine, and total bromine residuals must be performed and recorded at least once every hour when the pool is open. The initial tests must be performed prior to opening the pool to patrons to insure compliance with Section III(B). Tests for cyanuric acid must be performed and recorded at least once a week prior to opening the pool to patrons and after any cyanuric acid treatment.

3. Any chemicals used in the Public Swimming Pool water must: (a) be non-toxic to persons in the concentrations found in the water and (b) be clearly labeled with directions for use.

4. A convenient method must be provided to measure the effective concentration of the chemical in the water.

## Section IV: [Equipment Requirements] Staff Duties and Pool Operation

[It is the joint and several responsibility of the owner, pool operator, and pool management company of every public pool to maintain the following standards:

A. Safety & Rescue Equipment– General

1. First aid supplies comprised of:

- 1 – Roll adhesive tape
- 5 – 4” gauze pads
- 2 – Eye dressing packets
- 1 – Box of assorted size bandaids
- 1 – Scissors
- 1 – Tweezers
- 1 – Face mask for CPR with one-way valve



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2. Two twin bed size blankets for emergency use only.
3. A working telephone on the pool premises readily accessible to pool users. The 911 emergency number must be conspicuously printed on the telephone. If the telephone is a pay station, it must be one that does not require money to complete an emergency call. When a switchboard connected telephone is used, pool users must be able to dial 911 directly.

## B. Safety and Rescue Equipment – General Use Pool

Every general use pool must be equipped with the following readily accessible items for safety and rescue:

1. One or more light but strong poles, bamboo or other, not less than 12’ in length, with blunted ends, for making reaching assists or rescues; and
2. A backboard for immobilizing injured persons in the water with a minimum aggravation of their injuries. The board must be constructed of a sound material strong enough to support an adult human body, be a minimum of 72” long and 16” wide, have an adequate number of properly spaced handholds for safety while transporting a victim, and have straps with are quick release buckles of adequate size and strength to secure the victim.

## C. Test Equipment

Devices to test the water for free chlorine residual or total bromine, cyanuric acid, if appropriate, and pH must be present and in working condition. These devices must be capable of reading free chlorine residual or total bromine on a scale containing increments between 1.5 ppm and 3.0 ppm chlorine or 3.0 ppm and 8.0 ppm bromine inclusive, and pH values on a scale containing increments in the range between 7.2 and 7.8 inclusive. When chemicals other than chlorine or bromine are used for disinfection of the swimming pool water, appropriate test equipment, approved by the Director, must be present and in proper operating order.

## D. Waste Containers

A sufficient number of covered easily cleanable refuse containers must be placed in the bathhouse and pool area.]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety, operator certification, user load, suction



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entrapment prevention, toilet, hand sink, and shower facilities, and diving areas and equipment are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

## A. Staffing Requirements.

1. At least one Lifeguard in possession of a valid infant/child/adult or professional rescuer CPR certificate and a valid first aid certificate must be on the immediate premises when the Public Swimming Pool is open.
2. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to provide a licensed Montgomery County Pool Operator who is on site or who is in Immediate Control. A Montgomery County Pool Operator must be available to respond to operational problems within 15 minutes when not available on site.
3. If a Public Swimming Pool permit is summarily suspended two times in a licensure period for any of the conditions stated in Section X(A) of this regulation, a Pool Operator must remain on the premises any time the pool is open, for the remainder of the licensure period.
4. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to ensure a camp or day care is properly supervised at a Public Swimming Pool in accordance to COMAR 10.17.01.
5. A person may fulfill the function of both a Lifeguard/Spa Guard/ and Pool Operator when such duplication can be accomplished without adversely affecting the safety of patrons and the operational standards of the Public Swimming Pool.
6. Lifeguards.
  - a. Public Swimming Pool.
    1. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Pool to provide at least one Ready-To-Rescue Lifeguard on the pool deck observing the Public Pool when the Swimming Pool is open.
    2. A Lifeguard must have an unobstructed view of the Swimming Pool bottom and their field of vision must not exceed 90 degrees to the right or left when patrons are permitted in the water.



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3. When a break is called, a Lifeguard must continue to be Ready-To-Rescue until all patrons have left the water.
4. The Director may require additional Lifeguards to be Ready-To-Rescue or restrict swimming to any portion of any Swimming Pool if the safety of the patrons is deemed to be at risk.
5. An Owner, Pool Operator, or Pool Management Company may use a Lifeguard on the deck of a Swimming Pool to monitor an adjacent Wading Pool provided the Wading Pool is not the only Swimming Pool at the facility and the Wading Pool can be observed from the Swimming Pool deck.
6. Public Spray Pools are exempt from the Lifeguard requirements in this subsection.

b. Public Spas.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Spa to provide at least one Spa Guard on the immediate premises when patrons are permitted in the water. The Spa Guard must be trained in performing the chemical tests required in COMAR 10.17.01 and stated in this Executive Regulation.

B. Occupancy.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Swimming Pool to comply with the following:

1. The number of patrons within the immediate premise must not exceed the limit established by the Montgomery County Manual on Public Swimming Pool Construction and the number of patrons in the water must not exceed the number that can be safely supervised by the Lifeguards or that exceeds the limit established in COMAR 10.17.01.
2. A visibly posted set of rules must be established and printed legibly on a backing of durable and water-resistant construction. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to enforce the rules which must include prohibiting patrons from:



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- a. Introducing dirt, excreta, foaming agents, soaps and other extraneous matter into the water;
- b. Bringing dangerous objects and materials in the immediate premises;
- c. Unsafe acts, both in and out of the water;
- d. Entering the pool water if patrons exhibit signs of infection or are otherwise shown to be a contamination risk;
- e. Entering the pool water if patrons are not demonstrably Water-Safe or under the Immediate Supervision of a Water-Safe person;
- f. Entering the pool water if patrons are incontinent unless such individuals are clothed in snugly fitting water-proof pants which are designed to prevent the introduction of fecal matter into the pool and are worn over any type of diaper, including swim diapers;
- g. Swimming without a Ready-To-Rescue Lifeguard present on the deck of a Public Swimming Pool;
- h. Bringing any animal, other than a registered service animal, onto the immediate premises or allowing any animal to enter the pool water; and,
- i. Possessing food and beverage on the pool deck in an area other than that established in Section VII(D). This requirement does not include plastic bottled water brought by a patron for personal consumption.

### 3. Public Spas.

In addition to Section IV, B. 1 and 2 above, it is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to visibly post and enforce the following rules which prohibit patrons:

- a. From staying in the water for periods in excess of 15 minutes if the water temperature is from 98°F to 104°F. A minimum interval of 5 minutes must be spent out of the water for every 15 minutes in the water;
- b. Under 5 years of age;



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- c. Who are pregnant, or have a history of heart disease, diabetes, or circulatory problems, unless a physician has been consulted before using the spa.

C. Hazards.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Swimming Pool to correct a hazard within the time frame specified by the Director.

D. Imminent Hazards.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to close a Public Swimming Pool when an imminent hazard exists.

**Section V: [Records] Safety and Rescue Equipment Requirements**

[It is the joint and several responsibility of the owner, pool operator, and pool management company to maintain the following standards at all public pools:

- A. A valid operating permit must be posted on the premises and a valid management company registration certificate if appropriate.
- B. A daily operational log must be accurately maintained, with the following items recorded at the frequency indicated:
  - 1. name of operator on duty – daily;
  - 2. free chlorine residual readings – one hour intervals;
  - 3. pH readings – one hour intervals;
  - 4. rate of flow readings – daily;
  - 5. weather – daily;
  - 6. attendance – daily;
  - 7. cyanuric acid residual readings – once weekly and after each addition of cyanuric acid;
  - 8. total bromine residuals – one hour intervals.
- C. The form of this log must be approved by the director.
- D. The log must be available on the premises for inspection by the director, include sheets for the previous thirty days, and be easily readable.]



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The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing test kits, decks, and public pool and spa safety are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to provide the following at each Public Swimming Pool:

A. Safety & Rescue Equipment – All Public Swimming Pools.

1. A first aid kit as recommended by the American Red Cross and the following:

- 5 – 4 inch gauze pads
- 2 – Eye dressing pads
- 1 – Pair of Scissors
- 1 – Tweezers
- 1 – Face mask with one-way valve for performing CPR
- Disposable latex plastic gloves

2. Two twin size blankets for emergency use only;

3. A telephone that meets the requirements of COMAR 10.17.01 (2013), must have posted the facility’s telephone number. If a cellular telephone is used, the phone must be the property of the Owner or Pool Management Company, adequately charged, functioning, available to patrons and pool personnel, only used for emergencies, and remain at the Swimming Pool when the Public Swimming Pool is open;

4. A bloodborne pathogen control kit;

5. Testing equipment for pH and the approved chemicals in use must be provided. The testing equipment must be in proper working condition and capable of reading free chlorine residual or total bromine on a scale containing a minimum of 1.0 ppm increments with a range of 1.5 ppm to 10.0 ppm chlorine or 3.0 ppm to 8.0 ppm bromine inclusive, and pH values on a scale containing 0.2 increments with a range of 7.2 to 7.8 inclusive; and

6. A means for disabled patrons to enter and exit any indoor Public Swimming Pool or a Public Swimming Pool constructed after February 10, 1997 and all Montgomery County-owned pools. Any handicapped accessible equipment must be in good working condition.

B. Safety & Rescue Equipment - Public Pools.



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1. One or more lightweight but strong poles that are not less than 12 feet in length and equipped with blunted ends to assist or rescue patrons;
2. An approved Backboard designed for medical emergency use equipped with three quick release straps and a head immobilizer; and
3. A rescue tube for each Ready-To-Rescue Lifeguard.

## Section VI: [Housekeeping] Records

[It is the joint and several responsibility of the owner, pool operator, and pool management company to maintain the following standards at all public pools:

### A. Decks and Surroundings

Decks must be clean, and free of algae, debris, puddles, and ponded water. Surrounding areas must be kept free of trash, litter, and glass. Waste containers must be emptied at sufficient intervals to keep them from overflowing. All drains must function.

### B. Bathhouse and Restrooms

1. All facilities within the bathhouse and restrooms must be maintained in a clean and sanitary manner at all times. Floors and fixtures must be washed with detergent and an approved disinfectant solution to maintain them in a safe and sanitary manner.
2. Hot water, a minimum of 90°F., must be provided for bather showering. Water temperature must not exceed 115°F. Soap must be provided at each shower and hand sink.
3. Toilet paper must be provided at each toilet.

### C. Filter and Pump Rooms

1. Filter and pump rooms must be kept clean, uncluttered, and reasonably dry at all times. Chemical spills, waste material, excess water, and debris must be promptly removed. Supplies and chemicals must be labeled and stored properly to prevent deterioration and accidents.
2. Controls, valves, and gauges must be accessible. Valves and gauges must be properly functioning and labeled in accordance with a posted backwash procedures chart.



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3. Filter and pump rooms must be adequately lighted so that all controls, valves, and gauges can be easily identified and read.
4. Filter and pump rooms must be adequately ventilated to control excessive heat and vapor.

#### D. Food and Drink Facilities

When food or drink are sold or available on the pool premises, all such food and drink must be consumed in an area physically segregated from the pool and pool deck area. The owner or operator must post and maintain appropriate signs to inform the pool patrons of the requirements. A license to serve food or drink is required by the director.]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing operating records and injury and illness reports are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards.

It is the responsibility of the Owner, Pool Operator, and Pool Management Company of all Public Swimming Pools to comply with the following:

- A. An operational log must be must be available at all times for inspection. An operational log must include the information required in COMAR 10.17.01 (2013) and:
  1. Approved disinfectant residuals recorded at one hour intervals and prior to opening for the day;
  2. pH levels recorded at one hour intervals and prior to opening for the day;
  3. Cyanuric acid concentration (if in use) recorded once weekly for a public pool and daily for a Public Spa and after each addition of cyanuric acid, when the level is stabilized; and
  4. The reason a Public Swimming Pool was closed (if appropriate) and any action taken as a result of the closure.
- B. All Public Swimming Pool equipped with an approved Vacuum Release System (VRS) must be tested and recorded daily prior to opening.
- C. An Injury and Illness Report form must be completed and submitted to the Director as required in COMAR 10.17.01 and as specified in Section IV(D) of these regulations.



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## **Section VII: [Summary Enforcement] Maintenance and Cleanliness of the Immediate Premises and Accessory Equipment**

[A. When any of the following conditions are found to exist at any public pool, the pool permit must be suspended and the pool closed until such time as the condition has been corrected and an inspection by the director has been made or approval to re-open has been granted by the director:

1. A lifeguard is not on the pool deck of a general use pool, or a spa guard is not on the premises of a spa;
2. The main drain is not clearly visible from the nearest lifeguard chair or the furthest edge of the pool, if the pool has no lifeguard chair;
3. The free chlorine, total bromine, pH, or cyanuric acid readings of the pool water are other than specified under Section II, B.1;
4. The recirculating equipment is not working properly for more than one hour;
5. The water level is below the skimmers in pools using this method of circulation;
6. The chemical disinfectant feeder has not been functional for a period of 24 hours; provided that pH, free chlorine, total bromine, or other approved disinfectant residuals are maintained in accordance with Section II, Water Quality;
7. The bathhouse drainage system is blocked sufficiently to render the bathhouse unusable, water is not available at sufficient pressure to operate the bathhouse, waste disposal systems are inoperable, unsanitary conditions exist, or the bathhouse is unusable for other health or safety reasons;
8. The director has been wrongfully denied permission to inspect the pool pursuant to Chapter 51 and these regulations;
9. A licensed Montgomery County pool operator is not in immediate control of the pool;
10. The director determines that an immediate hazard exists to the health or safety of the users of any pool;
11. At least one lifeguard currently certified in infant/child/adult CPR is not within the pool enclosure.



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B. When a pool is closed for any of the above reasons it must remain closed pending:

1. Verification by the director of the correction of that all the conditions creating the hazard, including Sec. VII, A. 9 above; or
2. Presentation of evidence by the owner, pool operator, or pool management company, satisfactory to the director, that such conditions either do not exist or are not hazardous.]

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing decks, plumbing, disinfection of towels, antiscald protection for showers, equipment rooms, and maintenance are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of all Public Swimming Pools to comply with the following:

A. Decks and Immediate Premises.

1. Decks must be clean and free of algae, debris, and ponded water.
2. The immediate premises must be kept free of trash and glass.
3. A sufficient number of covered, cleanable waste containers must be placed in the bathhouse and within the immediate premises. Waste containers must be emptied at sufficient intervals to keep them from overflowing.
4. All drinking fountains, foot showers, and deck drains must be in good working condition.

B. Bathhouse and Restrooms.

1. All facilities within the bathhouse and restrooms must be in good working condition and maintained in a clean and sanitary manner. A sanitary napkin disposal container must be provided in the women's bathhouse.
2. Hot water, at least 90°F and less than 115°F, must be provided at each shower and, for Public Swimming Pools constructed after the effective date of this regulation, each hand sink must have at least 90°F of hot water.
3. The following must be provided in a bathhouse restroom:



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- a. Soap in a dispenser at each shower;
  - b. An adequate supply of soap in a dispenser and paper towels or other approved hand drying device at hand sinks and;
  - c. Toilet paper at each toilet.
4. Swimsuits may not be provided by a Public Swimming Pool facility unless the recipient becomes the sole owner of the suit and is responsible for its care and cleaning.
  5. Towels provided by a Public Swimming Pool must be properly washed and disinfected after each use. A covered, cleanable container must be provided to collect soiled towels. Clean towels must be stored in a sanitary manner.

## C. Equipment Rooms.

1. Filter and pump rooms must be kept clean, uncluttered, and reasonably dry at all times. Chemical spills, waste material, excess water, and debris must be promptly removed. Supplies and chemicals must be stored in labeled containers.
2. Controls, valves, and gauges must be accessible. Valves and gauges must be in good working condition and labeled in accordance with the Backwash Chart.
3. Filter and pump rooms must be adequately lighted so that all controls, valves, and gauges can be easily identified and read.
4. Filter and pump rooms must be adequately ventilated to control excessive heat and vapor.
5. A Backwash Chart and Data Sheet must be provided.
6. The elements of cartridge filter systems must be cleaned and/or replaced according to the manufacturer's recommendation.
7. A complete second set of cartridge filter elements must be provided on site along with container(s) of sufficient size to hold these elements.
8. The backwash waste water and waste water from the cleaning of cartridge filters must be discharged into an approved sanitary sewer system.

## D. Eating and Drinking.



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When food or drink is allowed on the immediate premises, all such food and drink (with the exception of plastic containers of beverages) must be consumed in an area that is at least 6 feet from the Swimming Pool's edge. If the Owner plans to sell or serve food or drink (including at swim meets), a food service facility permit is required by the Director.

## Section VIII: Emergency Plan

It is the joint [and several] responsibility of the [owner, pool operator] Owner, Pool Operator, and any retained [pool management company if appropriate] Pool Management Company to provide a written emergency [procedures, readily visible,] plan accessible to pool personnel and to [ensure that] train the personnel [are familiar with these procedures] on implementing the plan. The emergency plan must include procedures for managing emergencies and must be readily accessible to pool personnel.

## Section IX: Inspections

The [director] Director must be allowed to inspect any part of a Public Swimming Pool during [reasonable hours, any part of a public swimming pool, its machinery, decks, operating records, and all appurtenances, for the purposes of determining compliance with the provisions of these regulations and all supporting codes and ordinances] operational hours.

Whenever an inspection of a [public swimming pool] Public Swimming Pool is made, the findings must be recorded on the inspection report form currently authorized by the [director] Director. One copy of the inspection report form must be furnished to the [pool owner, pool operator, or pool management company] Owner, Pool Operator, or Pool Management Company representative. The inspection report form [must summarize the requirements of Chapter 51 and] must provide a specific and reasonable period of time for the correction of violations.

When the [director] Director is denied entry to the pool to make any lawful inspection pursuant to Chapter 51 of the Montgomery County Code[, 1994, as amended,] or these regulations, the [director] Director may immediately suspend the [swimming pool] Swimming Pool permit and order the pool to be immediately closed pending final resolution of the matter pursuant to the provisions of Section 51-13[.], of the Montgomery County Code[, 1994].

## Section X: [Reinstatement] Summary Enforcement

[Any person whose swimming pool permit has been suspended, must make application for a reinspection for the purpose of reinstatement of the permit.

Within a reasonable time period following the submission of the application and fee, the director



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must either make an inspection or otherwise determine whether the conditions causing the suspension have been corrected. If the director finds that the pool is in conformity with Chapter 51, Montgomery County Code, 1994, and these regulations, the permit must be reinstated.]

A. When any of the following conditions are found to exist at a Public Swimming Pool, the pool operating permit must be suspended and the Public Swimming Pool closed until such time as the condition has been corrected and an inspection by the Director has been made or approval to re-open has been granted by the Director:

1. A Lifeguard is not on the pool deck and observing patrons in the water of a public pool, a Spa Guard is not on the immediate premise;
2. The main drain is not clearly visible from the nearest lifeguard chair or the furthest edge of the Swimming Pool, if the Swimming Pool has no lifeguard chair;
3. The free chlorine, total bromine, pH, other approved disinfectant residual, or cyanuric acid concentration in the pool water are other than specified in COMAR 10.17.01;
4. The circulating equipment is not working properly for more than one hour;
5. The water level is below the skimmers in pools using this method of circulation;
6. The chemical disinfectant feeder has not been functional for a period of 24 hours provided that the pH, free chlorine, total bromine, or other approved disinfectant residuals are maintained in accordance with COMAR 10.17.01;
7. The bathhouse or restroom drainage system is blocked sufficiently to render the bathhouse or restroom unusable, water is not available at sufficient pressure to operate the bathhouse or restroom, waste disposal systems are inoperable, unsanitary conditions exist, or the bathhouse or restroom is unusable for other health or safety reasons;
8. The Director has been wrongfully denied permission to inspect the Public Swimming Pool pursuant to Chapter 51 and any regulations promulgated under that Chapter;
9. A licensed Montgomery County Pool Operator is not in Immediate Control of a Public Swimming Pool, as required.
10. The Director determines that an imminent hazard exists to the health or safety of the users of any Public Swimming Pool; or,



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11. At least one Lifeguard or Spa Guard does not possess an approved CPR certificate and is not within the Swimming Pool enclosure.

B. When a Public Swimming Pool is closed for any of the above reasons it must remain closed pending:

1. Verification by the Director that all of the conditions which resulted in suspension of the permit have been corrected; or,
2. Presentation of evidence by the Owner, Pool Operator, or Pool Management Company, satisfactory to the Director, that such conditions either do not exist or do not constitute an imminent hazard.

## **Section XI: [Appeals] Reinstatement**

[A decision of the director revoking or suspending a permit, license, or registration may be appealed to the County Board of Appeals within 10 days from the receipt of the decision.]

The Owner, Pool Operator, or Pool Management Company whose Swimming Pool permit has been suspended, must make application for a re-inspection and pay any required re-inspection fee for the purpose of reinstatement of the permit.

Within 10 business days following the submission of the application and fee, the Director must either make an inspection or otherwise determine whether the conditions causing the suspension have been corrected. If the Director finds that the Public Swimming Pool complies with Chapter 51 and these regulations, the permit must be reinstated.

## **[Sec. 2.] Section XII: [Severability] Appeals**

[If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.]

A decision of the Director revoking or suspending a permit, license, or registration may be appealed to the County Board of Appeals within 10 days from the receipt of the decision.



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## Section XIII. Severability

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

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Isiah Leggett  
County Executive

Approved as to Form and Legality  
Office of the County Attorney

By: 

Date: 4/17/13

09/26 – DHHS/L&R