

## TITLE 178 NAC 2 OPERATION AND MANAGEMENT OF PUBLIC SWIMMING POOLS

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TITLE 178 ENVIRONMENTAL HEALTH

CHAPTER 2 OPERATION AND MANAGEMENT OF PUBLIC SWIMMING POOLS

2-001 SCOPE AND AUTHORITY: These regulations establish requirements for the operation and management of public swimming pools, including spas, wading pools, and special purpose pools. These regulations apply to all classes of pools unless there is a specific exemption. Authority for these regulations is found in Neb. Rev. Stat. §§ 71-4301 to 71-4307, known as the Swimming Pool Act.

2-001.01 Persons operating swimming pools may want to consult with other local and state regulatory agencies regarding pool operation. These agencies include but are not limited to the State Fire Marshal and local Building and Safety offices. If conflicts with other applicable state or local regulations occur, the most restrictive regulation governs.

2-001.02 Design professionals designing swimming pools must comply with 178 NAC 4, Public Swimming Pool Design and Construction Standards. Under 178 NAC 4, plans, specifications, and data must be submitted to the Department before the start of construction or installation of any swimming pool or any substantial modifications or improvements to existing swimming pools. Construction or installation may begin only after the Department issues a construction permit.

2-002 DEFINITIONS

Act means Neb. Rev. Stat. §§ 71-4301 to 71-4307, known as the Swimming Pool Act.

Additional inspections means inspections required to determine if violations discovered in previous inspections have been corrected.

Available means a Nebraska swimming pool operator must be on site or able to be on site within 60 minutes.

Bathhouse means any building adjacent to the swimming pool used by the swimmers and bathers for changing clothes. The term "bathhouse" includes accompanying bather preparation facilities.

Boundary line means a line between the shallow and deep areas marked in contrasting color and at least four inches wide on the floor and walls of the pool, and by a safety rope and floats equipped with float keepers.

Certificate of competency means a certificate obtained as a result of attendance and successful completion, as shown by passing a test, of a Nebraska swimming pool operator's training clinic approved by the Department.

Class A pool means a pool operated by a municipality, political subdivision, or governmental agency; or a pool intended for use for accredited competitive aquatic events such as Federation Internationale de Natation, U.S. Swimming, U.S. Diving, National Collegiate Athletic Association, National Federation of State High School Associations, etc.

Class B pool means a swimming pool operated at a facility including, but not limited to, an apartment, a condominium, a property owner association, a child care facility, and lodgings such as hotels and motels.

Class C pool means a spa.

Class D pool means a wading pool.

Class E pool means a spray park.

Class F pool means a swimming pool at a health club, fitness center, or community fitness center.

Deck means the area surrounding a pool, which is specifically constructed or installed for use by bathers.

Deep area means those areas of a swimming pool where the water is more than 5 feet deep.

Department means the Department of Health and Human Services.

Design professional means a professional engineer or professional architect registered by the Nebraska Board of Engineers and Architects to practice in the State of Nebraska.

Drop slide means a slide that discharges to a pool with a drop more than two inches to the water surface.

Main drain means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a recirculating pump.

Nebraska swimming pool operator means an individual (1) who has a current certificate of competency or (2) who has successfully completed the pool operator training course by the National Swimming Pool Foundation, the Aquatic Facility Operator course approved by the National Recreation and Park Association, or an equivalent course approved by the Department, and who maintains certification as required by the certifying organization.

Owner means the owner or the owner's representative.

Patron means a person using a public swimming pool. Patron also means a bather or swimmer.

Patron load means the maximum number of persons that may use the pool at one time.

Person, for 178 NAC 2-001.01, 2-003 and 2-008.02 means any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community, government agency, club, organization, or other entity owning or operating a swimming pool as defined in Neb. Rev. Stat. § 71-4301. In all other instances, person means individual.

Spa means a specific type of swimming pool, such as a hot tub or whirlpool designed for recreational use which is not intended to be drained, cleaned, and refilled after each individual use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof.

Special purpose pool means a swimming pool that is operated for special purposes and incorporates features distinguishing it from a traditional swimming pool. Special purpose pools include, but are not limited to, wave pools, zero depth pools, water slide splash pools, lazy river rides, and fountains and/or other interactive water features.

Spray park means a pool providing recirculated water to spray features with no permanent standing water accessible to pool patrons.

Substantial modification or improvement means construction that changes the depth, shape, piping, pumping, or other basic design features of a public swimming pool in a manner that affects pool patron safety or recirculation system design, changes a pool's deck, changes the basic design of a diving board, or adds a special feature. Work not considered a substantial modification or improvement includes maintenance and repairs.

Suction outlet means a fitting, fitting assembly, cover/grate, and related components that provide a localized low pressure area for the transfer of water from a swimming pool. This also includes the transfer of water for slides, spray features, skimmer equalizer lines, etc.

Swimming pool (pool) means any artificial basin of water modified, improved, constructed, or installed solely for the purpose of public swimming, wading, diving, recreation, or instruction. Swimming pool includes, but is not limited to, a pool serving a community, a subdivision, an apartment complex, a condominium, a club, a camp, a school, an institution, a park, a manufactured home park, a hotel, a motel, a recreational area, or a water park. Swimming pool includes a spa, hot tub or whirlpool or similar device which (1) is designed for recreational use and not to be drained, cleaned and refilled after each individual use and (2) may consist of elements, including, but not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof. Swimming pool does not include an artificial lake, a pool at a private residence intended only for the use of the owner and guests, or a pool operated exclusively for medical treatment, physical therapy, water rescue training, or training of divers.

Variance means written approval from the Department for a change in pool management or operation that does not conform to the requirements in 178 NAC 2. A variance will not be given for any change in pool management or operation that endangers the health or safety of the patrons.

Wading pool means a pool that is no more than 24 inches deep that is primarily intended for use by young children.

Wave pool means a special-purpose pool with wave generating equipment and a design which provides for control of the waves within the side walls and dissipation of the waves at a zero depth shallow end.

Zero-depth pool means a swimming pool where the pool floor intersects the water surface along a portion of its perimeter.

2-003 PERMIT REQUIREMENTS AND PROCEDURES: Before operating or maintaining a swimming pool, a person must apply for and obtain an operating permit from the Department. The permit is not transferable and must be renewed annually. The permit expires at midnight of March 31 of each year unless otherwise suspended or revoked. The permit must be conspicuously posted on the pool premises.

#### 2-003.01 Applications

2-003.01A The owner or Nebraska swimming pool operator of a pool facility must apply for an operating permit on Attachment 1 which is incorporated herein by reference.

2-003.01B An individual wanting to obtain a certificate of competency from the Department must attend a Nebraska swimming pool operator clinic, take an exam provided by the Department, and obtain a passing score of 70%. The individual must apply for a Nebraska swimming pool operator certificate of competency on Attachment 2, which is incorporated herein by reference.

#### 2-003.02 Schedule of Fees

2-003.02A Permit Fee: A fee of \$40 to obtain an annual operating permit must be paid by the owner of the pool.

2-003.02B Operational Inspection Fees: Operational inspection fees are separate from and in addition to the engineering inspection fee found in 178 NAC 4. Pools owned by a municipal corporation are exempt from inspection fees.

2-003.02B1 A fee of \$60 for each initial inspection conducted by the Department must be paid by the owner or Nebraska swimming pool operator of any Class A B, C, D, E, or F swimming pool.

2-003.02B2 A fee of \$60 for each additional inspection conducted by the Department must be paid by the owner or Nebraska swimming pool operator of any Class A, B, C, D, E, or F swimming pool.

2-003.02C Examination and Certificate of Competency Fee: Individuals and Nebraska swimming pool operators who are tested at Nebraska swimming pool operator clinics conducted by the Department must pay an examination and

certificate of competency fee of \$40. The certificate is valid for 2 years from date of issuance.

2-003.02D Certification of Permit/Certificate of Competency Fee: A fee of \$25 must be paid to the Department for issuance of a certification of an operating permit or a Department issued Nebraska swimming pool operator certificate of competency.

2-003.02E Verification of Permit/Certificate of Competency Fee: A fee of \$5 must be paid to the Department for verification of an operating permit or a Department issued Nebraska swimming pool operator certificate of competency. The verification includes written confirmation as to whether a permit or certificate of competency was valid at the time the request was made.

2-003.02F Duplicate Permit/Certificate of Competency Fee: A fee of \$10 must be paid to the Department for a duplicate operating permit or Department issued Nebraska swimming pool operator certificate of competency.

#### 2-003.02G Time of Payment

1. The permit and initial inspection fees must be paid at the time the application is submitted.
2. Fees for additional inspections must be paid within 30 days of inspection.
3. Nebraska swimming pool operator certificate of competency fees must be paid before issuance of the certificate.

2-003.02H Method of Payment: The Department will accept payment by personal or certified check, cashier's check, money order, or currency. Checks must be made payable to the "Department of Health and Human Services". Payments made in currency, until properly receipted, are not the responsibility of the Department. The Department will not accept payments made in stamps, foreign currency, or third party endorsed checks.

2-003.02I Refunds: The Department will not refund any fee paid for which the applicable service has been performed except in cases of mistake or fraud.

2-003.02J Penalties: Failure to pay the specified fees for the permit and/or inspection of a swimming pool constitutes cause for the denial, suspension, revocation or refusal of renewal of the operating permit. Failure to pay the fee for obtaining a Nebraska swimming pool operator certificate of competency will result in the denial of the certificate.

### 2-004 GENERAL REQUIREMENTS

2-004.01 Inspections: The Department is required by Neb. Rev. Stat. § 71-4305 to conduct annual inspections of every swimming pool. The Department will conduct any inspections it deems necessary to insure compliance with all provisions of 178 NAC 2.

The Department has the right of entry at any reasonable time to the swimming pool and accompanying facilities for this purpose. The owner or Nebraska swimming pool operator of any swimming pool must submit operation and analytical records as requested at any time by the Department to determine the sanitary and safety condition of the pool.

2-004.02 Variances: A variance must be requested in writing to the Department 30 working days before the operational item is implemented. The Department may grant a variance from any requirement in 178 NAC 2 upon demonstration that the pool's operation and management meet the intent of the Act and do not pose an increased health or safety risk. Requests for a variance will be approved or disapproved on a case-by-case basis.

## 2-005 POOL OPERATING STANDARDS

2-005.01 Safety Requirements: The following safety requirements must be met at all pools unless otherwise indicated:

1. Water in unbreakable containers is permitted in the swimming pool. Food and beverages are permitted in designated areas of the pool deck if they are in unbreakable containers.
2. In Class A, B and F pools, the boundary line between the shallow (less than 5 feet) and deep (greater than 5 feet) areas of the pool must be clearly marked by a line of contrasting color at least 4 inches wide on the floor and walls of the pool, and by a safety rope and floats equipped with float keepers. During swimming lessons, lap swims, and swim meets, ropes and floats may be moved to enable those purposes to be accomplished if the pool is under the direct supervision of an individual responsible for supervising the group.
3. Water Depth must be plainly marked at or above the water surface on the vertical pool wall and on the edge of the deck at maximum and minimum points of break between the deep and shallow portions and at intermediate increments of depth, spaced at no more than 25-foot intervals. Depth markings must be in numerals at least 4 inches high and in a color contrasting with the background. Where depth markings cannot be placed on the vertical walls above the water level, or space does not allow 4-inch letters, other means must be used so that markings are plainly visible to persons in the pool.
4. Each lifeguard on duty must have within arm's reach a rescue tube equipped with a 6-foot long strap or tow rope. Class B and Class F pools must provide either a rescue tube or a ring buoy, United States Coast Guard approved, or its equivalent, with an attached rope at least as long as the width of the pool;
5. Class B pools must provide a shepherd's crook type of pole having blunted ends with a minimum length of 12 feet;
6. Class A pools must have a backboard equipped with at least three straps.
7. First Aid Kit
  - a. Each Class A pool must have a first aid kit which contains the following materials –
    - (1) 3 units triangular bandage;
    - (2) 2 units 1" tape;
    - (3) 6 units 3" x 3" plain gauze pad;
    - (4) 2 units 2" x 6 yds. gauze roller bandage;

- (5) 1 unit tweezer, bandage scissor;
  - (6) 1 unit Red Cross First Aid Book or an equivalent substitute;
  - (7) 1 unit assorted bandages, such as Band-aids;
  - (8) 1 unit latex-free gloves (or equivalent);
  - (9) 1 unit rescue breathing face shield or mask; and
  - (10) 1 unit emergency response pack for cleaning up blood.
- b. All other pools must have a first aid kit.
- 8. Lifesaving equipment must be mounted in conspicuous places, accessible, its function plainly marked, and kept in repair and ready condition. Bathers or others must not be permitted to tamper with, use for any purpose other than its intended use, or remove such equipment from its established location.
  - 9. Swimming pools must have an accessible working telephone with emergency telephone numbers prominently posted.
  - 10. All Class A swimming pools must conduct drills in handling emergencies at appropriate intervals.
  - 11. The pool owner or the Nebraska swimming pool operator must immediately notify the Department of any drowning or near drowning. Any accident occurring on the pool premises requiring hospitalization or medical treatment must be reported within 24 hours on Attachment 5 which is incorporated herein by reference, or on a form that contains the same information.
  - 12. Footbaths are prohibited.
  - 13. Ladders, ladder rungs, ramps and handrails must be securely anchored.
  - 14. During hours of operation, unsupervised entrance areas and gates for fences separating wading pools, spas and swimming pools within the perimeter fence must not be locked but must be self-closing and self-latching.
  - 15. A thermometer must be available for each Class C pool.
  - 16. Decks must be clear of bags and personal items in an area large enough to allow emergency personnel to reach a victim.
  - 17. A properly operating carbon monoxide detector is required in the pool enclosure for indoor pools where gas or propane is used for heating and in enclosed mechanical rooms where there is a gas or propane fueled water heater.
  - 18. Water temperature in a pool must not exceed 104 ° F.
  - 19. An emergency shutoff switch must be located within sight of the spa, at least 5 feet horizontally from the inside walls of the spa, and must be clearly labeled. This control must disable all spa circulation, agitation, air induction systems, as well as other associated mechanical, chemical feed and electrical devices, not including lighting.
  - 20. Skimmers and drain covers must be kept clean and operational.
  - 21. The chemical feed system must be maintained and operational.
  - 22. All gauges associated with the operation and maintenance of the pool must be properly maintained.
  - 23. Covers on outlets that create suction must be properly maintained.
  - 24. The bottom and sides of a pool must be white or a light color, with a smooth and easily cleanable surface.
  - 25. Pool lighting must be secure and in good operating condition.
  - 26. The barrier surrounding the pool must be maintained so that any openings will not allow a 4-inch sphere to pass through.
  - 27. Backflow/cross connection devices must be in place where required and must



- be properly maintained.
28. All pools must have main drain systems, suction outlets and/or anti-entrapment devices or systems that comply with 178 NAC 4-006.14H and 4-006.14I.
29. Chemical safety
- a. Chemicals that are toxic or irritating to humans must not be added to a swimming pool from the deck of the pool while the pool is in use. This includes, but is not limited to, disinfectant chemical, pH control chemical, algaecide, and shock treatment chemical. When chemical additions are made from the deck, the Nebraska swimming pool operator must follow the manufacturer's instructions for proper use of the product. The Nebraska swimming pool operator must test the water as appropriate before allowing use of the swimming pool. The chemical addition and the test results must be recorded in the swimming pool records.
  - b. Chemical storage containers must be clearly labeled and treatment chemicals must be stored and handled in accordance with the manufacturer's recommendations.
  - c. Material safety data sheets (MSDS) for the chemicals used at the pool must be at the facility in a location known and readily accessible to the facility staff.
  - e. A warning sign stating "AUTHORIZED PERSONNEL ONLY" must be placed on the door of rooms where chemicals are used or stored, or where bulk containers are located. Rooms must be kept locked at all times except when occupied by authorized personnel.
  - f. Where chlorine gas is used, chlorine cylinders and proportioning equipment must be housed in a separate, well-ventilated enclosure. All full and empty chlorine cylinders must be secured to the scale or to the walls to prevent accidental tipping; The enclosure must have a vent at floor level which terminates out-of-doors and must contain:
    - (1) An approved scale for weighing the chlorine cylinders to determine the amount of chlorine fed over any period and to permit the Nebraska swimming pool operator to know when the supply of chlorine in the cylinder is nearing exhaustion;
    - (2) An ammonia fume dispenser bottle to be used to check for chlorine leaks;
    - (3) An approved chlorine cylinder valve stem wrench. This wrench must be maintained on the valve stem of the cylinder(s) in use so that the chlorine supply can be shut off quickly in the case of an emergency; and
    - (4) Valve protection hoods kept in place on all cylinders except those attached to the chlorinator.

2-005.02 Water Quality: Failure to meet any standard in 178 NAC 2-005.02A-F is grounds for immediate closing of the swimming pool.

2-005.02A The water must be sufficiently clear at all times so the main drain cover or grate is readily visible in the deepest portion of the swimming pool.

2-005.02B The water must be free from all scum and floating matter on the surface and from dirt and other materials or objects in the swimming pool.

2-005.02C If a chlorine chemical is used for disinfection, the water must be tested for combined chlorine at least once each week the swimming pool is open for use. The combined chlorine must not exceed 0.5 parts per million (ppm).

2-005.02D Disinfectants

2-005.02D1 Spas using chlorine as a disinfectant must maintain a free chlorine residual of at least 3.0 ppm. All other swimming pools using chlorine as a disinfectant must maintain a free chlorine residual of at least 2.0 ppm in all parts of the pool.

2-005.02D2 Spas using bromine as a disinfectant must maintain a total bromine residual of at least 4.0 ppm. All other swimming pools using bromine as a disinfectant must maintain a total bromine residual of at least 2.0 ppm in all parts of the pool.

2-005.02D3 A spa, must be closed until minimum levels are met if the free chlorine residual is less than 3.0 ppm or the total bromine residual is less than 4.0 ppm. All other pools must be closed if the minimum level of free chlorine residual is less than 2.0 ppm or the total bromine residual is less than 2.0 ppm.

2-005.02D4 All swimming pools must be closed if the free chlorine residual exceeds 10.0 ppm or the total bromine residual exceeds 18 ppm.

2-005.02D5 The Department will accept other disinfecting materials or methods when it has been adequately demonstrated that they provide a satisfactory residual which is easily measured and that they are otherwise equally effective under conditions of use as is the chlorine concentration specified in 178 NAC 2-005.02D, create no objectionable physiological effects, are not dangerous to public health, and do not impart toxic properties to the water.

2-005.02E In pools where cyanurates are used, the cyanuric acid levels must be below 50 ppm.

2-005.02F The water must be maintained in an alkaline condition as indicated by a pH of not less than 7.2 and not over 7.8.

2-005.02G The total alkalinity of the water must be maintained at a minimum of 80 ppm.

2-005.03 Required Testing and Recordkeeping: The following records must be kept on Attachment 3 (Pool Water Quality Log Sheet) or Attachment 4 (Spa Water Quality Log Sheet) which are incorporated herein by reference or on a form that contains all the same information for at least one year.

2-005.03A Daily Records and Tests: Daily records must document patron load totals, amounts of chemicals used, and maintenance or any malfunction of equipment. Daily records must also document the following tests, which must be performed every day:

1. The disinfectant residual must be tested before opening and then at intervals not longer than four hours until closing time. If the swimming pool, wading pool, or spa is equipped with an automatic controller with a readout or printout of the disinfectant residual, the Nebraska swimming pool operator may make visible readings of the disinfectant residual and record them. The swimming pool water must be tested manually by means of a FAS-DPD test at least once per day before opening. The Nebraska swimming pool operator must specify in the pool records which test is from the automatic controller and which is done manually.
2. The pH of the water must be tested each day by means of a phenol red test or equivalent before opening and then at least every four hours until closing time. If the swimming pool, wading pool, or spa is equipped with an automatic controller with a readout or printout of pH, the Nebraska swimming pool operator may make visible readings of the pH and record them. The swimming pool water must be tested manually at least once per day before opening. The Nebraska swimming pool operator must specify in the pool records which test is from the automatic controller and which is done manually. The pH instrumentation must be calibrated periodically according to the manufacturer's instructions if the readout is to be used to supplement manual pH readings.
3. Spa temperature must be taken before opening and then at intervals not longer than four hours until closing time.

2-005.03B Weekly Records and Tests: Records must document the following tests, which must be performed every week:

1. Total alkalinity;
2. Combined chlorine, if chlorine is used as a disinfectant; and/or
3. Cyanuric acid level (where applicable).

2-005.04 Testing Equipment: Each swimming pool must maintain in its possession at least the following testing equipment:

2-005.04A Chlorine/Bromine Test Kit or FAS-DPD (Ferrous Ammonium Sulfate-Diethyl-P-Phenylene Diamine) Test Kit: Electronic residual monitoring devices may be used in addition to the test kit.

2-005.04B pH Test Kit: A pH test kit with a range from 7.0 to 8.0, accurate to the nearest 0.2 pH unit.

2-005.04C Alkalinity Test Kit: The alkalinity test range must be at least 60 to 400 parts per million (mg/L) as CaCO<sub>3</sub>.

2-005.04D Cyanuric Acid Test Kit: Where cyanurates are used, a test kit to measure the cyanuric acid concentration must be provided. It must permit readings to at least 100 parts per million (mg/L) with maximum increments of 25 parts per million (mg/L).

## 2-006 POOL STAFF AND SUPERVISION STANDARDS

2-006.01 Every Class A swimming pool must be under the direct and immediate supervision of a Nebraska swimming pool operator whenever the pool is open.

2-006.02 Every Class B and Class F swimming pool must have a Nebraska swimming pool operator available.

2-006.03 Proof of certificate of competency must be available in the office of the facility.

### 2-006.04 Lifeguards:

2-006.04A Certification: Lifeguards must be currently certified by:

1. The American Red Cross, the National Pool and Water Park Lifeguard Training Program, the YMCA, the Boy Scouts of America, or another lifeguard certifying organization with an equivalent lifeguard certification program, as determined by the Department. If a certification was issued with restrictions, the certification must be appropriate for the duty to which the lifeguard is assigned; and
2. The American Heart Association, the National Safety Council, the American Red Cross, or another nationally recognized organization. The certification course must include infant, child, and adult cardiopulmonary resuscitation (CPR), two-person CPR, and the use of a bag valve mask and a rescue breathing mask. Certification must be renewed annually.

2-006.04B Every Class A swimming pool must have on duty whenever the pool is open, 1 lifeguard per each 1-100 bathers or 2,000 square feet of water surface area, whichever is the lesser number. The number of lifeguards on duty must be sufficient to permit periodic relief or rest periods.

2-006.04C A lifeguard must not simultaneously guard more than one pool unless the area under surveillance can be continuously monitored with a clear unobstructed view and immediate assistance can be rendered if needed.

2-006.04D A lifeguard must be in position to view all areas of the pool that s/he is responsible for watching.

2-006.04E A lifeguard must wear a distinguishing swim suit or emblem while on duty.

2-006.04F At water slides, drop slides, or water features where the discharge area of the slide is not clearly visible by the patron about to ride the feature, one lifeguard

is required within 50 feet of the discharge point of the slide. This lifeguard must be responsible for guarding the plunge area for the feature and no other areas and must be in voice or visual communication with the attendant or lifeguard at the top of the slide or feature. One lifeguard may monitor up to three slides and no other areas if they are adjacent to and discharge to the same plunge area.

2-006.04G At water slides, drop slides or water features where the discharge area of the slide is clearly visible by the patron about to ride the feature, one lifeguard is required to monitor the discharge area and must be in voice or visual communication with the patron.

2-006.04H Class A pools where swimming classes or swimming meets are conducted are exempt from the lifeguard requirement during classes or meets, if the class or meet in session is under the direct supervision of an individual responsible for supervising the group and capable of taking the necessary actions in the case of an emergency.

## 2-007 PHYSICAL PLANT STANDARDS

### 2-007.01 Lifeguard Chairs

2-007.01A All Class A swimming pools, and those Class B and F swimming pools which elect to have a lifeguard on duty, must provide a lifeguard chair for each 2,000 square feet of water surface area.

<u>Water Surface Area in Sq. Ft. (meters)</u>	<u>Minimum Number of Chairs</u>
Less than 2,000 (<186)	0
2,000 to 3,999 (187-372)	1
4,000 to 5,999 (373-557)	2
6,000 to 7,999 (558-743)	3

2-007.01B At least one chair must be located so the lifeguard is able to maintain surveillance of all pool floor area having a depth of 5 feet or greater.

2-007.01C All lifeguard chairs must be:

1. Located so the guard is not required to protect a segment greater than 180°;
2. Placed at waterside in locations to minimize the effect of glare on the water; and
3. Placed to give complete coverage of the pool(s).

2-007.02 Signs: All pool regulations must be stated on signs with clear, legible print.

2-007.02A At Class B, C, D, E, and F swimming pools, where lifeguard service is not continuously provided, a warning sign must be placed in plain view of the user and must state: "WARNING – NO LIFEGUARD ON DUTY" in letters at least four inches high, and "CHILDREN UNDER THE AGE OF 16 MUST NOT USE POOL WITHOUT AN ADULT IN ATTENDANCE" in letters at least two inches high.

2-007.02B Pool regulations must be conspicuously posted in the swimming pool area, or in the dressing rooms at all swimming pools, including wading pools. Signs must have the title "Pool Regulations" in letters at least four inches high and must list the following regulations:

- § No person is permitted to use the pool without first having taken a warm water shower, using soap.
- § No person having an obvious communicable disease, skin eruption, cut, sore or lesion, eye, ear, nose, or throat infection, is permitted to use any public swimming pool.
- § Spitting or spouting of water, blowing the nose, or any other similar activities in the swimming pool is strictly prohibited.
- § No running, boisterous or rough play, except supervised water sports, is permitted in the pool, or on the runways, diving boards, floats, platforms, or in the dressing rooms.
- § Maximum patron load is \_\_\_ persons.

2-007.02C Spa regulations must be conspicuously posted in the spa area. Signs must have the title "Spa Regulations" in letters at least four inches high and must list the following regulations:

- § No person is permitted to use the spa without first having taken a warm water shower, using soap.
- § Pregnant women, elderly persons, and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the spa/hot tub without prior medical consultation and permission from their doctor.
- § Do not use the spa/hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure.
- § Do not use at water temperatures greater than 104° Fahrenheit (40°C).
- § Do not use alone.
- § Unsupervised use by children under the age of 16 is prohibited.
- § Enter and exit slowly.
- § Observe reasonable time limits (that is, 10-15 minutes), then leave the water and cool down before returning for another brief stay.
- § Long exposure may result in nausea, dizziness, or fainting.
- § Keep all breakable objects out of the area.
- § Maximum patron load is \_\_\_ persons.

"No one under the age of 5 years is permitted in spa" must be on the same sign or on a separate sign.

2-007.03 Bathhouses: All Class A pools must have a bathhouse.

2-007.03A Bathhouses must be kept in good repair and kept free from dirt and algae. They must be kept clean at all times and disinfected at least once each day.

2-007.03B Liquid or powdered soap dispensers and soap must be provided. Glass soap dispensers and bar soap are not acceptable. Each handwashing sink or shower or group of two adjacent handwashing sinks or showers must be provided with a dispenser.

2-007.03C All bathing suits and towels furnished to bathers must be thoroughly washed with detergent and water, thoroughly rinsed, completely dried, and stored in a clean place after each use.

2-007.03D Showers must supply water at a temperature of at least 90° Fahrenheit (32° C.) and no more than 115° Fahrenheit (46° C.). Sinks must supply water at a temperature of at least 90° Fahrenheit and no more than 115° Fahrenheit (46° C.). Single temperature fixtures must supply water at a temperature of at least 90° Fahrenheit (32° C.) and no more than 105° Fahrenheit (41° C.).

2-008 POOL CLOSING

2-008.01 The owner or Nebraska swimming pool operator of a pool must prohibit any person from using a swimming pool if any of the conditions in 178 NAC 2-008.02 items 1-8 exist. The pool may be re-opened when the pool is in compliance with 178 NAC 2, 178 NAC 4 and Neb. Rev. Stat. §§ 71-4301 to 71-4307.

2-008.02 If the Department, upon inspection and investigation of a swimming pool, finds any condition that poses a serious health risk to patrons that warrants prompt closing of the pool, the Department will notify the owner or Nebraska swimming pool operator that the pool must be closed. The Department may also provide written notice to the sheriff and the county attorney of the county in which the pool is located. It is the duty of the sheriff and county attorney to enforce the notice from the Department. If and when the owner or Nebraska swimming pool operator of the pool has, in the opinion of the Department, met the provisions of the Act and its related regulations, the Department may authorize in writing the re-opening of the pool. Conditions that warrant prompt closing of a pool include, but are not limited to the following:

1. Water quality that fails to meet the standards in 178 NAC 2-005.02A-F,
2. Not meeting the requirements of 178 NAC 2-005.01 item 28,
3. No telephone accessible,
4. For class A pools, or other pools where lifeguards are provided, insufficient number of or unqualified lifeguards,
5. No backboards with 3 straps/rescue tubes for Class A pools,
6. No shepherd's crook, and no ring buoys or rescue tubes accessible at Class B or F pools,
7. No Nebraska swimming pool operator at Class A pool,
8. No Nebraska swimming pool operator available for Class B or F pools.

2-009 DENIAL, SUSPENSION, OR REVOCATION OF PERMIT

2-009.01 The Department may deny, suspend, or revoke any permit for operation of a swimming pool for:

1. Failure to comply with any provisions of the Act or its related regulations (178 NAC 2 and 178 NAC 4); or
2. Nondisclosure, misrepresentation, or deliberate misstatement of a material fact in the application for permit.

2-009.02 Before a permit is denied, suspended, or revoked, the Department will send a written notice to the applicant or permit holder enumerating instances of failure to comply with the Act or its related regulations, or of the nature of the invalidity of the original application for a permit. If the permit is denied, suspended, or revoked, the person may request a hearing before the Department within 30 days of receipt of notice of denial, suspension, or revocation. On the basis of the hearing, the Department will affirm or revoke its previous action.

2-009.03 The denial, suspension, or revocation of the permit will terminate and the permit will be issued or reissued, as the case may be, upon proper application and upon the presentation of evidence sufficient to show that the deficiencies and the unsafe or unsanitary conditions causing the denial, suspension, or revocation have been corrected.

2-009.04 Whenever the Department finds that a swimming pool is being constructed, improved, altered, equipped, operated, or maintained in violation of any of the provisions of the Act or its related regulations, the Department may grant a reasonable amount of time, in its opinion, to change or modify the construction or provide for the proper equipment, operation, and maintenance needed to bring the pool into compliance with the Act and its related regulations.



**178 NAC 2 ATTACHMENT 1  
APPLICATION TO OPERATE A SWIMMING POOL**

<u>Pool Name:</u>			
<u>Pool Physical Address:</u>	<u>Street:</u>		
	<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Pool Telephone:</u>		<u>County:</u>	

<u>Owner's Name:</u>			
<u>Owner's Mailing Address:</u>	<u>Street:</u>		
	<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Owner's Telephone:</u>	<u>Owner's E-mail Address:</u>		

<u>Directions to Pool:</u>
----------------------------

<b><u>Please check the appropriate box(s) below.</u></b>		
<input type="checkbox"/> <u>Municipally/Governmentally Owned</u>		
<input type="checkbox"/> <u>Apartments/Condominiums/Hotels/Motels</u>		
<input type="checkbox"/> <u>Health Club/Fitness Center/Community Fitness Center</u>		
<b><u>Facility Type:</u></b>	<input type="checkbox"/> <u>Pool</u>	<input type="checkbox"/> <u>Spa</u>
<input type="checkbox"/> <u>Wading Pool</u>	<input type="checkbox"/> <u>Spray Park</u>	<input type="checkbox"/> <u>Special Purpose Pool</u>
<b><u>Facility Location:</u></b>	<input type="checkbox"/> <u>Indoor</u>	<input type="checkbox"/> <u>Outdoor</u>

Contact the Department at 402/471-0903 for appropriate permit fee.

**Class A pools must have a Nebraska swimming pool operator on-site. Class B and Class F pools must have a Nebraska swimming pool operator available within 60 minutes (see rules and regulations).**

I have read Title 178 NAC 2 and will comply with these regulations.

**Sign Here** \_\_\_\_\_ **Title** \_\_\_\_\_ **Date** \_\_\_\_\_

If the pool is not owned by an individual, please list the owner.

\_\_\_\_\_

\_\_\_\_\_

If the pool is owned by an individual, complete the Attestation Form on the back of this form.

Return with the appropriate fee to DHHS, Division of Public Health, P.O. Box 95026, Lincoln, NE 68509-5026.

**178 NAC 2 ATTACHMENT 1  
APPLICATION TO OPERATE A SWIMMING POOL**

**UNITED STATES CITIZENSHIP ATTESTATION FORM**

For the purpose of complying with Neb. Rev. Stat. §§4-108 through 4-114, I attest as follows:

I am a citizen of the United States.

**— OR —**

I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows: \_\_\_\_\_, and I am providing a copy of my USCIS documentation.

**I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete, and accurate and I understand that this information may be used to verify my lawful presence in the United States.**

**PRINT NAME** \_\_\_\_\_  
(first, middle, last)

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

EFFECTIVE DATE  
SEPTEMBER 14, 2010

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

178 NAC 2

**178 NAC 2 ATTACHMENT 2**  
**APPLICATION FOR SWIMMING POOL OPERATOR CERTIFICATE OF COMPETENCY**

**Directions.** Please print legibly in the spaces provided.

You must provide your name (exactly as you want it printed on the certificate of competency), complete address, birth date, age, social security number, clinic location with date, and signature to receive a certificate.

**Have you previously been issued a Nebraska swimming pool operator certificate of competency?**  Yes  No

Name:	_____		
Home Mailing Address:	Street/PO/Route: _____		
	City: _____	State: _____	Zip: _____
Address where certificate of competency will be sent:			
Mailing Address:	Street/PO/Route: _____		
	City: _____	State: _____	Zip: _____
Social Security Number: _____		Telephone: _____	
<small>Social Security Numbers obtained are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.</small>		Email Address: _____	
Birth Date: _____		Age: _____	
Clinic/Test Location:	City: _____	Date: _____	

Signature: \_\_\_\_\_

178 NAC 2 Attachment 3 - Pool Water Quality Log Sheet							
Pool Name:		City:					
Operator Name:		Month:					
Record Before Opening and Every 4 Hours							
Pool Residual Cl: 2.0-10.0 ppm Br: 2.0-18.0 ppm	Date						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	pH (7.2-7.8)	Time					
Level							
Time							
Level							
Time							
Level							
Time							
Level							
Time							
Level							
Time							
Level							
Amount of Chemicals Added, Equipment Maintenance (filters backwashed, etc.)							
Sampler's Initials							
<b>Record Weekly</b>	<b>Date</b>						
Combined Chlorine (≤ 0.5 ppm)	Time						
	Level						
Cyanuric Acid (≤ 100 ppm)	Time						
	Level						
Total Alkalinity (> 80 ppm)	Time						
	Level						
						_____ Nebraska Swimming Pool Operator's Signature	

178 NAC 2 Attachment 4 - Spa Water Quality Log Sheet							
Spa Name:					City:		
Operator Name:					Month:		
Record Before Opening and Every 4 Hours							
Spa Residual Cl: 3.0-10.0 ppm Br: 4.0-18.0 ppm	Date						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	pH (7.2-7.8)	Time					
Level							
Time							
Level							
Time							
Level							
Time							
Level							
Time							
Level							
Time							
Level							
Spa Temperature (≤ 104° F)	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
	Time						
	Level						
Amount of Chemicals Added, Equipment Maintenance (filters backwashed, etc.)							
Sampler's Initials							
Record Weekly	Date						
Combined Chlorine (≤ 0.5 ppm)	Time						
	Level						
Cyanuric Acid (≤ 100 ppm)	Time						
	Level						
Total Alkalinity (> 80 ppm)	Time						
	Level						

\_\_\_\_\_  
Nebraska Swimming Pool Operator's Signature



DHHS DIVISION OF PUBLIC HEALTH  
 Drinking Water and Environmental Health-3<sup>rd</sup> Floor  
 PO Box 95026, Lincoln, NE 68509-5026  
 Phone: 402/471-0903 – FAX: 402/471-6436  
 24-Hour Emergency Contact #402/499-6922

**178 NAC 2 ATTACHMENT 5  
 SWIMMING POOL ACCIDENT REPORT**

The pool owner or the Nebraska swimming pool operator must immediately notify the Department at 402/499-6922 of any drowning or near drowning. This report must then be completed and return to the Department.

Any accident occurring on the pool premises requiring hospitalization or medical treatment must be reported within 24 hours by completing and faxing this form to the Department.

*Please Print Clearly*

Date of Accident:		Time of Accident: _____ AM / PM (circle one)	
Name of Victim(s):			
Name of Pool/Spa:		Permit Number:	
Pool/Spa Address:	Street/PO/Route:		
	City:	State:	Zip:
Area of Pool Where Accident Occurred:			
Nebraska Swimming Pool Operator(s) on Duty			Certificate of Competency Number
Lifeguards on Duty (if applicable)			
Description of Accident (use additional pages if necessary):			

Report Made By (Print Name): \_\_\_\_\_

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date