

CHAPTER 1

PURPOSE, VARIANCES, DEFINITIONS, AND OPERATOR REQUIREMENTS

Section 1. Authority. Pursuant to the authority vested in the director of the Wyoming Department of Agriculture by virtue of W.S. 35-28-102, and 35-28-107, together with the Department of Health, the following regulations are hereby promulgated.

Section 2. Wyoming Regulations for Swimming Pools, Spas and Similar Installations.

(a) These provisions shall be known as the Wyoming Regulations for Swimming Pools, Spas and Similar Installations, hereinafter referred to as these Regulations.

(b) Due to the unique nature of mineral flow-through pools, chapters 1 through 7, of these regulations shall only be applied where appropriate and as indicated by the regulatory authority.

Section 3. Statement of Purpose.

(a) The purpose of these Regulations is to protect the health and safety of the public in public swimming pools, spas and similar installations.

(b) These Regulations shall apply to any person who owns, operates or manages a public swimming pool, spa or similar installation in this state.

(c) These Regulations prescribe minimum design, construction and operation requirements, are intended to protect the health and safety of the public, apply to any bathing facility operated by an owner, licensee or concessionaire, regardless of whether a fee is charged for use.

(d) These Regulations provide for the review of construction plans; issuance of a certificate of compliance with the requirements of these Regulations; require inspection during construction, as well as a final construction inspection prior to issuance of an operating license.

Section 4. Public Health Protection.

(a) The intent of these Regulations shall be to assure the user of a sanitary, healthful and safe facility and prevent the spread of communicable diseases.

(b) These regulations do not apply to private-use swimming pools, spas or similar installations such as:

(i) A structure at a single-family residence, controlled by the owner of the residence, the use of which is limited to family members and/or invited guests.

(c) These regulations do not apply to fill and draw pools and spas which are drained and cleaned after each use or before reuse.

Section 5. Variances of Modifications and Waivers.

(a) The Wyoming Department of Agriculture may grant a variance by modifying or waiving the requirements of these Regulations if:

(i) In the opinion of the Wyoming Department of Agriculture a health or safety hazard or nuisance will not result from the variance; or

(ii) Compliance would be highly burdensome or impractical due to special circumstances or unforeseen conditions.

(b) If a variance is granted, the Wyoming Department of Agriculture shall retain the information specified under chapter 1, section 6, in its records for the facility.

Section 6. Documentation of Proposed Variance and Justification.

(a) Before a variance from a requirement of these Regulations is approved, the information that shall be provided by the person requesting the variance and retained in the Wyoming Department of Agriculture's file on the facility must include:

(i) A statement of the proposed variance of the Regulations requirement citing the relevant Regulation section numbers; and

(ii) An analysis of the rationale for how the potential public health and safety hazards and nuisances addressed by the relevant Regulation sections will be alternatively addressed by the proposal.

Section 7. Applicability and Terms Defined.

(a) The following terms are defined and apply in the interpretation and application of these Regulations.

(i) "Abrasion hazard" means a sharp or rough surface or edge which could scrape the skin by chance during normal use.

(ii) "Accessible" means easily exposed for inspection and replacement of materials or parts with or without the use of tools.

(iii) “Actual water level” means the specific level of water observed at any time.

(iv) “Administrative meeting” means an informal meeting conducted by the Wyoming Department of Agriculture, or local board of health for the purpose of facilitating a mutually agreed upon plan of compliance for the license holder.

(v) “Air gap” means the unobstructed vertical distance through the free atmosphere between the lowest opening from an inlet pipe and the flood-level rim of a receptacle or floor drain.

(vi) “Air induction system”

(A) “Air induction system” means:

(I) A system whereby a volume of air (only) is induced into a hollow ducting in a spa floor, bench, or other location; and

(II) The air induction system is activated by a separate air power blower, or other means.

(vii) “Algae” means microscopic plant-like organisms that contain chlorophyll and include green, blue-green or black, brown and yellow-green (mustard) algae.

(viii) “Algaecide” means a natural or synthetic substance used for killing, destroying, or controlling algae.

(ix) “Alkalinity” means a measure of the amount of bicarbonate, carbonate, or hydroxide compounds present in a water solution.

(x) “ANSI” means the American National Standards Institute.

(xi) “ANSI/NSPI-11991” means the American National Standards Institute and National Spa and Pool Institute, Standards for Public Swimming Pools.

(xii) “ANSI/NSPI-2” means the American National Standards Institute and National Spa and Pool Institute, Standards for Public Spas.

(xiii) “Approved” means acceptable to the regulatory authority based on determination of conformity with principles, practices, and generally recognized standards that protect public health.

(xiv) “ARC” means the American Red Cross.

(xv) “ASHRAE” means the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc.

(xvi) "ASME" means the American Society of Mechanical Engineers.

(xvii) "ASTM" means the American Society of Testing Materials.

(xviii) "AWWA" means the American Water Works Association.

(xix) "Backwash" means the process of cleaning the filter medium and/or elements by the reverse flow of water through the filter.

(xx) "Barrier" means a fence, wall, or combination thereof, which completely surrounds the pool or spa and obstructs access to the pool or spa.

(xxi) "Bather" means any person using a pool, spa or similar installation and adjoining deck area for the purpose of water sports, recreation, therapy or related activities.

(xxii) "Bathhouse" means a structure that contains dressing rooms, showers and toilet facilities for use with an adjacent public pool.

(xxiii) "Bather load" means the number of persons in the pool, spa or similar installation at any given moment or during any stated period of time.

(xxiv) "Beginners area" means water areas in pools which are three (3) feet or less in depth.

(xxv) "Booster pump system"

(A) "Booster pump system" means:

(I) A system whereby one or more hydrotherapy jets are activated by the use of a pump which is completely independent of the filtration and heating system of a spa; or

(II) A device used to provide hydraulic support for certain types of equipment such as cleaning systems, gas chlorinators and solar systems.

(xxvi) "Breakpoint chlorination" means the addition of a sufficient amount of chlorine to water to destroy the combined compounds present.

(xxvii) "Bromine" means a chemical element that exists as a liquid in its elemental form or as part of a chemical compound which is a biological agent used to disinfect pool or spa water.

(xxviii) "Brominator" means a device to apply or deliver a bromine disinfectant to water at a controlled rate.

(xxix) “Cartridge” means a depth, pleated, or surface type filter component with fixed dimensions and designed to remove suspended particles from water flowing through the filter.

(xxx) “Catch basin” means bodies of water located at the termination of a manufactured water slide attraction provided for the specific purpose of terminating the slide action and providing a means for exit to a deck or walkway area.

(xxxix) “Certified Operator” means someone who has successfully completed the Certified Pool Operator (CPO) course sanctioned by the National Swimming Pool Foundation, the Aquatic Facility Operator (AFO) course sanctioned by the National Recreation and Park Association, the NSPI Tech I course sanctioned by the National Spa and Pool Institute Certification Program or an equivalent course approved by the regulatory authority; and who has been re-certified or obtained Continuing Education Units (CEU’s), as required by the sanctioning organization.

(xxxixii) “Chemical feeder” means a mechanical device used for applying chemicals to pool, spa or similar installation water.

(xxxixiii) “Chloramine” means a compound formed when chlorine combines with nitrogen or ammonia which may cause eye and skin irritation and may have a strong objectionable odor.

(xxxixiv) “Chlorinator” means a device used to apply or to deliver a chlorine sanitizer to water at a controlled rate.

(xxxixv) “Chlorine”

(A) “Chlorine” means:

(I) A chemical element that exists as a gas in its elemental form; or

(II) As a part of a chemical compound which is an oxidant.

(B) Chlorine is a biocidal agent used to disinfect pool, spa or similar installation water.

(xxxixvi) “Chlorine demand compounds” means organic matter, chloramine and other such compounds that chlorine reacts with and which depletes chlorine.

(xxxixvii) “Chlorine generator” means equipment that generates chlorine, hypochlorous acid, or hypochlorite on-site for disinfection and oxidation of water contaminants.

(xxxixviii) “Circulation equipment”

(A) “Circulation equipment” means the mechanical components which are a part of a circulation system on a pool or spa.

(B) The components have separate functions, but when connected to each other by piping, perform as a coordinated system for purposes of maintaining pool or spa water in a clear, sanitary and desirable condition.

(C) Circulation equipment may include, but is not limited to:

(I) Categories of pumps;

(II) Hair and lint strainers;

(III) Filters;

(IV) Valves;

(V) Gauges;

(VI) Meters;

(VII) Heaters;

(VIII) Surface skimmers;

(IX) Inlet/outlet fittings; or

(X) Chemical feeding devices.

(xxxix) “Circulation system”

(A) “Circulation system” means the arrangement of mechanical equipment or components, connected by piping to and from a pool or spa in a closed circuit.

(B) The circulation system function is to direct water from the pool or spa, causing it to flow through the various system components for purposes of:

(I) Clarifying;

(II) Heating;

(III) Purifying; and

(IV) Returning the water back to the original body of water.

(xl) “Clarifier”

- (A) "Clarifier" means:
- (I) A chemical which coagulates and neutralizes suspended particles in water.
- (B) Clarifier can also mean coagulant or flocculent.
- (C) A clarifier is:
- (I) Inorganic salts of aluminum or iron; or
- (II) Water-soluble organic polyelectrolyte polymers.
- (xli) "Combined residual chlorine"
- (A) "Combined residual chlorine" means:
- (I) The portion of the total residual chlorine existing in water in chemical combination with ammonia, nitrogen, and/or organic compounds, mostly comprised of chloramine.
- (B) Combined residual chlorine plus free residual chlorine equals total residual chlorine and is calculated from the results of measuring the free and total residual chlorine with a test kit.
- (xlii) "Confirmed disease outbreak" means a food or water borne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food or water as the source of the illness.
- (xliii) "Contact concentration" means the concentration of a chemical in a flow of water.
- (A) Contact concentration depends on:
- (I) The rate of addition;
- (II) The flow rate of the water; and
- (III) The efficiency of the mixing.
- (B) Contact concentration is calculated using the equation:
- (I) Amount of chemical (grams/hour)/water flow rate (gpm) x 4.41 = contact concentration (mg/L).
- (xiv) "Contaminant" means any physical, chemical, biological or

radiological substance or matter in water.

(xiv) "Coping" means the cap on a pool or spa wall which provides a finishing edge around the pool or spa.

(A) Coping may be:

(I) Formed;

(II) Cast in place or pre-cast; or

(III) Pre-fabricated from metal, ceramic or plastic materials.

(xlv) "Cove" means the radius between the pool or spa wall and the pool or spa floor.

(xlvi) "Covers" means material or structure which covers, protects, or shelters a pool or spa.

(xlvii) "CPSC" means United States Consumer Product Safety Commission.

(xlviii) "Critical item."

(A) "Critical item or critical violation" means a provision of these Regulations, that, if in noncompliance, is more likely than other violations to contribute to water contamination, illness, or an environmental health or safety hazard.

(I) "Cross connection"

(A) "Cross connection" means:

(I) The physical connection between the potable water system and a non-potable water source such as a pool or spa; or

(II) A physical connection between a pool or spa and the sanitary sewer or waste water disposal system.

(i) "Cyanuric acid" also called stabilizer, isocyanuric acid, conditioner or triazinetrione means a chemical which helps reduce the excess loss of chlorine in water due to the ultraviolet rays of the sun.

(ii) "Deck" means an area immediately adjacent to or attached to a pool, spa or similar installation which are specifically constructed or installed for sitting, standing or walking.

(iii) "Deep areas" means water depths in excess of five (5') feet.

(liv) "Department" means the Wyoming Department of Agriculture.

(lv) "Depth" means the vertical distance measured at three (3) feet from the pool, spa or similar installation wall from the bottom of the pool, spa or similar installation to the design water level.

(lvi) "Design water level" means the design water level defined in one of the following ways:

(A) Skimmer system:

(I) The design water level shall be at the midpoint of the operating range of the skimmer.

(B) Overflow system:

(A) The design waterline shall be the top of the overflow rim of the gutter system.

(lvii) "Diatomite" means the filtering medium of a diatomaceous earth filter composed of microscopic fossil skeletons of the diatom, a tiny freshwater aquatic plankton.

(lviii) "Director" means the director of the Wyoming Department of Agriculture or his duly authorized representative.

(lix) "Disinfectant" means any oxidant, including but not limited to, chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process that is intended to kill or inactivate pathogenic microorganisms.

(lx) "Diving board" means a recreational mechanism for entering a pool, consisting of a semi-rigid board which derives its elasticity through the use of a fulcrum mounted below the board.

(lxi) "Diving equipment, competition" means competitive diving boards and fulcrum setting diving stands intended to provide adjustment for competitive diving.

(lxii) "DPD" means diethyl-phenylene diamine.

(A) DPD is a reagent and test method which specifically measures bromine or free available and total residual chlorine.

(B) DPD produces a series of colors from pale pink to dark red.

(lxiii) "Effective filter area" means the total surface area through which the designed flow rate will be maintained during filtration.

(lxiv) "Effluent" means the water that flows out of the filter, pump or other device.

(lxv) "Employee" means the license holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a public swimming pool, spa or similar installation.

(lxvi) "EPA" means the U.S. Environmental Protection Agency.

(lxvii) "Equalizer line" means a pipe from below the water level in a swimming pool or spa to the body of the skimmer which is designed to automatically prevent air from being drawn into the pump when the water level drops below the skimmer inlet.

(lxviii) "Facility" means the pool, spa, or similar installation, restroom, dressing rooms, equipment rooms, deck enclosure, and other appurtenances directly serving the pool, spa or similar installation.

(lxix) "Feet of head" means the basis for indicating the resistance in a hydraulic system, equivalent to the height of a column of water that would cause the same resistance (100 feet of head equals 43.29 pounds per square inch). The total dynamic head is the sum of all resistances in a complete operating system.

(lxx) "Filter" means a device designed to remove undissolved particles from water by recirculating the water through a porous substance (a filter medium or element) such as:

(A) A medium filter which is a filter that utilizes a medium such as sand, gravel or other medium that under normal use will not have to be replaced frequently;

(B) A diatomaceous earth filter which is a filter that utilizes a thin coating of diatomaceous earth over a porous substructure as its filter medium;

(C) A cartridge filter which is a filter that utilizes a porous element that acts as a filter medium in a cartridge, or

(D) A vacuum filter which is a filter that operates under a vacuum from the suction pump.

(lxxi) "Filter medium" means a finely graded material, such as sand, diatomaceous earth, polyester fabric or anthracite, used to trap solid particles from the influent water and return clear water to the pool, spa or similar installation.

(lxxii) "Flotation tank" means a tank designed for body immersion in skin-temperature salt water.

(lxxiii) "Flow rate" means the same as the definition of "rate of flow."

(lxxiv) “Flow-through pool” means an artificial or partially-artificial pool that depends on the natural flow of water through it to maintain adequate water quality.

(lxxv) “Flume” means a recreational water slide designed to provide a descending ride into a plunge-pool at the base of the slide.

(lxxvi) “Free available chlorine” means the portion of the total residual chlorine remaining in chlorinated water that is not combined with ammonia or nitrogen compounds and will react chemically with undesirable or pathogenic organisms.

(lxxvii) “General-use public pool” means any pool other than limited-use public pools.

(A) Public pools operated in conjunction with a companion facility but not limited to use of the residents, patrons or members of the companion facility are general-use pools.

(lxxviii) “Handrail” means a device which may be gripped by a user for the purpose of resting or steadying themselves.

(A) A handrail may be located, but is not limited to:

(I) Within or without the pool or spa; or

(II) As part of a set of steps or deck-installed equipment.

(lxxix) “Hardness” means the amount of calcium and magnesium salts dissolved in water.

(A) Hardness is measured by a test kit and expressed as parts per million (ppm) of equivalent calcium carbonate.

(lxxx) “Health Officer” means the person appointed by the director of the Department of Health pursuant to W.S. 9-2-101(f) and 9-2-103.

(lxxxix) “Heat exchanger” means a device with coils, tubes or plates that absorb heat from any fluid, liquid or air, and transfers that heat to another fluid without intermixing the fluids.

(lxxxii) “Heat pump” means a refrigeration compressor, usually electrically driven, that is operated in reverse.

(A) A heat pump obtains heat by exposing the evaporator side (cooling side) to warm water, air or ground; and

(B) The evaporator coil absorbs the heat from this source and transfers it to the condenser coil where it discharges the heat to the pool, spa or similar installation to be heated.

(lxxxiii) “Hydrotherapy spa” means a unit that may have a therapeutic use but which is not drained, cleaned or refilled for each individual.

(A) A hydrotherapy spa may include but is not limited to:

- (I) Hydrotherapy jet circulation;
- (II) Hot water;
- (III) Cold water;
- (IV) Mineral baths;
- (V) Air induction bubbles; or
- (VI) Any combination thereof.

(B) A hydrotherapy spa includes, but is not limited to:

- (I) A therapeutic pool;
- (II) A hydrotherapy pool;
- (III) A whirlpool;
- (IV) A hot spa; or
- (V) A hot tub.

(lxxxiv) “Hot tub” means a spa constructed of wood with sides and bottoms formed separately and joined together by pressure from surrounding hoops, bands or rods, distinct from spa units formed of plastic, concrete, metal or other materials.

(lxxxv) “IESNA” means the Illuminating Engineering Society of North America.

(lxxxvi) “Influent” means water entering a filter or other device.

(lxxxvii) “Jump board” means a recreational mechanism used for entering a pool that has a coil spring or comparable device located beneath the board which is activated by the force exerted in jumping on the board.

(lxxxviii) “Labeled”

(A) “Labeled” means:

(I) Equipment or material to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the regulatory authority and concerned with product evaluation that maintains periodic inspection of production labeled equipment of materials; and

(II) By whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(lxxxix) “Ladder” means:

(A) A deck ladder used in ascending from ground level outside a pool, spa or similar installation to the level of a deck; or

(B) An in-pool or in-spa ladder located in a pool, spa or similar installation to provide ingress and egress from the deck.

(xc) “Law” means applicable local, state, and federal statutes, rules, regulations, and ordinances.

(xci) “License” means the document issued by the regulatory authority that authorizes a person to operate a public swimming pool, spa or similar installation.

(xcii) “License holder” means the entity that:

(A) Is legally responsible for the operation of the public swimming pool, spa or similar installation such as the owner, the owner’s agent, or other person; and

(B) Possesses a valid license to operate a public swimming pool, spa or similar installation.

(xciii) “Lifeguard” means an individual qualified in water safety, lifesaving, and first aid who holds the appropriate certificates approved by the regulatory authority.

(xciv) “Limited-use public pool” means any pool located at and operated in connection with a companion facility but not limited to, such as:

(A) A residential housing facility having four or more living units;

(B) Travelers’ accommodations;

(C) Mobile home parks;

(D) Recreation parks;

(E) Boarding schools;

- (F) Organizational camps;
- (G) Bed and breakfasts;
- (H) Dude ranches; or
- (I) A club or association where use of the pool is limited to residents, patrons or members of the companion facility.

(xcv) “Listed”

(A) “Listed” means:

(I) Equipment or materials included in a list published by an organization acceptable to the regulatory authority and concerned with product evaluation, that maintains inspection of production of listed equipment or materials; and

(II) Whose listing states either that the equipment or material meets appropriate designated standards or has been tested and found suitable for use in a specified manner.

(xcvi) “Multiport control valve” means a multi-port valve having a number of control positions for various filter operations that combines in one unit the function of two (2) or more single valves.

(xcvii) “NRPA” means the National Recreation and Park Association.

(xcviii) “NSPF” means the National Swimming Pool Foundation.

(xcix) “NEC” means the National Electrical Code.

(c) “NEMA” means the National Electric Manufacturers Association.

(ci) “NFPA” means the National Fire Protection Association.

(cii) “Non-swimming area” means any portion of a pool or similar installation where the water depth, offset ledges or similar irregularities would prevent normal swimming activities.

(ciii) “NSFI” means the National Sanitation Foundation International.

(civ) “NSPI” means the National Swimming Pool Institute.

(cv) “Offset ledge” means a horizontal shelf or ledge projecting toward the interior of a pool from the vertical wall that provides a safe footing for a pool user to stand on in deep areas of the pool.

(cvi) "Operating water level range"

(A) "Operating water level range" means the operating water level defined in one of the following, according to the type of pool construction:

(I) Skimmer system - two (2) inches above to two (2) inches below the midpoint of the operating range of the skimmer throat, or manufacturer's maximum stated operating range; or

(II) Overflow gutter system - the manufacturer's maximum stated operating range above the design of water level.

(cvii) "Organic matter" means perspiration, urine, fecal matter, saliva, suntan oil, cosmetics, lotions, dead skin, and similar debris introduced into water by bathers and the environment.

(cviii) "ORP" means the oxidation reduction potential level produced by strong oxidizing, sanitizing, or similar agents in a water solution.

(A) The oxidation level is measured in millivolts by an ORP meter.

(cix) "Overflow system" means overflows, gutters, surface skimmers, and surface collection systems of various design and manufacture used for removal of pool or spa water.

(cx) "Parts per million (ppm)"

(A) "Parts per million (ppm)" means a unit of measurement in chemical testing which indicates the parts by weight in relation to one (1) million parts by weight of water.

(B) Parts per million as applied to pool and spa water chemistry is identical to the term milligrams per liter (mg/l).

(cxi) "Person" means an individual, partnership, corporation, association, other legal entity, government, or governmental subdivision or agency.

(cxii) "Person in charge" means the individual present at a public swimming pool, spa or similar installation who is responsible for the operation at the time of inspection.

(cxiii) "Personal care items"

(A) "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.

(B) "Personal care items" include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

(cxiv) "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

(cxv) "Physical facilities" means the structure and interior surfaces of a public swimming pool, spa or similar installation including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(cxvi) "Plaster" means:

(A) A mixture of white cement and aggregate used as a type of interior finish, which is white or lightly tinted; and

(B) Is applied to a concrete pool, spa or similar installation.

(cxvii) "Plumbing fixture" means a receptacle or device that:

(A) Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

(B) Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(cxviii) "Plumbing system" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(cxix) "Plummet" means a line perpendicular to the water surface and extending vertically to a point located at the front of the diving board and at the center line directly in front of the diving board.

(cxx) "Plunge pool" means the pool located at the lower end of a flume.

(cxxi) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in the following four (4) categories:

(A) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(B) Pesticides except sanitizers, which include substances such as insecticides and rodenticides;

(C) Substances necessary for the operation and maintenance of the establishment such as non-food grade lubricants and personal care items that may be deleterious to health; and

(D) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(cxxii) "Pool" means an artificial structure containing water used for swimming, bathing, diving, surfing, wading or a similar use and is operated by an owner, lessee, operator, licensee, or concessionaire regardless of whether a fee is charged for use.

(cxxiii) "Precipitate" means a solid material which is forced out of a solution by some chemical reaction and which settles out or remains as a haze in suspension causing turbidity.

(cxxiv) "Premises" means:

(A) The physical facility, its contents, and the contiguous land or property under the control of the license holder; or

(B) The physical facility, its contents, and the land or property not described under Subparagraph (A) of this definition, if its facilities and contents are under the control of the license holder and may impact the facility personnel, facilities, or operations, if the facility is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

(cxxv) "Private-use pool" means any constructed pool, permanent or portable, which is intended for noncommercial use as a swimming pool by not over three owner families and their guests, and which:

(A) Is over twenty-four inches (24") in depth; and

(B) Has a surface area exceeding two-hundred fifty (250) square feet; or

(C) A volume over three-thousand two-hundred fifty (3,250) gallons.

(cxxvi) "PSI" means pounds per square inch.

(cxxvii) "Public pool" means a pool that is open to the public or a segment of the public.

(cxxviii) "Public water system" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations, as amended.

(cxxix) "Pump" means a mechanical device, usually powered by an electric motor, which causes hydraulic flow and pressure for the purpose of filtration, heating, and circulation of pool, spa and similar installation water.

(cxxx) "Rate of flow" means the quantity of water flowing past a designated point within a specified time, such as the number of gallons flowing in during one minute.

(cxxxii) "Rated pressure" means pressure that is equal to or less than the designed pressure and appears on the data plate of the equipment.

(cxxxiii) "Recessed treads" mean a series of vertically spaced cavities in the pool, spa or similar installation wall creating tread areas for stepholes.

(cxxxiiii) "Recreational water" means a facility or area together with associated buildings, appurtenances and equipment, in conjunction with artificial or natural ponds, springs, lakes, streams, or other bodies of water that is designated for public bathing, recreational and swimming use.

(cxxxv) "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the public swimming pool, spa or similar installation.

(cxxxvi) "Removable" means capable of being disassembled with the use of only simple tools such as a screwdriver, pliers or wrench.

(cxxxvii) "Return inlet" means the aperture or fitting through which the water under positive pressure returns into a pool, spa or similar installation.

(cxxxviii) "Return piping" means piping which is referred to as effluent.

(cxxxix) "Ring buoy" means a ring-shaped floating buoy capable of supporting a bather and having an outside diameter of twenty (20) inches.

(cxl) "Risk" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in the water of a public swimming pool, spa or similar installation.

(cxli) "Rope and float line" means a continuous line not less than one-half (1/2) inch in diameter, which is supported by buoys and attaches to opposite sides or ends of a pool to separate the deep and shallow ends or mark exercise or racing lanes.

(cxlii) "Scale" means the precipitate that forms on surfaces in contact with water when the calcium hardness, pH, or total alkalinity levels are too high.

(cxlii) "Self-closing or self-latching" means a device which causes a gate to automatically fully close and latch without human or electrical power.

(cxliii) "Separation tank" means a tank used in conjunction with a filter to facilitate the separation of filtrate material for disposal.

(cxliv) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(cxlv) "Shallow areas" means pool water areas which are less than five (5) feet deep.

(cxlvi) "Shock treatment" means the practice of adding significant amounts of an oxidizing chemical to water to destroy ammonia, nitrogenous and organic contaminants in the water.

(cxlvii) "Skimmer weir" means the part of a skimmer which adjusts automatically to small changes in water level to assure a continuous flow of water to the skimmer.

(cxlviii) "Slide" means a slide used in conjunction with a pool twelve feet (12) or (3.66m) or less in height above the pool water surface.

(cxlix) "Slip resistant" means a surface which has been treated or constructed to significantly reduce the chance of a bather slipping.

(cl) "Sodium hypochlorite (NaOCl)" means a clear liquid form of an inorganic chlorine compound obtainable in concentrations of five (5) to one-hundred sixty (160) per zero (0) available chlorine.

(cli) "Spa pool" means a bathing facility such as, but not limited to, a hot tub or whirlpool designed for recreational or therapeutic use and not designed to be drained, cleaned, and refilled for each use.

(A) Spas are designed to provide a means of agitation, and includes, but is not limited to:

- (I) Hydrojet circulation;
- (II) Hot water;
- (III) Cold water;
- (IV) Mineral baths;
- (V) Air induction systems; or

(VI) Any combination thereof.

(clii) "Stabilizer" means a chemical which helps reduce the excess loss of residual chlorine in water due to the ultraviolet rays of the sun.

(cliii) "Steps"

(A) "Steps" mean:

(I) A riser or tread; or

(II) A series of risers or treads extending down from the deck and terminating at the pool or spa floor.

(B) Steps may include recessed steps that have the risers located outside of user areas.

(cliv) "Suction piping" means piping which is referred to as influent.

(clv) "Suction outlet" means the aperture or fitting through which the water under negative pressure is drawn from the pool, spa or similar installation.

(clvi) "Superchlorination" means:

(A) The practice of adding a sufficient amount of a chlorinating compound to water to destroy chlorine demand compounds and any combined chlorine which is present.

(I) The level of chlorine added is generally ten (10) times the level of combined residual chlorine in the water.

(clvii) "Surface skimmer system" means a device installed in the wall of an in-ground pool, spa or similar installation which permits the continuous removal of floating debris and surface water to the filters.

(A) A surface skimmer system may have the same meaning as a "through-wall system".

(clviii) "Swimming pool" means a body of water, other than a natural swimming area, maintained exclusively for swimming, recreative bathing or wading, and includes appurtenances used in connection with the swimming pool.

(clix) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(clx) “Test kit” means a device for monitoring or measuring a specific chemical level in a pool, spa or similar installation water.

(clxi) “This act” means W.S. 35-28-101 through 35-28-110.

(clxii) “Time clock” means a mechanical device that automatically controls the periods which a pump, filter, chlorinator, heater, blower and other electrical devices are in the on position.

(clxiii) “Total alkalinity”

(A) Total alkalinity” means:

(I) The ability or capacity of water to resist change in pH.

(B) Total alkalinity is also known as the buffering capacity of water, and consists mainly of carbonates, bicarbonates and hydroxides.

(C) Total alkalinity is measured with a test kit and expressed as parts per million (ppm).

(clxiv) “Total available chlorine” means the sum of both the free available and combined chlorine.

(clxv) “Total dissolved solids” means a measure of the total amount of dissolved matter in water including but not limited to:

(A) Calcium;

(B) Magnesium;

(C) Carbonates;

(D) Bicarbonates; or

(E) Metallic compounds

(clxvi) “Turbidity” means a cloudy condition of water due to the presence of extremely fine particulate materials in suspension which interfere with the passage of light.

(clxvii) “Turnover rate” means the period of time, usually in hours, required to circulate a volume of water equal to the pool, spa or similar installation capacity.

(clxviii) “UFC” means the Uniform Fire Code.

(clxix) “Underwater light”

(A) “Underwater light” means:

(I) A fixture designed to illuminate a pool, spa or similar installation from beneath the water surface.

(B) A underwater light includes the following:

(I) A wet niche light.

(1.) A watertight and water-cooled light unit placed in a submerged, wet niche in the pool, spa or similar installation wall; or

(II) A dry niche light.

(1.) A light unit placed behind a watertight window in the pool, spa or similar installation wall.

(clxx) “UL” means Underwriters Laboratory.

(clxxi) “Vacuum” means:

(A) The reduction of atmospheric pressure within a pipe, tank, pump or other vessel.

(B) Vacuum is measured in inches of mercury.

(I) One (1") inch of mercury is equivalent to one point thirteen (1.13') feet of head.

(II) The practical maximum vacuum is thirty (30) inches of mercury or 33.9 feet of head.

(clxxii) “Valve” means:

(A) Any device in a pipe that will partially or totally obstruct the flow of water as in a ball, gate or globe valve, or permit flow in one direction only, as in a check or foot valve.

(B) Valve types include:

(I) Bleeder valve, a device which allows air to be vented from a closed system;

(II) Multi-port valve, a device which allows the multi-directional control of the passage or flow of water through a system; or

(III) Push-pull valve, a device which allows the dual directional control or flow of water through a system.

(clxxiii) "Variance" means a written document issued by the Wyoming Department of Agriculture that authorizes a modification or waiver of one or more requirements of these Regulations if, in the opinion of the regulatory authority, a health or safety hazard or nuisance will not result from the modification or waiver.

(clxxiv) "Velocity" means the speed at which a liquid flows between two specified points, expressed in feet per second.

(clxxv) "Wading pool" means a pool that contains water two (2) feet, (6m) or less in depth.

(clxxvi) "Walls" mean the interior pool, spa or similar installation wall surfaces consisting of surfaces from plumb to a slope of eleven (11) degrees from plumb.

(clxxvii) "Waste water disposal system" means a plumbing system used to dispose of backwash or other water from a pool, spa or similar installation or from dressing rooms and other facilities associated with a pool, spa or similar installation.

(clxxviii) "Waterline" means, when associated with:

(A) A skimmer system:

(I) The waterline at the midpoint of the operating range of the skimmers when there are no users in the pool, spa or similar installation; or

(B) An overflow system:

(I) The waterline at the top of the overflow rim.

(clxxix) "Wave pool" means a pool with artificial waves designed to be used for body or board surfing.

(clxxx) "Zero depth pool" means a pool in which the pool floor intersects the water surface along at least one side of the pool.

Section 8. Operator Requirements.

(a) The owner or operator of each general use or limited use public pool shall have on staff or under contract for each facility a current Certified Pool Operator (CPO), an Aquatic Facility Operator (AFO), a National Spa and Pool Institute (NSPI) Tech I Certification or other equivalent certification approved by the regulatory authority.

(i) Owners or operators of general use or limited use public pools operating such facilities prior to July 1, 2003, shall have two (2) years from July 1, 2003, to comply with subsection (a) of this section.

(ii) Any new owner or operator opening a general use or limited use pool after July 1, 2003, shall have one (1) year to comply with subsection (a) of this section.

(b) The operator shall:

(i) Keep all parts and facilities of the public swimming pool, spa or similar installation clean;

(ii) In good repair;

(iii) Free of safety hazards; and

(iv) Ensure personnel are trained and knowledgeable in water testing, operating the water treatment equipment and are available whenever a pool or spa is open for use.

(c) If, at any time, testing indicates that the pool water does not comply with the requirements for clarity, residual free chlorine, pH or temperature (spas and flotation tanks) or chemical or bacteriological quality, the operator shall immediately close the facility to the public until these requirements are met.

Section 9. Person in Charge Requirement.

(a) The license holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is available during all hours of operation.

(b) The person in charge shall be knowledgeable in pool operation.

Section 10. Records.

(a) Operators of public swimming pools, spas or similar installations shall keep records pertaining to the operation and maintenance of the facility they operate.

(i) The records shall include:

(A) The bather load at the time of water quality testing;

(B) The amounts of chemicals added to the swimming pool, spa or similar installation;

(C) The results of the tests described in Chapter 5, section 1(a).

- (D) The date and time of filter backwash;
 - (E) The dates the swimming pool, spa or similar installation was emptied and/or cleaned; and
 - (F) The periods of recirculation equipment operation and/or malfunction and repair.
- (ii) The records shall:
 - (A) Be maintained daily during periods when the swimming pool, spa or similar installation is open;
 - (B) Be retained by the operator and made available to the inspector upon request; and
 - (C) Be retained for a period of one (1) year.

Section 11. Adoption by Reference.

(a) For the purpose of all chapters, the citations herein are referenced throughout these Regulations.

(i) Certified Pool Operator (CPO); the American National Standards Institute (ASME); the American Red Cross (ARC); the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc., (ASHRAE); the American Society of Mechanical Engineers (ASME); the American Society of Testing Materials (ASTM); the American Water Works Association (AWWA); the Aquatic Facility Operator (AFO); the Illuminating Engineering Society of North American (IESNA); the National Electrical Code (NEC); the National Electric Manufacturers Association (NEMA); the National Environmental Health Association Model Pool Code; The National Fire Protection Association (NFPA); the National Recreation and Park Association (NRPA); the National Sanitation Foundation International (NSFI); the National Swimming Pool Institute (NSPI); the National Swimming Pool Foundation (NSPF); the Standard Methods for Examination of Water and Wastewater; the United States Consumer Product Safety Commission (CPSC); the United States Environmental Protection Agency (EPA); the Uniform Building Code; the Uniform Fire Code; the Uniform Plumbing Code; Underwriters Laboratory (UL); and the Wyoming State Electrical Code.

(ii) ANSI/NSPI-50-1996, Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs; ANSI Z223.1-1996, National Fuel Gas Code; ANSI Z21.56-1994, Standards for Gas Fired Heaters; ANSI/UL 1563-1995, Standard for Electric Hot Tubs, Spas and Associated Equipment; ANSI/NFPA 58-1998, Storage and Handling of Liquefied Petroleum Gases; ASME/ANSI A.112.19.8M R96, Suction Fitting for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances;

NSPI June 1995 Workmanship Standards for Swimming Pools and Spas; Safety Standards for Swimming Pool Slides; the National Electrical Code, Chapter 6, Article 680-12 Disconnecting Means; the National Electrical Code, Chapter 6, Article 680 Swimming Pools, Fountains, and Similar Installations; the National Sanitation Foundation (NSF) Standard for Plastic Piping System Components and Related Materials and Circulation System Components; Underwriters Laboratory (UL) 1261-1992 Electric Heaters; Underwriters Laboratory (UL) 559-1985 Heat Pumps; Underwriters Laboratory (UL)1241, Junction Boxes for Swimming Pool Fixtures; and Underwriters Laboratory (UL) 1081, Swimming Pool Pumps, Filters and Chlorinators;

(iii) The Code of Federal Regulations (CFR): 29 CFR 1910 Occupational Health and Safety Standards; 40 CFR 141 National Primary Drinking Water Regulations.

(iv) Regulations, rules, and other authorities listed in (i), (ii) and (iii) above are hereby adopted by the Wyoming Department of Agriculture insofar as they are not inconsistent with the rules, regulations and laws of the State of Wyoming. These documents are available to the public at the office of the Wyoming Department of Agriculture.