

TITLE 25 HEALTH SERVICES
PART 1 DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 265 GENERAL SANITATION
SUBCHAPTER L PUBLIC SWIMMING POOLS AND SPAS

ADOPTION PREAMBLE

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), adopts the repeal of §§265.181 – 265.208 and new §§265.181 - 265.211, concerning Public Swimming Pools and Spas. New §§265.181 - 265.206, and 265.208 – 265.211 are adopted with changes to the proposed text as published in the July 24, 2020, issue of the *Texas Register* (45 TexReg 5088) and will be republished. The repeal of §§265.181 - 265.208 and new §265.207 are adopted without changes and will not be republished.

BACKGROUND AND JUSTIFICATION

The new sections and the repeal in Chapter 265, Subchapter L are necessary to comply with state legislation.

Senate Bill (S.B) 1732, 81st Legislature, Regular Session, 2009, amended Texas Health and Safety Code, Chapter 341, by requiring safety standards at least as stringent as the Federal Virginia Graeme Baker Pool and Spa Safety Act.

S.B. 1324, 84th Legislature, Regular Session, 2015, amended Texas Health and Safety Code, Chapter 341, by allowing the consumption of food and beverages in privately owned public pools and spas.

House Bill (H.B.) 1468, 85th Legislature, Regular Session, 2017, amended Texas Health and Safety Code, §1.005, by creating a category of a recreational water facility that would not be defined and regulated as a pool or spa but as an artificial swimming lagoon.

H.B. 2858, 86th Legislature, Regular Session, 2019, amended Texas Local Government Code, Chapter 214, by adopting the International Swimming Pool and Spa Code as the municipal swimming pool and spa code.

The adoption of these rules also serves as the four-year review of rules required by Texas Government Code, §2001.039.

The new rules provide construction, sanitation, and operational requirements for public pools and spas in accordance with good public health engineering practices intended to protect the health and safety of users, and to reduce to a practical minimum the possibility of drowning or of injury to users.

Existing facilities are not subject to the new requirements regarding engineering and construction except as specified in the rules. However, other requirements, such as water quality and user safety, apply to all facilities upon the effective date of the rules for this subchapter.

The terms "pool and spa" refer to public pools and spas throughout this preamble.

COMMENTS

The 31-day comment period ended August 24, 2020.

During this period, DSHS received comments regarding the proposed rules from 35 commenters, including the City of Wichita Falls, Poolsure, City of Georgetown, City of Frisco, Preferred Pool, City of Fort Worth, NSF International, Orenda Technologies, Bureau Veritas, City of Plano, City of Austin, Aqueous Engineering, Texas Apartment Association, Texas Pool & Spa Coalition, KIK Custom Products, International Code Council, Biolab, Texusun Pools and Spas, Inc., OxyChem ACL Isocyanurates, and Brannon Corporation, and 15 individuals. A summary of comments relating to the rules and DSHS responses follows.

Comment: Several commenters recommended adoption of the International Swimming Pool and Spa Code (ISPSC) based upon passage of H.B. 2858, relating to adoption of a uniform swimming pool and spa code for use in municipalities in this state.

Response: DSHS declines to make this change. The ISPSC establishes requirements for the design, construction, alterations, repair, and maintenance of swimming pools and spas, including single family residential pools and spas. Texas Health and Safety Code, §341.064, under which these rules are promulgated, regulates only public swimming pools and spas. In addition, §341.064 not only requires public pools and spas to be constructed in accordance with good public health engineering practices, it also includes specific regulations regarding sanitation and that regulations must be included that are intended to reduce to a practical minimum the possibility of drowning or of injury to users. DSHS substantially integrated into the rules the ISPSC requirements for design, construction, alterations, repair, and maintenance of swimming pools and spas.

Comment: One commenter recommended referencing other ANSI/APSP/ICC standards related to public swimming pools and spas.

Response: DSHS declines to make this change. While DSHS does reference applicable national and international standards in the subchapter where appropriate, including ANSI/APSP/ICC standards, DSHS declines to simply reference the standards without providing specific requirements in the rules because the costs to purchase these standards are prohibitive, some standards exceed DSHS statutory authority, and some standards conflict with others, which would create confusion as to the requirements.

Comment: Commenters recommended giving local regulatory authorities the ability to approve alternate methods of disinfectant.

Response: DSHS disagrees and declines to make this change. Under Texas Health and Safety Code, §341.064(b), DSHS is given the sole authority to approve alternate methods of disinfectant.

Comment: One commenter recommended clarifying the definition in §265.182(4), "alternative communication system," as it was too broad.

Response: DSHS disagrees and declines to make this change. Each alternative communication system will be based upon site specific needs, which must be determined by the pool or spa manager, owner, or operator.

Comment: One commenter recommended correcting the definition in §265.182(10), "ASPSA--American Swimming Pool and Spa Association" to "APSP--Association of Pool and Spa Professionals."

Response: DSHS declines to make this change. The American Swimming Pool and Spa Association is an organization in North Carolina and not the same as the Association of Pool and Spa Professionals. DSHS agrees to change the proposed §265.182(6) to include the organization name change of APSP now known as PHTA and removed PHTA from the definition in §265.182(10) in order to distinguish the difference between the two organizations ASPSA and APSP.

Comment: One commenter recommended the addition of a definition for "APSS" or "Automatic Pump Shut-Off System."

Response: DSHS agrees and adds a new definition in §265.182(7) as recommended.

Comment: One commenter recommended changing the definition in proposed §265.182(19), "circulation equipment" to be identical to the definition in the repealed public swimming pool and spa rules.

Response: DSHS disagrees and declines to make this change. The definition was taken from the ISPSC. The description of circulation equipment in the repealed rules is found in proposed §265.190(a), referring to circulation systems in pools and spas.

Comment: Several commenters recommended changing the proposed definition of §265.182(20), "cleansing shower" to include language from the Model Aquatic Health Code (MAHC) describing the purpose of a cleansing shower.

Response: DSHS agrees and revises the definition of renumbered §265.182(22) as suggested to "A shower with hot and cold running water and soap for the purpose of removing dead skin, sweat, dirt, and waste material from users."

Comment: Several commenters recommended changing the proposed definition of §265.182(26), "deep areas" to "water depth areas exceeding five feet" and correspondingly, the proposed definition §265.182(87), "shallow areas" to "portions of a pool or spa with water depths less than five feet," as in the ISPSC.

Response: DSHS disagrees and declines to change these definitions. The recommended language does not define the water depth at five feet as either deep or shallow. The definition of shallow areas in proposed §265.182(87) contains language that includes five feet or less of water depth.

Comment: One commenter noted that the proposed definition of §265.182(45), "hyperchlorination," was too restrictive.

Response: DSHS disagrees and declines to make this change. Hyperchlorination is a procedure that is used to remove *Cryptosporidium* from pools and spas and is done only when circumstances require it to be done. This is often confused with superchlorination, breakpoint chlorination, or shocking a pool or spa, which is performed on a fairly routine basis and is done to remove combined chlorine from a pool

Comment: One commenter recommended naming one specific electrician license required in proposed definition of §265.182(52), "licensed electrician."

Response: DSHS disagrees and declines to make this change. There are multiple electrician license types that allow the licensee to perform electrical work on pools and spas as described in the Texas Electrical Safety and Licensing Act, Texas Occupations Code, Chapter 1305, and related rules.

Comment: Several commenters recommended adding a definition of "listed and labeled" and to include the term "certified" as part of listed and labeled.

Response: DSHS agrees and adds a definition for the terms "listed and labeled," in definition §265.182(57) but declines to include the term "certified" as part of that definition. Certain pool and spa equipment that is designed by a licensed engineer and manufactured in the field will be certified as compliant with a standard but may not meet the definition of being "listed and labeled." In response to the comments, DSHS adds a definition of the term "certified" in §265.182(20).

Comment: Several commenters recommended revising proposed definition §265.182(63), "NSF," to the appropriate reference.

Response: DSHS agrees and revises the renumbered definition as recommended in §265.182(66) to "NSF International (formerly National Sanitation Foundation.)"

Comment: Several commenters recommended revising proposed definition §265.182(66), "ORP--Oxidation Reduction Potential," to correspond to the definition in the American National Standard for Water Quality in Public Pools and Spas.

Response: DSHS agrees and revises the renumbered definition as recommended in §265.182(69).

Comment: One commenter recommended a revision to the proposed definition §265.182(71), "PIWF--public interactive water feature or fountain," to include the entire definition of PIWF in Subchapter M, §265.302(49) referring to definitions.

Response: DSHS disagrees and declines to make this change. The definition used is found in Texas Health and Safety Code, §341.0695. The definition in the proposed rules is to identify the relationship between a pool and a PIWF and not to propose additional construction standards for PIWFs found in 25 Texas Administrative Code §§265.301 – 265.308.

Comment: One commenter recommended including floatation chambers or systems in the proposed definition of a "public pool" in §265.182(73).

Response: DSHS disagrees and declines to make this change. Currently floatation chambers or systems do not have any national or international standards that are specific to this type of aquatic facility. The chemicals in the water allowing a user to float weightlessly and the differences in the operation of a floatation chamber or system from those of a public pool would not comport with the requirements for a public swimming pool.

Comment: Several commenters recommended eliminating proposed §265.182(76), "rehabilitate or remodel," changing proposed §265.182(77), "renovation," and proposed §265.182(78), "repair," and adding definitions for "additions" and "alterations" to be the same as language used in the ISPSC.

Response: DSHS disagrees and declines to make all the requested changes. The ISPSC does provide a definition for the terms alterations and repairs, however, the ISPSC does not provide definitions for the terms additions or renovations. However, DSHS does agree to incorporate the definition for repair into renumbered §265.182(81), "repair," as written in the ISPSC and has included language in the definition of renumbered §265.182(80), "renovation," to identify the use of the term renovation throughout the rules to be the same as the definition of alteration in the ISPSC.

Comment: Several commenters recommended changing proposed definition §265.182(83), "rinsing shower" to include language from the MAHC describing the purpose of a rinsing shower.

Response: DSHS agrees and revises renumbered §265.182(86) as suggested.

Comment: One commenter recommended changing the proposed definition of §265.182(86), "service animal" to include assistance animals as permitted under the federal Fair Housing Act. The commenter noted that multi-family housing is obligated to comply with the federal Fair Housing Act, which allows assistance

animals, in addition to service animals, at pools and spas that are subject to the federal Fair Housing Act.

Response: DSHS agrees and eliminates the definition of "service animal or assistance animal," removes "service animal" language from sign requirements in the renumbered Figure 25 TAC §265.201(j)(5) and Figure 25 TAC §265.208(e), and changes §265.205(g) referring to domestic animals in pool yards to require that pools and spas comply with both 24 CFR §100.204 of the federal Fair Housing Act, if applicable, and 28 CFR §36.302(c) of the Americans with Disabilities Act (ADA).

Comment: A commenter recommended revising the proposed definition §265.182(89)(B), "pool slide" by removing the reference to "flume" as confusing in the context of this definition.

Response: DSHS agrees and revises renumbered §265.182(91)(B) as recommended.

Comment: A commenter recommended adding the ADA and Occupational Safety and Health Administration standards to the proposed definition in §265.182(90), "slip-resistant."

Response: DSHS disagrees and declines to make the change. Slip resistance standards specific to pools and spas have not been published.

Comment: A commenter recommended adding language to the proposed definition of a "spa" in §265.182(92), to include characteristics specific to spas rather than heated pools.

Response: DSHS agrees and revises renumbered §265.182(94) as recommended.

Comment: A commenter recommended revising the definition of "suction outlet" in proposed §265.182(94) as inclusive of drains that are not specifically main drains.

Response: DSHS agrees and revises renumbered §265.182(96) as recommended.

Comment: Several commenters recommended adding a definition for a "suction vacuum release system (SVRS)."

Response: DSHS agrees and adds a new definition in §265.182(98) as recommended.

Comment: Several commenters recommended adding the definition of an "unblockable suction outlet."

Response: DSHS agrees and adds a new definition in §265.182(105) as recommended.

Comment: One commenter recommended changing the proposed definition of §265.182(101), "UL" by also describing it as a certification laboratory.

Response: DSHS disagrees and declines to make this change. The additions of definition in §265.182(20), "certified", and the definition in §265.182(57), "listed and labeled," eliminate the need for this change.

Comment: Several commenters recommended allowing the use of electronic media rather than paper documents for "written instructions" as required in various subsections of §§265.181 – 265.211, Standards for Public Swimming Pools and Spas.

Response: DSHS agrees and adds a new definition for §265.182(115) "written instructions."

Comment: One commenter recommended changes to §265.183(a), concerning the review of plans for new construction of pools and spas.

Response: DSHS disagrees and declines to revise the rule. The reference to "department" in this definition is a reference to DSHS and not to local regulatory authorities. Local regulatory authorities can establish their own plan submittal and review requirements.

Comment: One commenter recommended expanding the requirement in §265.183(b)(2) to have all Class A, B, and C pools and spas designed, constructed or renovated by a licensed engineer.

Response: DSHS disagrees and declines to make the change at this time. The language in the rule already requires all Class A and B pools and spas designed, constructed, or renovated after the effective date of this subchapter to be designed by a licensed engineer. Certain Class C pools that are designed and constructed or renovated are also required to be designed by a licensed engineer. However, requiring all Class C pools to be designed by a licensed engineer would impose a significant cost upon the owner.

Comment: One commenter recommended changing §265.184(b)(4) to include language that would not allow inherent material cracking in a pool or spa.

Response: DSHS disagrees and declines to make this change. The requirement in §265.184(b)(4) states that a pool surface must be watertight. Some material will, during curing, develop surface cracks that do not under normal conditions, expand or result in a pool or spa to fail to be watertight.

Comment: Several commenters recommended that §265.184(d) more closely follow language in the ISPCSC relating to the International Building Code.

Response: DSHS agrees and revises §265.184(d) to mirror the requirements in the ISPCSC relating to the International Building Code. A new figure for 25 TAC

§265.184(d)(2) is added to reflect the standards for the International Building Code.

Comment: Several commenters recommended amending §265.184(g)(2) to include pools and spas that are renovated.

Response: DSHS agrees and revises §265.184(g)(3) as recommended.

Comment: One commenter recommended changing §265.184(i) to require a test of a specific suction vacuum release system when hydrostatic relief valves are present in the circulation system as per manufacturer's instructions.

Response: DSHS disagrees and declines to make this change. Proper installation and testing of suction vacuum release systems as per the manufacturer is found in §265.193(j), referring to suction vacuum release systems.

Comment: One commenter recommended changing §265.184(p) and (s) to require pre-existing pools and spas that are renovated to meet the same requirements as pools and spas constructed after the adoption of this subchapter.

Response: DSHS disagrees and declines to make this change. The scope of pool renovation is determined by the owner of the pool, the licensed engineer as applicable, or the pool construction company as applicable.

Comment: Several commenters recommended changing §265.184(t)(1) to be consistent with other related rule requirements, concerning the description of the depth of underwater seats, benches, or other structural elements in a pool or spa.

Response: DSHS agrees and revises the rule to state, "design water level" instead of "waterline."

Comment: One commenter representing a local regulatory authority wanted to change language in §265.184(u), concerning water lounges, and §265.184(w), concerning wading pools, to add language disallowing flow-throughs or troughs.

Response: DSHS disagrees and declines to make this change. The language in the rules, concerning wading pools and water lounges, is sufficient to prevent improper design and construction. Local regulatory authorities may adopt more stringent standards according to §265.181(d).

Comment: One commenter recommended editorial changes in the language in §265.184(u)(3), concerning underwater bench markings.

Response: DSHS disagrees and declines to make this change. The requested change does not change the intent or application of this regulation.

Comment: Several commenters recommended adding language to §265.184(w)(1) to require only newly constructed wading pools to have a maximum depth of 18 inches.

Response: DSHS agrees and revises language in §265.184(w)(1) to clarify that only wading pools constructed on or after the effective date of this subchapter shall have a maximum water depth of 18 inches. Also, new language was added setting a maximum water depth of 24 inches for wading pools constructed on or after October 1, 1999 and before the effective date of this subchapter. Section 265.184(w)(3) is also revised to account for the changes made in §265.184(w)(1).

Comment: Several commenters recommended adding language to §265.184(w)(2)(A) and (B) to clarify the required distance that a newly constructed wading pool must be from another pool.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended adding language to §265.184(w)(4) and §265.184(w)(4)(A) to include clarifying language from the ISPSC, concerning a wading pool entry/exit.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended changes to the heading in the third column in Figure 25 TAC §265.185(f)(9) to be consistent with the heading in column two.

Response: DSHS agrees and revises the figure as recommended.

Comment: One commenter recommended adding language requiring existing pools and spas that are renovated, to comply with new requirements for deck widths in §265.185(f)(4); steps in §265.185(f)(13); handrails in §265.185(f)(14) and landscaping in §265.185(g).

Comment: DSHS disagrees and declines to make the recommended changes. The scope of pool and spa renovation is determined by the owner of the pool, the licensed engineer, or the pool construction company, as applicable.

Comment: One commenter recommended additional language in §265.186(e), concerning bridges or structures spanning a pool or spa, to be consistent with language in §265.209(h)(3).

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended additional language in §265.186(g) to clarify the position of tile on an island.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended adding language requiring existing pools or spas with islands that are renovated to comply with new requirements in §265.186.

Response: DSHS disagrees and declines to make the suggested change at this time. The scope of pool renovation is determined by the owner of the pool, the licensed engineer, or the pool construction company, as applicable.

Comment: Several commenters recommended revising §265.187(d) and (e) referring to entry/exits into pools and spas for clarification and to be the same as language in the ISPSC.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended additional language be included in §265.187(f)(2) to clarify that the reaching pole is the pole in the pool yard.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended adding language requiring existing pools and spas that are renovated to comply with new requirements for stairs in §265.187(k) and swimouts in §265.187(n).

Response: DSHS disagrees and declines to make the suggested change. The scope of pool renovation is determined by the owner of the pool, the licensed engineer, or the pool construction company, as applicable.

Comment: One commenter recommended language in §265.187(m) that requires bonding of ladders in pools and spas.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended the addition of specific entry/exit requirements for certain pools as found in the ISPSC.

Response: DSHS agrees and revises the rule as recommended by changing language in §265.187(o) for beach entries and adding new language in §265.187(q) for entry/exits in aquatic recreation facility pools.

Comment: One commenter noted an error in Figure: 25 TAC §265.188(b)(8)(A).

Response: DSHS agrees and corrected the diving board height from 3.84 feet to 9.84 feet in the fourth column.

Comment: One commenter recommended that non-competitive diving boards installed in pools should be installed in accordance with manufacturer's instructions

for diving well dimensions and not in accordance with Figure 25 TAC §265.188(b)(8)(A)-(C).

Response: DSHS disagrees and declines to make the suggested change. DSHS does require installation of diving boards at pools to be installed in accordance with manufacturer's instructions. However, swimming pool dimensions for non-competitive diving boards must comply with either Figure 25 TAC §265.188(b)(8)(A)-(C), which provides diving well dimensions for non-competitive pools or Fédération Internationale de Natation (FINA) dimensions for competitive diving pools. The requirement to follow FINA diving board and diving well dimensions for all public pools, competitive and non-competitive, has been required since 2002. The new rules now address non-competitive diving boards separately.

Comment: One commenter recommended that language in §265.190(p), concerning hydrostatic pressure tests being performed before concrete operations, is revised as it is unnecessary and contradicts the requirement that the test is required to be held until the pool shell is in place.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended removing a reference to being standardized to a single UL standard in §265.192(b) for pumps and motors because pumps and motors must meet NSF Standard 50 that includes testing for compliance to all applicable UL Standards.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended revising §265.193(b)(2) to allow use of a single main drain in wading pools with PIWFs when inaccessible to users.

Response: DSHS agrees and revises §265.193(b)(2) as recommended.

Comment: Several commenters recommended revising §265.193(f), referring to field fabricated suction outlets and §265.193(i), referring to submerged suction outlets to be in compliance with ANSI/APSP-16 as required in the ANSI/APSP/ICC-7, Standard for Suction Entrapment Avoidance.

Response: DSHS agrees and revises §265.193(f) and §265.193(i) as recommended.

Comment: One commenter recommended the addition of language to §265.193(j)(1) requiring suction vacuum release devices to be installed in accordance with manufacturer's instructions.

Response: DSHS agrees and revises §265.193(j)(1) as recommended.

Comment: One commenter recommended the addition of language to §265.193(j) that would ensure logs of required testing of suction vacuum release system

devices as per the manufacturer would be maintained and available during an inspection.

Response: DSHS agrees and adds §265.193(j)(4) as recommended.

Comment: Several commenters recommended that language in §265.194(b) requiring skimmers to meet and be listed and labeled as compliant with NSF 50 do not need to be listed and labeled to UL 1563 and UL-IEC50335-2-60 also. The NSF 50 standard requires skimmers to meet all applicable UL standards in order to obtain certification with NSF 50.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended removing the requirement in §265.195(o)(4) to have an audible alarm and flashing light that would continue until deactivated. Commenter was concerned that the presence of an audible alarm and light would be unsuitable in a multi-family residential setting.

Response: DSHS agrees, noting that this is not required in the National Electrical Code, and revises the rules as recommended to remove §265.195(o)(4) and §265.208(b)(4).

Comment: Several commenters recommended adding the term "black" to the description of the disk used to check water clarity in §265.196(b)(3) for consistency with other subsections.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended revising the language in §265.196(g) to clarify that dimmable or colored lighting may be used in pools and spas for decorative purposes only.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended the additional language "listed and labeled" in §265.197(j)(1) and (k) for consistency in the rules.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended referencing changes to Texas Department of Licensing and Regulation (TDLR) requirements, concerning a new requirement for a carbon monoxide detector and an interlock system in boiler rooms, in §265.197(m).

Response: DSHS disagrees and declines to make this change. In §265.197(m), language is in place that requires all heaters to be installed and operated in accordance with TDLR requirements.

Comment: One commenter recommended the addition of language in proposed §265.198(d) to require that only pools and spas constructed on or after October 1, 1999 must provide drinking water due to the costs involved in the addition of drinking water fountains at facilities predating October 1, 1999.

Response: DSHS agrees and revises the rule as recommended. The subsection is renumbered to subsection (e) due to a numbering error in the proposed publication. The proposed subsection (e) is also renumbered to subsection (f).

Comment: Several comments recommended changes to proposed §265.198(d)(3) to provide consistency with the ISPSC and other sign lettering requirements.

Response: DSHS agrees and revises the rule as recommended, which is renumbered to subsection (e)(3).

Comment: One commenter recommended including requirements for the proper disposal of cartridge filter wash water to §265.199(a) to prevent unsanitary conditions.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended revising the language in §265.200(b) noting that not all water treatment chemicals that are NSF approved for use in pools and spas meet requirements to be Environmental Protection Agency Federal Insecticide, Fungicide, and Rodenticide Act registered.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended clarification of the location of a transition point as being the pool floor in §265.201(e)(3)(A).

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended changing §265.201(f) to require updated depth markers when pools and spas are constructed or renovated, or are replacing depth markers.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended changing the language in §265.201(f)(2)(A) to make it less confusing.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters recommended the addition of language to §265.201(g)(1) and (5) to be consistent with all other depth marker requirements in the rule.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended changing the language in §265.201(i)(1) to include language defining the position of the depth markers on the vertical wall of the spa to be consistent with other depth marker requirements in the rules.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended eliminating language that was unclear and vague requiring on-site safety signs to be resistant to damage from guests and that encourages the use of pictograms in §265.201(j)(2) and (3).

Response: DSHS agrees and revises the rule in paragraph (2) and deletes paragraph (3) as recommended. The remaining paragraphs are renumbered for this subsection.

Comment: One commenter recommended that language in proposed §265.201(j)(6) and §265.208(e) is clarified such that signs at pools and spas constructed before the effective date of this subchapter will not be required to replace their existing signs.

Response: DSHS agrees and revises renumbered §265.201(j)(5) and §265.208(e) as recommended.

Comment: One commenter recommended that a sign that uses acceptable language prohibiting the use of a pool or spa by persons under 14 years of age without adult supervision is included in the required signs in proposed Figures §265.201(j)(6) and §265.208(e), and recommended changes to the sign prohibiting non-service animals in the pool yard in Figure 25 TAC §265.201(j)(6) and spa yard in Figure §265.208(e) to prohibit pets in the pool or spa yard.

Response: DSHS agrees and revises the figures in renumbered 25 TAC §265.201(j)(5) and 25 TAC §265.208(e) as recommended.

Comment: One commenter requested the ability to allow language on the signs that is substantially equivalent to the verbiage of the required signs in proposed Figure 25 TAC §265.201(j)(6) and Figure 25 TAC §265.208(e).

Response: DSHS agrees and adds new language to §265.201(j)(8) for pool signs and to §265.208(e) for spa signs.

Comment: One commenter recommended changing the verbiage on the signs and reducing the lettering size to a standard 1-inch for all signs in §265.201(j).

Response: DSHS disagrees and will not change the minimum letter sizes for all sign messages. Messages on signs in pool yards have had varying lettering size requirements based upon the importance of the message since 2002.

Comment: One commenter recommended the addition of language to §265.201(l) to clarify the availability of certain safety equipment for pool and spa users.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended that language in §265.201(m) be included that requires the location of the emergency summoning device to be outside of the pool enclosure.

Response: DSHS disagrees and declines to make this change. The location of the emergency summoning device is required to be within 200 feet of the pool or spa. Whether the emergency summoning device should be placed no more than 200 feet from the pool or spa inside the pool/spa yard or no more than 200 feet from the pool or spa outside of the pool/spa yard should be determined by the owner of the public swimming pool or spa based upon the conditions in which the pool or spa is located.

Comment: Several commenters recommended clarification of the language in §265.201(m)(6), concerning the use of a cell phone as an emergency phone, to ensure it is properly working as required.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended adding language in §265.202(a) to clarify the requirement of a pool or spa having to meet the operational standard most applicable to its use.

Response: DSHS agrees and revises the rule as recommended.

Comment: Five commenters requested that DSHS revise the requirement that a lifeguard must be provided when a slide is open for use in §265.202(a)(3).

Response: DSHS disagrees and declines to make this change. The new public swimming pool and spa rules allow run-out slides, and kiddie slides in wade pools to be open for use without monitoring by a lifeguard but continue to require a lifeguard if any other slide is open for use, which has been a requirement since 2002. Providing lifeguards at public pools with what are defined as "drop slides" is required in the MAHC. A drop slide is defined in the MAHC as a slide that drops bathers into the water from a height above the water.

Comment: One commenter requested that language in §265.203(d)(1) describe the term "durable" in relation to a pool fence.

Response: DSHS agrees and revises the rule as recommended.

Comment: Many commenters requested the addition of language to §265.203(d)(1)(D) requiring pools and spas constructed before October 1, 1999 to replace the existing chain link fence with a fence that is not chain link.

Response: DSHS disagrees and declines to make the recommended change. However, language is added to §265.203(d)(1)(D) that requires pools and spas that replace a chain link fence to replace it with a non-chain link fence.

Comment: Many commenters requested revision of §265.203(d)(1)(F) to prohibit windows in walls that are part of a pool enclosure.

Response: DSHS declines to make this change. However additional language was added to §265.203(d)(1)(F) requiring any windows in a wall used as part of the pool enclosure to be above the enclosure's required height as measured from the ground outside of the pool enclosure.

Comment: One commenter recommended including language from the ISPSC requiring alarms on windows, safety covers on pools, or self-closing doors with self-latching devices.

Response: DSHS disagrees and declines to make this change. Language has been included in §265.203 that requires windows in walls that are part of a pool enclosure to be above the minimum required fence height, which is 48 inches.

Comment: One commenter recommended language allowing service doors or gates that are part of the pool enclosure in §265.203(g) to be eliminated for safety reasons.

Response: DSHS disagrees and declines to make this change. The ISPSC has provisions allowing service gates in the pool enclosure. However, additional language has been added to §265.203(g) to require a service gate to be closed and locked when not in use by service personnel entering or exiting the pool yard.

Comment: Several commenters recommended including language from the MAHC concerning the use and purpose of hot water in cleansing showers in §265.204(e)(5).

Response: DSHS agrees and revises the rule as recommended, incorporating the requirements in §265.204(e)(6).

Comment: One commenter noted an error in Figure 25 TAC §265.204(f) in the heading columns of the fixture schedules for facilities with water surface areas less than 7500 sq. ft. under Females and Males.

Response: DSHS agrees and revises the Figure 25 TAC §265.204(f) to delete "per 7500 sq. ft." from the Females and Males columns as recommended.

Comment: One commenter recommended requiring local regulatory officials that inspect pools to have training equivalent to that in §265.205(b).

Response: Although DSHS encourages training for public pool and spa inspectors, DSHS declines to make the recommended change. This recommended change exceeds DSHS authority under Texas Health and Safety Code §341.064.

Comment: Several commenters recommended revising some of the required cyanuric acid levels in Figure 25 TAC §265.206(b) to levels currently recommended in the ANSI Standard.

Response: DSHS agrees and revises the Figure 25 TAC §265.206(b) as recommended. DSHS recognizes that significant costs could be imposed by having to develop new product overseas and of having to install the new equipment required for the reformulated sanitizers. In addition, there is concern that not enough sanitizer or dispensing equipment would be available immediately following adoption of the new rule to allow pool and spa owner/operators to meet the new requirements. However, DSHS notes that a new study published in 2019 has recommended changes to cyanuric acid levels that are in the current ANSI Standard. DSHS will continue to review any new studies that support revising the chemical levels.

Comment: Several commenters recommended revising some of the required chemical levels in Figure 25 TAC §265.206(b) to current levels recommended in the ANSI Standard, including bromine levels and calcium hardness levels in pools and spas.

Response: DSHS agrees and revises the Figure 25 TAC §265.206(b) as recommended.

Comment: One commenter recommended that language is added to §265.206(e), concerning chemical testing equipment that requires that the chemical testing kit used to monitor water chemistry is capable of measuring chemical levels within the full range of each required chemical.

Response: DSHS agrees and revises the rule as recommended.

Comment: One commenter recommended clarification in §265.206(k) of the term on-site staff.

Response: DSHS agrees and revises the rule in §265.206(k)(2) and (3) as recommended.

Comment: Several commenters recommended increasing the number of times per day a pool or spa must be tested for chemical levels without onsite staff primarily responsible for pool/spa maintenance from once per day to twice per day in §265.206(k)(3).

Response: DSHS disagrees and declines to make this change. All aquatic facilities must still meet required water quality parameters whenever the pools and spas are

open for use and owner/operators must determine how to ensure those water quality parameters are met.

Comment: Several commenters recommend reducing the number of days required in §265.206(k)(5) to provide chemical testing logs from 7 to 3 days.

Response: DSHS agrees that number of days should be reduced, however, DSHS believes that 3 days could be difficult to meet by some owner/operators. The number of days is reduced to 5 business days.

Comment: Several commenters recommend changes to §265.208(a)(2) related to deck requirements including the deck width.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters noted that the maximum allowed temperature in a spa had not been included in §265.208(d) and recommended the maximum temperature be added.

Response: DSHS agrees and revises the rule as recommended.

Comment: Several commenters noted that the term "spas" was not included in §265.209(j)(2) and recommended that it is added.

Response: DSHS agrees and revises the rule as recommended.

DSHS included the following corrections as follows.

DSHS corrected the citation in §265.181(a) to cite to Texas Health and Safety Code, §341.064, instead of only to subsection (g) of §341.064.

DSHS revises §265.181(d) to clarify that the ISPSC is the municipal swimming pool and spa code for construction, alteration, remodeling, enlargement, and repair of pools and spas in a municipality that elects to regulate pools and spas.

DSHS corrects references in §§265.182(1), (38), and 265.187(q) to refer to public interactive water features and fountains.

DSHS revises the definition of "artificial swimming lagoon" in §265.182(9) to align with the definition of "artificial swimming lagoon" in 25 TAC §265.152(7), of Subchapter K, Artificial Swimming Lagoons, by specifying that the term does not include a body of water open to the public that continuously recirculates water from a spring or a pool.

DSHS revises the definition of "cross-connection control device" in §265.182(24) to specify that this device is also called a backflow prevention device.

DSHS makes an editorial change to §265.182(56) to clarify that the CPR certificate must be received for training in CPR for adults, infants, and children, and use of an AED and BVM.

DSHS makes a minor editorial change to §265.182(67) to clarify that NSF 50 Standard applies to both spas and hot tubs.

DSHS corrects typographical errors in §§265.182(73), 265.184(v)(3), 265.187(n)(3), 265.190(n)(1), 265.194(b), 265.195(i), 265.197(f), 265.201(f)(6)(A), 265.201(i)(1), 265.203(d), 265.208(e), and 265.210(a), (c), and (d).

DSHS makes minor editorial changes to §§265.181(b)(1); 265.182(26), (36), (76)(C)(iii), (91), and (113); 265.183(a); 265.184(g)(2) - (4), (j), (n)(2), (o)(5), (u), (v)(3), (w)(2), and (w)(2)(A); 265.185(b) and (e); 265.186(f); 265.187(j), (k)(2), (l), (p), (p)(2) and (5); 265.189(a); 265.190(g), (h), (i), and (n)(2); 265.191(d)(1) and (d)(3); 265.193(d) and (j); 265.194(c)(5); 265.197(j); 265.198(b) and (e); 265.199(d) and (e); 265.200(d), (f), and (i)(3); 265.201(a), (e)(2)(A), (f)(1), (f)(4)(A) and (B), (f)(5), (f)(6)(B), (g)(4), (i)(2), (j)(7), (k), and (m); 265.202(a)(2), (d), (e), and (j); 265.203(b)(3), (d)(2)(C), and (h)(3); 265.204(e)(3), (e)(4), (e)(7), (f), (g), and (i); 265.205(a)(1), (c), (e), (f), (g), (j), and (l); 265.206(d) and (f); and 265.209(a), (c), (e), (f), (h)(1), (k)(4), (k)(5)(B) and (k)(6) to ensure consistent terminology throughout the subchapter.

DSHS revises the definition in §265.182(78) to specify that regulatory authorities are those having jurisdiction over pools and spas, and associated facilities.

DSHS makes minor editorial changes to §§265.182(3), 265.182(95); 265.184(m); 265.184(q)(4), (r), (s), and (u)(6); 265.185(f)(10) and (11); 265.186(c), (d), and (e); 265.187(b), (e), (f), (k), (l)(4), and (m)(4); 265.201(m)(5) and (6); 265.203(d), (e), and (g) to clarify whether the specific requirements apply to both pools and spas or only to pools.

DSHS revises §265.182(94) to clarify the definitions of Class A, B, and C spas.

DSHS makes a correction to §265.182(96), "suction outlet" by eliminating language referring to main drains as the same term as suction outlet. The ANSI/APSP/ICC-7 defines the use of the term main drain as obsolete and uses suction outlet. All references to main drain in the ISPSC and the ANSI/APSP/ICC-7 have been removed and suction outlet used in its place. As a result of removing "main drain" from the definition of "suction outlet" in §265.182(96) the term "main drain" has been deleted in §265.184(w)(5), §265.193(b), (e) and (g), §265.196(f)(2) and §265.205(d).

DSHS revises §265.183(b)(1) to clarify when a licensed engineer is required for the design and construction of Class A and Class B pools.

DSHS revises Figure 25 TAC §265.184(o)(2) to clarify that the figure addresses both pools and spas, includes wade pools in addition to wade pools with PIWFs, and lowers the square footage per user for spas, wade pools, and wade pools with PIWFs to better align with the requirements in the ISPSC.

DSHS revises §265.184(t)(2) to clarify that underwater seats and benches must have an unobstructed seating surface with a minimum depth of 10 inches and not less than 24 inches in width.

DSHS makes a minor editorial change to §265.185(f)(5) to clarify the requirements for materials used for pool and spa decks.

DSHS revises §265.187(a) to clarify that spas are required to have a minimum of one entry/exit.

DSHS makes a correction in Figure 25 TAC §265.187(b) to require the location of entry/exits in certain pool classes to be determined by a licensed engineer rather than a designer because these types of pools are required to be designed by a licensed engineer. Also, a row for "surf pool" was added.

DSHS makes a minor editorial change to §265.187(n) to clarify the requirements for swimouts.

DSHS makes a minor editorial change to §265.190(n)(4) to clarify the requirements for a flow measuring device for pools and spas.

DSHS makes a minor editorial change to §265.190(q) to clarify that piping in pools and spas must be labeled to identify the piping function and direction of flow.

DSHS makes an editorial change to §265.191(b) to remove the term "certified" from the subsection heading because the body of the subsection contains the language requiring filters and media to certified to NSF/ANSI 50.

DSHS removes duplicate language from §265.194(h) concerning skimmer equalizer lines.

DSHS clarifies the requirement in §265.196(a) concerning when artificial lighting is required.

DSHS removes duplicate language concerning water temperatures limiting controls from proposed §265.197(k), renumbers proposed subsection (k) to subsection (j)(3), and renumbers proposed subsections (l) and (m).

DSHS clarifies the definition of public water system in §265.198(d) to reference the definition in §265.198(a) as defined by 30 TAC §290.38.

DSHS revises the pool and spa sign language in Figure 25 TAC §265.201(j)(5) and Figure 25 TAC §265.208(e) to clarify the requirements concerning swimming if ill with diarrhea.

DSHS makes a minor editorial change to §265.203(d)(2)(A) to correct a reference to the definition for a self-closing and self-latching device in §265.182.

DSHS makes minor editorial changes to the footnotes in Figure 25 TAC §265.204(f) for clarity.

DSHS makes a change to the maximum permissible cyanuric acid level and requirements if the maximum level is exceeded in §265.206(l) to reflect changes in Figure 25 TAC §265.206(b).

DSHS revises §265.211(c) to require posting of the notice of the closing of a pool or spa in a specific location, on the entry gates or doors.

STATUTORY AUTHORITY

The repeal and new rules are authorized by Texas Health and Safety Code, §341.002, which authorizes the Executive Commissioner of the Health and Human Services Commission to adopt rules and establish standards and procedures for the management and control of sanitation and for health protection measures; by Texas Government Code, §531.0055 and Texas Health and Safety Code, §1001.075, which provides the Executive Commissioner of the HHSC to adopt rules necessary for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code, Chapter 1001; and by Texas Government Code, §2001.039, which requires that each state agency review and consider for re-adoption each of its rules every four years.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

ADDITIONAL INFORMATION

For further information, please call: (512) 231-5719.

TITLE 25 HEALTH SERVICES
PART 1 DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 265 GENERAL SANITATION
SUBCHAPTER L PUBLIC SWIMMING POOLS AND SPAS

§265.181. General Provisions.

(a) Scope and purpose. This subchapter provides minimum standards for the design, construction, renovation and maintenance of public swimming pools and spas, and bathhouses. The rules in this subchapter also establish minimum standards for public swimming pools and spas to ensure proper filtration, chemical balance, and maintenance of the water for the safety of the users, and to reduce to a practical minimum the possibility of drowning or injury to users. The rules in this subchapter are in addition to any municipal or federal laws applicable to public swimming pools and spas. This subchapter implements Texas Health and Safety Code, §341.064 authorized by Texas Health and Safety Code, §341.002, and the rules are considered to be good public health engineering practices.

(b) Application of the rules. Public swimming pools and spas shall be referred to as pools and spas throughout this subchapter.

(1) The rules will specify whether a particular provision applies to pools and spas constructed on or after the effective date of this subchapter or to all pools and spas regardless of the date of construction.

(2) Repairs to any pool, spa or related systems shall conform to those required for a new system whenever possible. Repairs shall not cause existing systems to become unsafe, unsanitary or overloaded.

(c) Date of construction. The date of construction of a pool or spa or a bathhouse is the date that a building permit for construction is issued or, if no building permit is required, the date that excavation or electrical service begins, whichever is earlier, in which case the owner or operator must produce adequate written documentation of that fact.

(d) Local regulatory authority. Pursuant to Texas Local Government Code, §214.103, the International Swimming Pool and Spa Code (ISPSC) is adopted as the municipal swimming pool and spa code for all construction, alteration, remodeling, enlargement, and repair of pools and spas in a municipality that elects to regulate pools or spas. Regarding standards in this subchapter not addressed by the ISPSC, local regulatory authorities may, with the exception of department approved alternate methods of disinfectant set forth in §265.207 of this subchapter (relating to Request for Alternate Method of Disinfectant), adopt standards that vary from the standards in this subchapter; however, such standards shall be equivalent to or more stringent than the standards in this subchapter and shall be in accordance with good public health engineering practices.

§265.182. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Activity pool--A pool designed for casual water play ranging from simple splashing activity to the use of attractions placed in the pool, such as pad walks, public interactive water features or fountains, or floatation devices, for recreation.

(2) AED--Automated External Defibrillator. A device that automatically diagnoses the life-threatening cardiac arrhythmias of ventricular fibrillation and pulseless ventricular tachycardia and is able to treat those conditions by application of electricity which stops the arrhythmia, allowing the heart to re-establish an effective rhythm.

(3) Alternate method of disinfectant--A method of disinfection for a pool or spa required to be approved by the Texas Department of State Health Services.

(4) Alternative communication system--Devices that alert multiple on-site staff when activated, such as pager systems, radios, or walkie-talkie communication systems. Used to notify either on-site emergency medical services (EMS), on-site medical staff, or on-site certified staff such as lifeguards, or a commercial emergency monitoring service.

(5) ANSI--American National Standards Institute.

(6) APSP--Association of Pool and Spa Professionals now known as the Pool and Hot Tub Alliance (PHTA).

(7) APSS--Automatic pump shut-off system. A pump motor control or other device capable of turning off, stopping, or otherwise incapacitating a pump in response to a condition such as high vacuum, low flow, or low current that would indicate a suction entrapment event has occurred.

(8) ARC--American Red Cross.

(9) Artificial swimming lagoon--An artificial body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant. The term does not include a body of water open to the public that continuously recirculates water from a spring or a pool.

(10) ASME--American Society of Mechanical Engineers.

(11) ASPSA--American Swimming Pool and Spa Association.

(12) ASTM International--American Society of Testing Materials International.

(13) ASTM F2376--Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems.

(14) Backflow prevention device--A device designed to prevent a physical connection between a potable water system and a non-potable source such as a pool or spa, or a physical connection between a pool or spa and a sanitary sewer or wastewater disposal system.

(15) Beach entry--A sloping entry starting above the waterline at deck level and ending below the waterline. Also called a zero-depth or sloped entry.

(16) Bonded--Permanent joining of metallic parts to form an electrically conductive path that ensures electrical continuity and the capacity to conduct safely any current likely to be imposed to minimize the risk of electrocution.

(17) Broken stripe--A horizontal stripe that is at least 1-inch wide with uniform breaks in the stripe, with the breaks totaling not more than 75% of the length of the stripe and stripe breaks.

(18) BVM--Bag-Valve Mask. A handheld device used to provide positive pressure ventilation to persons who are not breathing adequately. Also known by its proprietary name, Ambu bag.

(19) Catch pool--A body of water located at the exit of one or more waterslide flumes. It is designed and intended to terminate the slide action of the waterslide user and to provide a means of exit to a deck or walkway area.

(20) Certified--Equipment, materials, products, or services that have been evaluated against specific criteria by an ANSI accredited certification organization.

(21) Circulation equipment--Mechanical components that are a part of a recirculation system of a pool or spa. Circulation equipment includes pumps, hair and lint strainers, filters, valves, gauges, meters, heaters, surface skimmers, inlet/outlet fittings, and chemical feeding devices.

(22) Cleansing shower--A shower with hot and cold running water and soap for the purpose of removing dead skin, sweat, dirt, and waste material from users.

(23) CPSC--United States Consumer Product Safety Commission.

(24) Cross-connection control device--A device that is designed to prevent a physical connection between a potable water system and a non-potable source such as a pool or spa, or a physical connection between a pool or spa and a sanitary sewer or wastewater disposal system. Also called a "backflow prevention device."

(25) DCOF--Dynamic coefficient of friction. A measurement of frictional resistance of a surface one pushes against when already in motion.

(26) DCOF AcuTest--A test used to evaluate the slip-resistance or DCOF of a tile surface under known conditions using a standardized sensor prepared according to a specific protocol.

(27) Deck--An area immediately adjacent to or attached to the pool or spa that is specifically constructed or installed for sitting, standing, or walking and can include the coping. The term "deck" does not include the sandy beach areas adjacent to the zero-entry access areas.

(28) Deep areas--Pool water areas where the depth of the water is more than five feet.

(29) Department--Texas Department of State Health Services.

(30) Depth--Vertical distance measured at three feet from the pool or spa wall or barrier from the bottom of the pool or spa to the design water level.

(31) Design water level--

(A) For a skimmer system, the midpoint of the operating range of the skimmers.

(B) For a gutter or perimeter overflow system, the top of the overflow rim of the gutter or overflow system.

(32) Disinfectant--Energy, chemicals, or a combination of both used to kill or irreversibly inactivate microorganisms such as bacteria, viruses, and parasites.

(33) Diving board--A flexible board secured at one end that is used for diving, such as a spring board or a jump board.

(34) Diving platform--A stationary platform designed for diving.

(35) DPD--A chemical testing reagent (N, N-Diethyl-P-Phenylenediamine) used to measure the levels of free chlorine or bromine in water by yielding a series of colors ranging from light pink to dark red.

(36) Emergency monitoring service--A service that provides an emergency summoning device at pools and spas that is monitored 24 hours a day off-site by personnel trained to identify pool and spa-related emergencies, such as drownings. A service capable of contacting local EMS, providing a precise location of the emergency call to local EMS, and has personnel trained to offer the caller instructions for assisting when possible.

(37) Exercise spa or swim spa--Exercise spas or swim spas are a variant of a spa in which the design and construction includes specific features and equipment to produce a water flow intended to allow recreational physical activity including

swimming in place. Exercise spas and swim spas shall be referred to as spas in this subchapter.

(38) Facility--A pool, spa, public interactive water feature or fountain, and restrooms, dressing rooms, equipment rooms, deck or walkways, beach entries, enclosure, and other appurtenances directly serving the pool or spa.

(39) FIFRA--The Federal Insecticide, Fungicide, and Rodenticide Act.

(40) Filter media--A finely graded material (for example, sand, diatomaceous earth, or polyester fabric) that removes filterable particles from the water.

(41) FINA--Fédération Internationale de Natation. The organization that administers international competition in aquatic sports.

(42) Floatation system--A combination of float solution holding vessel and treatment system for the immersion and floatation of a person or persons in a temperature-controlled environment. Also known as a sensory deprivation system or floatation chamber.

(43) Flume--A trough-like or tubular structure of a water slide that directs the path of travel and the rate of descent by the rider.

(44) gpm--Gallons per minute.

(45) Handhold--The portion of a pool or spa structure or specific element that is at or above the design waterline that users in the pool or spa grasp for support.

(46) Handrail--A support device intended to be gripped by a user for the purpose of resting or steadying, typically located within or at exits to the pool or spa or as part of a set of steps.

(47) Hyperchlorination--The intentional and specific raising of chlorine levels for a prolonged period of time to inactivate pathogens following a diarrheal release in a pool or spa.

(48) IAPMO SPS 4--International Association of Plumbing and Mechanical Officials Special Use Suction Fittings for Swimming Pools, Spas, and Hot Tubs (for Suction Side Automatic Swimming Pool Cleaners).

(49) ICC-SRCC--International Code Council-Solar Rating and Certification Corporation

(50) Island--A structure inside a pool where the perimeter is completely surrounded by the pool water and the top is above the surface of the pool.

(51) Jump board--A manufactured diving board that has a coil spring, leaf spring, or comparable device located beneath the board that is activated by the force exerted by jumping on the board's end.

(52) Ladder--A series of vertically separated treads or rungs connected by vertical rail members or independently fastened to an adjacent vertical pool or spa wall.

(53) Leisure river--A manufactured stream of water of near-constant depth in which the water is moved by pumps or other means of propulsion to provide river-like flow that transports users over a defined path that may include water features and play devices. Also known as a lazy river or current channel.

(54) Licensed electrician--A person licensed to perform electrical work on pools and spas in accordance with the Texas Electrical Safety and Licensing Act, Texas Occupations Code, Chapter 1305, and related rules.

(55) Licensed engineer--A person licensed to engage in the practice of engineering in the State of Texas in accordance with the Texas Engineering Practice Act, Texas Occupations Code, Chapter 1001, and related rules.

(56) Lifeguard--A person who supervises the safety and rescue of swimmers, surfers, and other water sports participants, and who has successfully completed and holds a current ARC, YMCA, or equivalent Lifeguard Certificate from an aquatic safety organization and a current First Aid Certificate and current cardiopulmonary resuscitation (CPR) certificate, received for training in CPR for adults, infants, and children, use of an AED and BVM.

(57) Listed and labeled--Equipment, material, products, or services included in a list published by an ANSI accredited certification organization. The ANSI accredited certification organization evaluates products or services and maintains periodic inspection of the production of the listed products, equipment, or materials, or periodic evaluation of services that have been found to meet identified standards or that have been tested and certified as suitable for a specific purpose. Such equipment, materials, products, or services shall be labeled by being affixed with a label, seal, symbol, or other identifying mark certifying that the standard has been met or has been tested and found suitable for a specific purpose.

(58) Local regulatory authority--A county, municipality, or other political subdivision of the state having jurisdiction over pools and spas, and associated facilities.

(59) Maintained illumination--The value, in foot-candles or equivalent unit, below which the average illuminance on a specified surface is not allowed to fall. Maintained illumination equals the initial average illuminance on the specified surface with new lamps, multiplied by the light loss factor to account for reduction in lamp intensity over time.

(60) NCAA--National Collegiate Athletic Association.

(61) NEC--National Electrical Code.

(62) NEMA--National Electrical Manufacturers Association.

(63) NESC--National Electrical Safety Code.

(64) NFPA--National Fire Protection Association.

(65) NRPA--National Recreation and Parks Association.

(66) NSF--NSF International (formerly National Sanitation Foundation).

(67) NSF 50 or NSF/ANSI Standard 50--Standard establishing minimum requirements for materials, design, construction and performance of equipment commonly included in the water circulation systems of residential and public swimming pools, spas and hot tubs.

(68) NSPF--National Swimming Pool Foundation. Now known as the Pool and Hot Tub Alliance.

(69) ORP--Oxidation Reduction Potential. The measure of the oxidation-reduction potential of chemicals in water. It is generally measured in millivolts by means of an electronic meter and depends upon types and concentrations of oxidizing and reducing chemicals in water.

(70) Overflow system--Overflows, surface skimmers, and surface water collection systems of various design and manufacture for removal of surface water from the pool or spa.

(71) Perimeter gutter system (gutter)--Overflow trough in the perimeter wall of a pool that is a component of the circulation system or flows to waste.

(72) pH--A value expressing the relative acidic or basic tendencies of a substance such as water on a scale from 0 to 14, with 7.0 being neutral, values less than 7.0 being acidic, and values greater than 7.0 being basic.

(73) PHTA--Pool and Hot Tub Alliance. Formerly APSP and NSPF.

(74) PIWF--Public interactive water feature and fountain. Any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the spray streams. It may be a stand-alone PIWF, also known as a splash pad, spray pad, or wet deck, or may share a water supply, disinfection system, filtration system, circulation system, or other treatment system that allows water to co-mingle with a pool.

(75) Pool yard or spa yard--An area that has an enclosure containing a pool or spa.

(76) Public pool--Any man-made permanently installed or non-portable structure, basin, chamber or tank containing an artificial body of water that is maintained or used expressly for public recreation, swimming, diving, aquatic sports, or other aquatic activity. Public pools include but are not limited to activity pools, catch pools, lazy or leisure river pools, wave action pools, vortex pools, therapy pools, and wading pools. A public pool may be publicly or privately owned and may be operated by an owner, lessee, operator, licensee or concessionaire. A fee for use may or not be charged. The term does not include a residential pool, artificial swimming lagoon, floatation system or chamber, or a body of water that continuously recirculates water from a spring.

(A) Class A pool--Any pool maintained or used, with or without a fee, for accredited competitive events such as FINA, United States Swimming, United States Diving, NCAA, and National Federation of State High School Association events. A Class A pool may also be used for recreational swimming.

(B) Class B pool--Any pool maintained or used for public recreation and open to the general public with or without a fee.

(C) Class C pool--Any pool operated for and in conjunction with:

(i) lodging, such as hotels, motels, apartments, condominiums, or mobile home parks;

(ii) youth camps, property owner associations, private organizations, or clubs; or

(iii) schools, colleges, or universities while operated for academic or continuing education classes. The use of such a pool would be open to occupants, members or students, and their guests, but not to the general public.

(77) Recessed treads--A series of vertically spaced cavities in the pool or spa wall creating tread areas for step holes.

(78) Regulatory authority--A federal or state agency or local regulatory authority having jurisdiction over pools and spas, and associated facilities.

(79) Rehabilitate or remodel--To modify or remake a pool or spa in a similar but different manner, or to change the style, shape or form of a pool or spa.

(80) Renovation--To return a pool or spa or any part of a pool or spa that may still be operational and functional, but that is outdated or has faded, declined, or deteriorated, to its former or original state, includes remodeling or rehabilitation of a pool or spa, and has the same meaning as the definition of alteration as found in

the International Swimming Pool and Spa Code. Renovation of pool or spa shall not cause existing systems to become unsafe, unsanitary, or overloaded.

(81) Repair--The reconstruction or renewal of any part of a pool or spa for the purpose of its maintenance or to correct damage. Repair work may involve replacing like items or maintenance, such as periodic pool resurfacing or replastering. Repairs shall not cause existing systems to become unsafe, unsanitary, or overloaded.

(82) Rescue tube--A piece of lifesaving equipment that is an essential part of the equipment that must be carried by lifeguards and that is used to make water rescue easier by helping support the victim's and rescuer's weight.

(83) Resident youth camp--A resident youth camp as described in the Texas Youth Camps Safety and Health rules, §265.11 of this chapter (relating to Definitions).

(84) Residential pool or spa--A pool or spa that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two resident families and their guests. It includes a pool or a spa serving only a single-family home or duplex.

(85) Return inlet or inlet--Aperture or fitting through which water under positive pressure returns into the pool or spa.

(86) Rinsing shower--A shower located on the pool or spa deck for the purpose of removing sand, dirt, sweat, and user hygiene products without the use of hot water or soap.

(87) Secchi disk--An 8-inch diameter disk with alternating black and white quadrants that is lowered in the pool and spa and is used to measure water turbidity and clarity.

(88) Self-closing and self-latching device--A device or mechanism that causes a gate to automatically close without human or electrical power after it has been opened, and to automatically latch without human or electrical power when the gate closes.

(89) Shallow areas--Pool water areas where the depth of the water is five feet or less.

(90) Skimmer--A device installed in the pool or spa that permits the removal of floating debris and surface water to the filter. A skimmer is not considered a suction outlet for purposes of this subchapter.

(91) Slide--A recreational feature with a flow of water and an inclined flume or channel by which a user is conveyed downward into a pool.

(A) Drop slide--A slide that drops users into the water from an elevated height into water.

(B) Pool slide--A slide having a configuration as defined in the Code of Federal Regulations, Chapter II, Title 16, Part 1207 by CPSC or is similar in construction to a playground slide that allows users to slide from an elevated height to a pool. This includes children's (tot) slides.

(C) Waterslide--A slide that runs into a landing pool or runout through a fabricated channel with flowing water.

(92) Slip-resistant--A surface that has been treated or constructed to significantly reduce the chance of slipping.

(93) Slope break--Point where the slope of the pool floor changes to a greater slope.

(94) Spa--A body of water intended for the immersion of persons in either hot or cold water, circulated in a closed system, and not intended to be drained and refilled after each use. A spa can include a filter, heater, a pump or pumps, blowers and water sanitizing equipment. The term includes a swim spa or exercise spa.

(A) Class A spa--Any spa maintained or used, with or without a fee, for accredited competitive events such as FINA, United States Swimming, United States Diving, NCAA, and National Federation of State High School Association events.

(B) Class B spa--Any spa maintained or used for public recreation and open to the general public with or without a fee.

(C) Class C spa--Any spa operated for and in conjunction with:

(i) lodging, such as hotels, motels, apartments, condominiums, or mobile home parks;

(ii) youth camps, property owner associations, private organizations, or clubs; or

(iii) schools, colleges, or universities while operated for academic or continuing education classes, or hospitals or medical centers.

(95) Steps, stairs, and recessed steps--A riser or tread or a series of risers or treads extending down from the deck and terminating at the pool or spa floor. Recessed steps have the risers recessed into the pool and spa wall.

(96) Suction outlet--A submerged fitting, fitting assembly, cover or grate, and related components that provide a localized low-pressure area for the transfer of water from a pool or spa.

(97) Surf pool--A pool, with less than 20,000 square feet of water surface area, in which waves are generated and dedicated to the activity of surfing on a surfboard or analogous surfing device commonly used in the ocean and intended for sport. A surf pool is intended for the sport of surfing as opposed to general play activities in wave pools.

(98) SVRS--Suction vacuum release system. Also known as safety vacuum release system, is a system capable of providing vacuum release at a suction outlet in case of a high vacuum occurrence due to a suction outlet flow blockage. Methods include venting the suction line to atmosphere, turning off the circulation pump, or reversing the circulation flow.

(99) Swimout--An underwater seat area that is placed completely outside of the perimeter shape of the pool.

(100) TCEQ--Texas Commission on Environmental Quality.

(101) TDLR--Texas Department of Licensing and Regulation.

(102) Therapeutic pool or spa--A pool or spa that is operated exclusively for therapeutic purposes, such as physical therapy, and is under the direct supervision and control of licensed or certified medical personnel.

(103) Turnover rate--The period of time, usually in hours, required to circulate a volume of water equal to the pool or spa capacity.

(104) UL--An independent testing laboratory (formerly Underwriters Laboratories).

(105) Unblockable suction outlet--A suction outlet defined as all components, including the sump and body, cover or grate, and hardware such that its perforated (open) area cannot be shadowed by the area of the 18 x 23 inch ANSI/APSP-16 body blocking element.

(106) Underwater ledge--A narrow shelf projecting from the side of a vertical structure.

(107) Underwater seat--An underwater ledge that is placed completely inside the perimeter shape of the pool, generally located in the shallow end of the pool.

(108) USCG--United States Coast Guard.

(109) Vanishing edge--A pool-wall structure and adjacent pool deck that is designed in such a way that the top of the pool wall and adjacent deck are not visible from certain vantage points in the pool or from the opposite side of the pool. Water from the pool flows over the edge and is captured and reused through the normal pool circulation system. Also referred to as an infinity edge, negative edge, or zero edge.

(110) VGBA--The Virginia Graeme Baker Pool and Spa Safety Act. A federal law that requires all public pools and spas to be fitted with suction outlets that meet the ANSI/APSP-ICC-16 standard.

(111) Vortex pool--A circular pool equipped with a method of transporting water in the pool for the purpose of propelling users at speeds dictated by the velocity of the moving stream of water.

(112) Wading pool--A pool with a maximum water depth that is no greater than 18 inches. A wading pool can contain a PIWF.

(113) Water lounge--A horizontal area of a pool that adjoins the pool wall at a depth of 2 inches to 12 inches and is used for seating and play. A water lounge is also known as a tanning ledge or sun shelf.

(114) Wave pool--A pool, with less than 20,000 square feet of water surface area, designed to simulate breaking or cyclic waves for purposes of general play. A wave pool is intended for general play as opposed to a surf pool that is intended for sport.

(115) Written instructions--Written communication that provides directions for carrying out a procedure or performing a task. Written instructions can include manuals, journals, lists, printed materials, computer-generated materials, and handwritten materials. Written instructions can be maintained in electronic form so long as electronic use and transmission of the electronic materials does not present a risk to health and safety of individuals accessing the electronic materials.

§265.183. Plans and Instructions.

(a) Plans for new construction of pools and spas. The department may review plans for pools and spas to ensure compliance with construction requirements. If the department intends to review plans it will notify the owner/operator in writing.

(b) Licensed engineer required.

(1) Design and construction of Class A and Class B pools and spas constructed on or after the effective date of this subchapter shall be planned and designed by a licensed engineer.

(2) Design and construction of Class C pools and spas constructed on or after the effective date of this subchapter shall be planned and designed by a licensed engineer if the pool or spa has a diving board, climbing wall, slide, movable bottom, interactive water feature or fountain, or any aquatic play feature that meets the definition of "Amusement Ride" in Texas Occupations Code, Chapter 2151 (the Amusement Ride Safety Inspection and Insurance Act), or is one of the following:

(A) a therapeutic pool or spa; or

(B) a surf pool or wave pool.

(3) Renovation of Class A and Class B pools and spas constructed before the effective date of this subchapter shall be planned and designed by a licensed engineer. Renovation of Class C pools and spas constructed before the effective date of this subchapter shall be planned and designed by a licensed engineer if the pool or spa has a diving board, climbing wall, slide, movable bottom, interactive water feature or fountain, or any aquatic play feature that meets the definition of "Amusement Ride" in Texas Occupations Code, Chapter 2151 (the Amusement Ride Safety Inspection and Insurance Act), or is one of the following:

(A) a therapeutic pool or spa; or

(B) is a surf or wave pool.

(c) Operational Instructions. Upon completion of construction of a pool or spa, the owner shall obtain from the pool or spa builder complete written operational instructions for the pool or spa. Written instructions shall include items such as procedures for filtration, backwash, cleaning, and operation of all chemical feed devices, clean filter pressures, normal operating pressures, and pressure differential(s) that indicate the need for filter cleaning and general maintenance of the pool and spa.

§265.184. General Construction and Design for Pools and Spas.

(a) Structural design and materials for pools and spas. Construction design and materials used in construction or renovation of pools and spas shall comply with the requirement of this section as well as other requirements expressly stated in this subchapter.

(b) Non-toxic, durable, and sound materials for pools and spas. Pools and spas shall be constructed of materials that:

(1) are non-toxic to humans and the environment;

(2) are impervious and enduring;

(3) will withstand design stresses; and

(4) will provide a watertight structure with a smooth and easily cleanable surface without cracks, or joints, excluding structural joints, or that will provide a watertight structure to which a smooth, easily cleaned surface or finish is applied or attached.

(c) User contact material surfaces. Material surfaces that come in contact with the user shall be finished, so that they do not constitute a cutting, pinching, puncturing or abrasion hazard under casual contact and intended use.

(d) Accepted practice for pools and spas.

(1) The structural design and materials for pools and spas constructed before the effective date of this subchapter shall be in accordance with accepted industry engineering practices and methods prevailing at the time of original construction unless otherwise stated in this subchapter.

(2) The materials and structural design of pools and spas constructed on or after the effective date this subchapter shall be in accordance with the International Building Code promulgated by the International Code Council and in effect at the time of construction, as applicable in accordance with the standards in Figure 25 TAC §265.184(d)(2).

Figure 25 TAC §265.184(d)(2)

Reservoirs and Shells	
Material	Standard
Fiberglass reinforced plastic	IAPMO Z124.7
Stainless steel (Types 316, 316L, 304, 304L)	ASTM A240
Tile	ANSI A108/A118/A136.1
Vinyl	ASTM D1953

(e) NSF Standard 50. Where equipment for a pool or spa such as pumps, filters, skimmers, chemical feeders, and any other equipment, falls within the scope of NSF Standard 50, such equipment shall meet the standard as confirmed by a testing laboratory, except as otherwise noted in §265.193 of this subchapter (related to Suction Outlet Systems (Suction Outlets) and Return Inlets for Pools and Spas). Conformity with standards noted above shall be evidenced by the listing or labeling of such equipment by such a laboratory or by separate documentation.

(f) Prohibition of earth material.

(1) Earth shall not be permitted as an interior finish in a pool or spa. Clean sand or similar material if used in a beach environment:

(A) shall only be used over an impervious surface;

(B) shall be designed to perform in such an environment; and

(C) shall be controlled so as not to adversely affect the proper circulation, filtration, treatment system, maintenance, safety, sanitation, and operation of the pool or spa.

(2) When sand or similar material is used, positive upflow circulation through the sand shall be provided as necessary to ensure sanitary conditions are maintained at all times.

(g) Interior color of pools and spas.

(1) The colors, patterns, or finishes of a pool or spa interior shall not obscure the existence or presence of objects or surfaces within the pool or spa.

(2) For pools and spas constructed before the effective date of this subchapter interior surfaces shall be a light enough color so that an 8-inch black disk or Secchi disk on the pool or spa floor at the deepest point of the pool or spa can be clearly and immediately seen by an observer standing on the deck at a point closest to the disk.

(3) For pools and spas constructed on or after the effective date of this subchapter or for pools and spas that are replastered or have the pool/spa interior surface refinished on or after the effective date of this subchapter, interior surfaces and finishes shall be at least 6.5 on the Munsell color value scale.

(4) Lane markings, floors of Class A pool diving wells, step and edge markings, water line tiles, and depth change indicator tiles shall be in darker colors or in colors in contrast to the pool and spa interior finish and surface.

(h) Areas subject to freezing. Where constructed in areas subject to freezing, pools and spas and appurtenances shall be designed to protect against damage due to freezing.

(i) Hydrostatic relief. A hydrostatic relief valve, plug, or a more extensive hydrostatic system shall be installed to prevent ground water pressure from displacing or otherwise damaging a pool or spa.

(j) Interior surface footing. The surfaces within a pool or spa intended to provide footing for users shall be slip-resistant. The roughness or irregularity of such surfaces shall not cause injury to feet during normal use.

(k) General shape. This subchapter is not intended to regulate the perimeter shape of pools or spas. It is the designer's responsibility to consider the effect a given shape will have on the health and safety of the users.

(l) Dimensional variations. Dimensions for pools and spas may vary in limited areas where access for persons with disabilities has been provided, as long as the general safety of all users is maintained. The design shall comply with the applicable requirements for persons with disabilities under federal, state, and local fair housing and disability access laws.

(m) Entanglement or entrapment avoidance. Pools and spas shall be constructed without protrusions, extensions, means of entanglement, or other obstructions in a pool or spa that may cause the entrapment or injury of the user or interfere with proper operation.

(n) Construction tolerances for pools and spas constructed on or after the effective date of this subchapter.

(1) Construction tolerances for Class A pools shall be determined by the sanctioning authority that provides the accreditation of the pool for competitive events.

(2) For all other pools and spas designed by a licensed engineer, construction tolerances shall be in accordance with Figure 25 TAC §265.184(n)(2) or with the construction plan submitted by the licensed engineer.

Figure: 25 TAC §265.184(n)(2)

CONSTRUCTION TOLERANCES	
Design Aspect	Construction Tolerance
Depth-deep area, including diving area	± 3 inches
Depth – shallow area	± 2 inches
Length – overall	±3 inches
Step treads and risers	± 1/2 inch
Wall Slopes	± 3 degrees
Waterline – pools with adjustable weir skimmers	± 1/4 inch
Waterline – pools with nonadjustable skimming systems (gutters)	± 1/8 inch
Width – overall	± 3 inches
All dimensions not otherwise specified	± 2 inches

(o) Maximum user load. The maximum user load in a pool or spa shall be based upon the following:

(1) The maximum number of users in Class A pools being used for competitive events shall be determined by the sanctioning authority under which the events are being held.

(2) Maximum number of users in Class A pools not being used for competitive events, and Class B and Class C pools and spas are set forth in Figure 25 TAC §265.184(o)(2).

Figure: 25 TAC §265.184(o)(2)

Maximum Numbers of Users in Class A Pools Not Being Used for Competitive Events and Class B and Class C Pools and Spas.			
Pool and Spa	Shallow or Wading Areas	Deep Area (Not Including the Diving Area)	Diving Area (Per Each Diving Board)
Pools with Minimum Deck Area	15 sq. ft. per user	20 sq. ft. per user	300 sq. ft.
Pools with Deck Area Equal to Water Surface Area	12 sq. ft. per user	15 sq. ft. per user	300 sq. ft.
Pools with Deck Area at Least Twice Water Surface Area	8 sq. ft. per user	10 sq. ft. per user	300 sq. ft.
Maximum Number of Users in Spas, Wade Pools, and Wade Pools with PIWFs	88 sq. ft. per user	NA	NA

(3) The maximum number of users may be lowered but must not exceed the number that is determined in accordance with paragraphs (1) or (2) of this subsection, as applicable.

(4) Pool and spa equipment sizing including the circulation system, deck area, and any other equipment or utility used to maintain the pool or spa shall be based upon the maximum number of users determined in accordance with paragraphs (1) or (2) of this subsection, as applicable.

(5) Maximum number of users in waterslide landing pools at any given time shall be established by the slide manufacturer. Maximum number of users in surf pools at any given time shall be established by the surf pool manufacturer. For purposes of this paragraph, a waterslide landing pool can be either a separate pool located at the exit of one or more waterslide flumes or the area of a pool that is located at the exit of one or more waterslide flumes.

(p) Walls joining floors in pools and spas constructed on or after the effective date of this subchapter. Walls shall intersect with the floor at an angle or a transition profile. Where a transitional profile is provided at water depths of 3 feet or less, a transitional radius shall not exceed 6 inches, shall be tangent to the wall, and may be tangent or intersect the floor. Wall to floor radiuses may encroach on tread unobstructed surface areas.

(q) Floor slopes in pools and spas constructed on or after the effective date of this subchapter. All pool floor slopes shall drain and be uniform within the different activity areas of the pool. Floor slopes in Class A pools shall be determined by the authority that provides the accreditation of the pool for competitive events. All other pool floor slopes shall meet the following requirements:

(1) The slope of the floor in water less than 5 feet shall not exceed 1 foot in 10 feet to the point of the first slope change.

(2) The slope of the floor in water five feet deep or more shall not exceed one foot in three feet.

(3) The slope of the floor may vary in limited areas where access for persons with disabilities has been provided.

(4) The slope of the floor of a spa shall not exceed 1:12. Where multilevel floors are provided, the change in depth shall be indicated.

(r) Visual separation for pools and spas. Any area of a pool and spa, excluding steps and ramps, that is less than 3 feet in depth shall be visually set apart from deeper areas of the pool by a minimum 4-inch wide tile band, pointed line, or similar means of contrasting color across the floor of the pool.

(s) Vanishing edge in a pool or spa constructed on or after the effective date of this subchapter. The vanishing edge overflow trough, basin, or capture drain is not a skimmer and does not replace the number of required skimmers in pools or spas constructed on or after the effective date of this subchapter. A vanishing edge in a pool or spa shall:

(1) not exceed more than 50% of the entire perimeter of the pool or of the spa unless the entire pool or spa is surrounded by a deck meeting the requirements of §265.185 of this subchapter (relating to Decks and Deck Equipment for Pools and Spas);

(2) not be required to have skimmers when 100% of the entire pool or spa is a vanishing edge;

(3) not have any part of the vanishing edge at a distance exceeding 15 feet from the deck; and

(4) be designed to overflow into a trough, basin, or capture drain.

(t) Underwater seats and benches. Underwater seats and benches in pools and spas constructed or renovated on or after the effective date of this subchapter shall:

(1) have the horizontal surface not greater than 20 inches below the design water level;

(2) have an unobstructed seating surface a minimum of 10 inches in depth and not less than 24 inches in width;

(3) be located fully outside of the diving water envelope in a pool with diving equipment;

(4) be visually set apart with a permanent solid or broken stripe 1-inch wide on the top surface along the leading edge of the bench and in a contrasting color to the surface to which it is applied;

(5) have a slip-resistant surface; and

(6) shall not be used as the required entry and exit access.

(u) Water lounges in pools and spas. Water lounges shall be designed to be used as a lounge or sunning area and must not be designed to be used as wading pools. Water lounges shall:

(1) be a minimum of 20 inches wide and provide a minimum of 10 square feet of horizontal surface over a distance of not less than 3 feet;

(2) be at a depth of 2 to 12 inches below the design water level;

(3) be visually set apart with a permanent solid or broken stripe 1-inch wide, on the top surface along the leading edge of the bench and in a contrasting color to the surface to which it is applied;

(4) have a slip-resistant surface;

(5) be located fully outside of the diving water envelope in a pool with diving equipment; and

(6) be located in shallow areas of the pool or spa only.

(v) Underwater toe ledges. Underwater toe ledges in pools and spas constructed or renovated on or after the effective date of this subchapter shall:

(1) be slip-resistant;

(2) only be provided in water 5 feet deep or greater and at least 4 feet below the design water level;

(3) be visually set apart with a permanent solid or broken stripe 1-inch wide, on the top surface along the leading edge of the bench and in a contrasting color to the surface to which it is applied; and

(4) have a minimum horizontal tread depth of 4 inches and a maximum uniform horizontal tread depth of 6 inches.

(w) Wading pools.

(1) Wading pools, including wading pools containing a PIWF or fountain constructed on or after the effective date of this subchapter shall have a maximum water depth of 18 inches. Wading pools constructed on or after October 1, 1999, and before the effective date of this subchapter shall have a maximum water depth of 24 inches.

(2) Wading pools and wading pools containing a PIWF that are constructed on or after the effective date of this subchapter and all wading pools constructed on or after October 1, 1999, shall:

(A) be separate and physically set apart from shallow water areas by at least 15 feet, measured by straight line distance or by a pool yard enclosure meeting the requirements in §265.203 of this subchapter (relating to Pool Yard and Spa Yard Enclosures) for Class C pools and spas;

(B) be separate and physically set apart from deep water areas by at least 35 feet, measured by straight line distance or by a pool yard enclosure meeting the requirements in §265.203 of this subchapter for Class C pools and spas; and

(C) maintain clear visibility through the barrier.

(3) Wading pools constructed before October 1, 1999, are exempt from the distance and barrier requirements for wading pools.

(4) For wading pools constructed or renovated on or after the effective date of this subchapter, areas where the water depth at the edge of the pool exceeds 9 inches shall be considered nonentry areas and the following shall apply:

(A) At the perimeter wall of the wading pool, the vertical distance from the deck or walkway to the bottom of the wading pool or to perimeter seating bench underwater shall not be greater than 18 inches. The vertical distance from the bottom of the pool to the deck or walk may be reduced and brought to zero at the shallowest point.

(B) The slope of zero level deck entries shall not exceed 1 foot in 12 feet.

(C) Floors of wading pools shall be uniform, sloped to drain with a maximum slope of 1 foot in 12 feet and shall be slip-resistant.

(5) Wading pools constructed or renovated on or after the effective date of this subchapter shall not have submerged suction outlets. Skimmers or overflow gutters shall be installed and shall accommodate 100% of the circulation system flow rate.

(x) Bulkheads. The bulkhead position shall be maintained such that it cannot encroach on any required clearances of other features such as diving boards. If a bulkhead is operated with an open area underneath, users shall be prevented from swimming underneath the bulkhead.

§265.185. Decks and Deck Equipment for Pools and Spas.

(a) Accessibility requirements for pool and spa decks. Entrances and exits, including hand and grab rails, walkways, and decks, shall comply with applicable requirements for access to aquatic recreation facilities for persons with disabilities under federal, state, and local fair housing and disability access laws.

(b) Concrete decks. Concrete that is used as a deck material shall be installed in accordance with the American Concrete Institute, ACI Standard 302.1R-15, "Guide for Concrete Floor and Slab Construction", or in accordance with the requirements established by the licensed engineer, and in accordance with local building codes, as applicable.

(c) Decks other than concrete decks. Decks, other than concrete decks, shall be designed and installed in accordance with good public health engineering practices, and, when applicable, by a method required by a local regulatory authority. This includes the design and quality of the subbase, deck material used, reinforcing, and joints.

(d) Deck renovation or repair. Renovation or repair of decks shall be in accordance with the requirements of this subchapter.

(e) Deck slip-resistance. Decks, ramps, coping, and steps shall be slip-resistant. Cleanable special features in or on decks such as markers, brand insignias, and similar materials shall be slip-resistant and shall not cause injury during normal use.

(f) Pool and spa decks and circulation paths. Pool and spa decks and circulation paths for pools and spas constructed or renovated on or after the effective date of this subchapter shall comply with the following requirements.

(1) A continuous and unobstructed circulation path shall be provided in conformance with the Americans with Disabilities Act (ADA) requirements for an accessible route.

(2) Wing walls or peninsulas with widths greater than 18 inches shall be considered part of the pool or spa deck but cannot be accounted for in calculating the pool perimeter.

(3) Pool or spa deck may serve as part of the circulation path.

(4) The deck width, which can include flush coping, must meet the following requirements.

(A) All Class A pool deck widths shall meet the standards of the appropriate sanctioning body that regulates the type of competition to be held.

(B) Decks between pools, spas, or any combination of pools and spas, constructed on or after the effective date of this subchapter shall have a minimum width of 6 feet.

(C) Decks of Class B pools constructed on or after September 1, 2004, shall have a minimum width of 6 feet.

(D) All Class C pool and spa decks constructed on or after the effective date of this subchapter shall have minimum width of 6 feet.

(5) Pool and spa decks shall be flush with the pool or spa walls or coping except where special conditions exist, such as elevated beam or parapet, raised transfer walls, or where otherwise permitted in this subchapter. Wood, wood composite, and indoor or outdoor carpet decks shall not be allowed within the distance specified in paragraph (4) of this subsection, with the exception of artificial turfs that are designed for use at aquatic facilities, are waterproof, cleanable, and do not support biologic growth.

(6) Up to 35% of the deck for Class B and Class C pools may be replaced with other structures including diving rocks and diving ledges that meet the requirements in §265.188(b)(10) of this subchapter (relating to Diving Facilities for Pools), however, in no case shall other structures restrict emergency access, be improperly used as diving platforms, or create other safety or sanitary hazards.

(7) In pools and spas constructed on or after the effective date of this subchapter, unobstructed deck a minimum of 4 feet in width shall be provided for access around diving equipment, diving boards, diving rocks and diving ledges, special feature stairways such as a waterslide, lifeguard stands, ADA access equipment and structural columns.

(8) Decks shall be sloped to effectively drain to perimeter areas or to deck drains.

(9) For pools and spas constructed on or after the effective date of this subchapter, drainage shall remove pool and spa splash water, deck cleaning water, and rainwater without leaving standing water deeper than 1/8 inch, 20 minutes after cessation of the addition of water to the deck. Deck slopes shall meet the requirements in Figure 25 TAC §265.185(f)(9).

Figure: 25 TAC §265.185(f)(9)

Drainage Slopes for Deck Surfaces		
Surface	Minimum Drainage Slope	Maximum Drainage Slope
Artificial turfs that are designed for use at aquatic facilities, are waterproof, cleanable, and do not support biologic growth	1/2 inch per foot	1/2 inch per foot
Exposed aggregate (moderate finish)	1/8 inch per foot	1/2 inch per foot
Textured, hand-finished concrete (smooth finish)	1/8 inch per foot	1/2 inch per foot
Travertine / brick set pavers (heavy finish)	1/8 inch per foot	1/2 inch per foot

(10) The maximum gap between pool and spa decks and adjoining decks or walkways, including joint material shall be not greater than 3/4 inch. The difference in vertical elevation between the pool and spa deck and the adjoining circulation path shall not be greater than 1/4 inch.

(11) Isolation joints that occur where pool and spa coping meets the deck shall be water tight. Joints shall be installed to protect the coping and its mortar bed from damage. Joints in a deck shall be provided to minimize visible cracks outside the control joints due to shrinkage or movement of the slab. Areas where decks join existing concrete work shall be provided with a joint to protect the pool and spa from damage caused by relative movement.

(12) The edges of decks shall be radiused, tapered, or otherwise designed to eliminate sharp corners.

(13) Step risers for decks at pools and spas constructed on or after the effective date of this subchapter shall be uniform and have a height not less than 3-3/4 inches and not greater than 7-1/2 inches. The tread distance from front to back shall be not less than 11 inches.

(14) Deck steps at pools and spas constructed on or after the effective date of this subchapter having three or more risers shall be provided with a handrail.

(15) Valves installed in or under decks shall be accessible for operation, service, and maintenance. Where access through the deck walking surface is required, an

access cover shall be provided for the opening in the deck. Such access covers shall be slip-resistant and secured.

(16) Hose bibs with backflow prevention equipment shall be provided for rinsing the entire deck and shall be located not farther than 150 feet apart. Water-powered devices, such as water-powered lifts, shall have either a dedicated hose bib water source or valve.

(g) Landscaping. Loose plant material or bedding, including planters, shall not be permitted on pool or spa decks constructed on or after the effective date of this subchapter.

§265.186. Islands in Pools and Spas Constructed on or After the Effective Date of This Subchapter.

(a) An island not more than 18 inches in width along the entire length of the island and not designed for walking on, shall have no stairs, ladders or bridges to the island that can be accessed by users.

(b) An island designed to be walked on by lifeguards shall be a minimum of 18 inches in width along the entire length of the island.

(c) An island not designed or intended for walking on by pool or spa users shall have signs stating "No Entry" in letters minimum of 2 inches in height.

(d) An island designed for pool and spa users shall be accessible by bridge, ramp, ladder or stairway from the pool or spa.

(e) All bridges spanning a pool or spa, or any other structure not intended for interactive play that span a pool or spa, shall have a minimum clearance of 7 feet from the bottom of the pool and 4 feet above the water surface to any bridge or any structure overhead.

(f) A bridge or ramp shall have a minimum 42-inch high barrier on both sides of the bridge or ramp.

(g) An island shall have a demarcation tile line on the perimeter of the island that is a minimum of 4 inches in height and shall be positioned in the top 4-1/2 inches of the island wall just under the coping.

§265.187. Pool and Spa Entry/Exits.

(a) Two entry/exits required. With the exception of waterslide landing pools, waterslide runouts, surf pools, and wave pools; pools shall have a minimum of two entry/exits located to serve both ends of the pool. If the pool has a shallow area and a deep area, at least one entry/exit shall be in the shallow end and one in the deep end. Spas are required to have a minimum of one entry/exit.

(b) Entry/exit locations for specific pools. Entry/exit locations for specific pools constructed on or after the effective date of this subchapter shall be in accordance with Figure 25 TAC §265.187(b).

Figure: 25 TAC §265.187(b)

Entry and Exit Locations for Specific Pools.	
Class of Pool	Entry and Exit Locations
Wave Pool	Entry at beach end only; exit at beach end, sides or end wall.
Activity Pool	Entry and exit determined by licensed engineer
Catch Pools	Entry prohibited from deck areas; exit by ladders, steps, or ramps as determined by licensed engineer
Leisure River	Entry and exit determined by licensed engineer
Vortex Pool	Entry and exit determined by licensed engineer
Pool with Interactive Water Feature or Fountain	Entry and exit determined by licensed engineer
Surf Pool	Entry and exit determined by licensed engineer

(c) Entry/exit structures and devices for persons with disabilities not counted. Pool or spa lifts, transfer walls, and transfer systems that provide for pool or spa entry and exit for persons with disabilities shall not be counted as a required means of entry or exit.

(d) Entry/exit in shallow water 24 inches or less in depth. Where pools, other than wading pools, have areas with water depths of 24 inches or less at the pool wall, such areas shall be considered to be providing their own natural mode for entry and exit .

(e) Distances between entry/exits in pools with water 24 inches or more in depth. A means of entry/exit in pools shall be provided and shall consist of stairs, a ladder, recessed treads, a swimout, ramp, or beach entry and shall be located no further than 75 feet of travel distance apart from any other entry/exit.

(f) Single entry/exit. Pools where the entry/exit extends at least 75% of the length of the longest wall in areas of the pool not more than 3-1/2 feet deep are not required to comply with subsection (e) in this section if:

- (1) the depth of the pool does not exceed 5 feet; and

(2) the pool perimeter deck extends around the pool such that any area of the pool can be accessed by the non-telescoping reaching pole as required in §265.201(l)(1), of this chapter (relating to Safety Features for Pools and Spas).

(g) Entry/exit in pools. A means of entry/exit in the deep end of the pool shall be provided and shall consist of one of the following:

- (1) steps or stairs;
- (2) ladder;
- (3) grab rails with recessed treads;
- (4) ramps or beach entry; or

(5) a swimout with a step meeting the requirements in subsection (n) of this section.

(h) Deep water entry/exit in pools greater than 30 feet wide. Pools constructed or renovated on or after the effective date of this subchapter that are greater than 30 feet in width shall be provided with an entry/exit on each side of the deep area of the pool. The entry/exits in the deep area of the pool shall be located not more than 82 linear feet apart as measured along the coping.

(i) Entry/exit in pools with diving areas. Where the pool is designed for use with diving equipment, any entry/exit, pool stairs, ladders, underwater benches, special features and other accessories shall be located outside of the diving envelope.

(j) Slip-resistant surface. Steps, ladders, and recessed treads shall have slip-resistant surfaces.

(k) Stairs in pools and spas. Stairs in pools and spas constructed on or after the effective date of this subchapter and extending into the pool or spa in either shallow or deep water, including recessed pool stairs, shall comply with the following:

(1) Step treads shall not be less than 24 inches at the leading edge. Each tread shall have an unobstructed surface area of not less than 240 square inches and an unobstructed horizontal depth of not less than 10 inches at the centerline.

(2) Step risers, except for the bottom riser, shall have a uniform height of not greater than 12 inches measured at the centerline. The bottom riser height tapers to the floor and may vary due to potential cross slopes with the pool or spa floor but may not exceed the maximum allowable riser height.

(3) The vertical distance from the pool coping, deck, or step surface to the uppermost tread shall not be greater than 12 inches.

(4) In pools constructed on or after the effective date of this subchapter where stairs in water depths greater than 48 inches, the lowest tread shall not be less than 48 inches below the deck and shall be recessed in the pool wall.

(5) Underwater steps shall have a horizontal solid or broken stripe at least 1-inch wide on the top surface along the front leading edge of each step that is plainly visible to persons on the deck and is in a color contrasting the background on which it is applied. The color shall be permanent in nature and shall be slip-resistant.

(6) A handrail shall be provided in pools and spas for which a lifeguard is required or provided under this subchapter. When provided in pools and spas, handrails shall comply with the following:

(A) Handrails, if removable, shall be installed in such a way that they cannot be removed without the use of tools.

(B) Handrails shall be constructed of corrosion-resistant materials.

(C) Handrails for use by persons with disabilities shall comply with applicable federal, state and local requirements for access by persons with disabilities.

(7) In pools and spas constructed or renovated after the date of this subchapter, handrails shall meet the following requirements:

(A) The top of the gripping surface of handrails shall be 34 inches to 38 inches above the ramp or step surface as measured at the nosing of the step or finished surface of the slope.

(B) The leading edge of handrails for stairs, pool entries and exits shall be located not greater than 18 inches from the vertical face of the bottom riser.

(C) The outside diameter or width of handrails shall be not less than 1-1/4 inches and not greater than 2 inches.

(D) Handrails for use by persons with disabilities shall comply with applicable federal, state and local requirements for access by persons with disabilities.

(8) For pools or spas with perimeter gutter systems, the gutter may serve as a step if the gutter has a grating or cover and conforms to all construction and dimensional requirements in this subchapter.

(I) Recessed treads in pools and spas constructed or renovated on or after the effective date of this subchapter. Recessed treads in pools and spas constructed or renovated on or after the effective date of this subchapter shall meet the following requirements:

(1) Recessed treads shall have a minimum depth of not less than 5 inches and a width of not less than 12 inches.

(2) The vertical distance between the pool coping edge, deck or step surface and the uppermost recessed tread shall not be greater than 12 inches.

(3) Recessed treads at the centerline shall have a uniform vertical spacing of not less than 7 inches and not more than 12 inches.

(4) Recessed tread shall be designed to be slip-resistant, easily cleaned, and to drain into the pool or spa.

(m) Ladders in pools and spas constructed or renovated on or after the effective date of this subchapter. Ladders constructed or renovated on or after the effective date of this subchapter shall be constructed of corrosion resistant materials and shall be anchored securely to the deck and bonded in accordance with the NEC. Ladders in pools and spas shall comply with the following:

(1) Two handrails shall be provided for each ladder, one on each side of the ladder with a clear distance between ladder handrails of not less than 17 inches and not greater than 24 inches.

(2) Ladder treads shall have a uniform horizontal depth of not less than 2 inches. There shall be a uniform distance between ladder treads not less than 7 inches and not greater than 12 inches, and ladder treads shall be slip-resistant.

(3) The top tread of a ladder shall be located not greater than 12 inches below the top of the deck or coping.

(4) Wall clearance between the pool or spa wall and the ladder shall be not less than 3 inches and not greater than 6 inches.

(n) Swimouts. Swimouts constructed on or after the effective date of this subchapter shall be located completely outside of the water current or wave action of the pool or spa, may be in shallow or deep water, and shall comply with the following:

(1) The horizontal surface shall be unobstructed and have a horizontal depth of not less than 11 inches.

(2) Each tread shall have an unobstructed surface area of not less than 240 square inches.

(3) Where a swimout is used as an entry/exit, it shall be provided with a step that meets stair requirements in subsection (k) of this section.

(o) Beach entry, zero-depth entry, and sloping entries in pools and spas. For purposes of this subchapter, beach entries, zero-depth entries, and sloping entries will be referred to as beach entries. Beach entries in pools that are not wave pools, surf pools, leisure rivers, vortex pools, activity pools, or PIWF constructed or renovated on or after the effective date this subchapter shall comply with the following:

(1) The slope of beach entries used as a pool entry shall not exceed 1:12.

(2) Where benches are used in conjunction with beach entries, the vertical riser height shall not exceed 12 inches.

(3) Where steps are used in conjunction with beach entries, the steps must comply with subsection (k) of this section.

(4) Trench drains shall be used along beach entries at the waterline to facilitate surface skimming and may be flat or follow the slope of the entry.

(p) Starting platforms in pools. In pools constructed on or after the effective date of this subchapter, starting platforms shall be located at a water depth of not less than five feet or shall meet the requirements of the sanctioning authority that provides accreditation of the pool for competitive events. In pools renovated on or after the effective date of this subchapter, starting platforms intended for non-sanctioned competitive swimming events shall be in water not less than 4-1/2 feet. Starting platforms at all pools regardless of the date of construction shall comply with the following requirements:

(1) Starting platforms in Class A pools shall be installed in accordance with the appropriate sanctioning body that regulates the type of competition to be held.

(2) Starting platforms shall have slip-resistant tread surfaces.

(3) Starting platforms shall be installed and secured per the manufacturer's instructions.

(4) Starting platforms shall only be used during official competition or when there is direct supervision by the team coach or other qualified instructor.

(5) Starting platforms shall be removed or secured to prevent inadvertent use when the use of the starting platforms is not directly supervised.

(q) Entry/exits in aquatic recreation facility pools such as wave pools, surf pools, catch pools, leisure rivers, vortex pools, activity pools, and public interactive water features and fountains.

(1) Entry/exit locations shall be in accordance with Figure: 25 TAC §265.187(b).

(2) Beach entry, zero-depth entry and sloping entries, and swimout entry/exit in specific pools shall be slip-resistant to water depths of 18 inches and:

(A) the entry slope shall not exceed 1:12; and

(B) the vertical riser height of a bench used in conjunction with sloping entries shall not exceed 12 inches.

(3) Steps into the shallow end and recessed stairs shall be a uniform height of 9 inches, except that the bottom riser shall be permitted to vary and:

(A) the vertical distance from the coping, deck, or step surface to the uppermost tread shall not exceed 9 inches; and

(B) the steps shall have a horizontal solid or broken stripe at least 1-inch wide on the top surface along the leading edge of each step that is plainly visible to the person on the deck and is in a color contrasting the background on which it is applied. The color shall be permanent in nature and shall be slip-resistant.

(4) Stairs in water depths over 48 inches shall have the lowest tread located at least 48 inches below the deck. Treads shall have an unobstructed horizontal depth of not less than 11 inches and shall have an unobstructed surface area of not less than 240 square inches.

§265.188. Diving Facilities for Pools.

(a) Competitive diving pool construction. Pools designed with platform diving or springboard diving facilities intended for competitive diving events shall comply with the pool dimension design requirements of the sanctioning authority that provides accreditation of the pool for competitive diving events such as FINA, the United States Swimming Association, the United States Diving Association, the National Federation of State High Schools Association or the NCAA.

(b) Non-competitive diving pool construction. Pools constructed or renovated on or after the effective date of this subchapter that are designed for non-competitive diving shall comply with the following:

(1) Diving stands higher than 21 inches measured from the deck to the top of the butt end of the board or platform shall have steps with 2 handrails or a ladder with 2 handrails. The steps or ladder treads shall be self-draining, corrosion resistant, non-slip and designed to support the maximum expected load.

(2) Diving stands or platforms that are 1 meter, 3.4 feet, or higher above the pool deck shall be protected with guard rails that are at least 30 inches above the board, extending at least to the edge of the water along with intermediate rails.

(3) Diving stands or platforms that are at a height greater than 5 feet shall have a manufacturer's designed or recommended fall protection guard on each side of the diving stand or platform. The installation of the guard shall be in accordance with manufacturer's instructions.

(4) All diving equipment shall be installed in accordance with the manufacturer's specifications.

(5) A label shall be permanently affixed to the diving equipment or jump board in a readily visible location and shall include the following:

(A) The minimum diving water envelope required for each diving board and diving stand combination.

(B) Manufacturer's name and address.

(C) Manufacturer's identification and date of manufacture.

(D) Maximum allowable weight of the user.

(6) The diving equipment manufacturer shall provide diving equipment use instructions.

(7) Supports, platforms, stairs, and ladders for diving equipment shall be designed to carry the anticipated loads.

(8) Pools with non-competitive diving boards or platforms shall comply with the following dimension requirements in subparagraphs (A) and (B) of this paragraph represented in subparagraphs (C) and (D) of this paragraph, except that non-competitive pools with 1 meter or 3-meter diving boards or platforms may instead comply with the FINA competitive diving pool and diving board or diving platform requirements.

(A) Figure 25 TAC §265.188(b)(8)(A), Diving Board Height and Dimensions.

Figure: 25 TAC §265.188(b)(8)(A)

Diving Board Height and Dimensions				
Diving Board Height	1.64 ft. (0.5 m)	2.46 ft. (0.75 m)	3.28 ft. (1.0 m)	9.84 ft. (3.0 m)
Minimum Diving Board Length	10.0 ft. (3.05 m)	12.0 ft. (3.66 m)	16 ft. (4.88 m)	16.0 ft. 4.88 m).
Minimum Diving Board Width	20.0 in (50.8 cm)	20.0 in. (50.8 cm)	20.0 in (50.8 cm)	20.0 in. (50.8 cm)

(B) Figure 25 TAC §265.188(b)(8)(B) Minimum Dimensions of Components Related to Diving Wells by Diving Board Height.

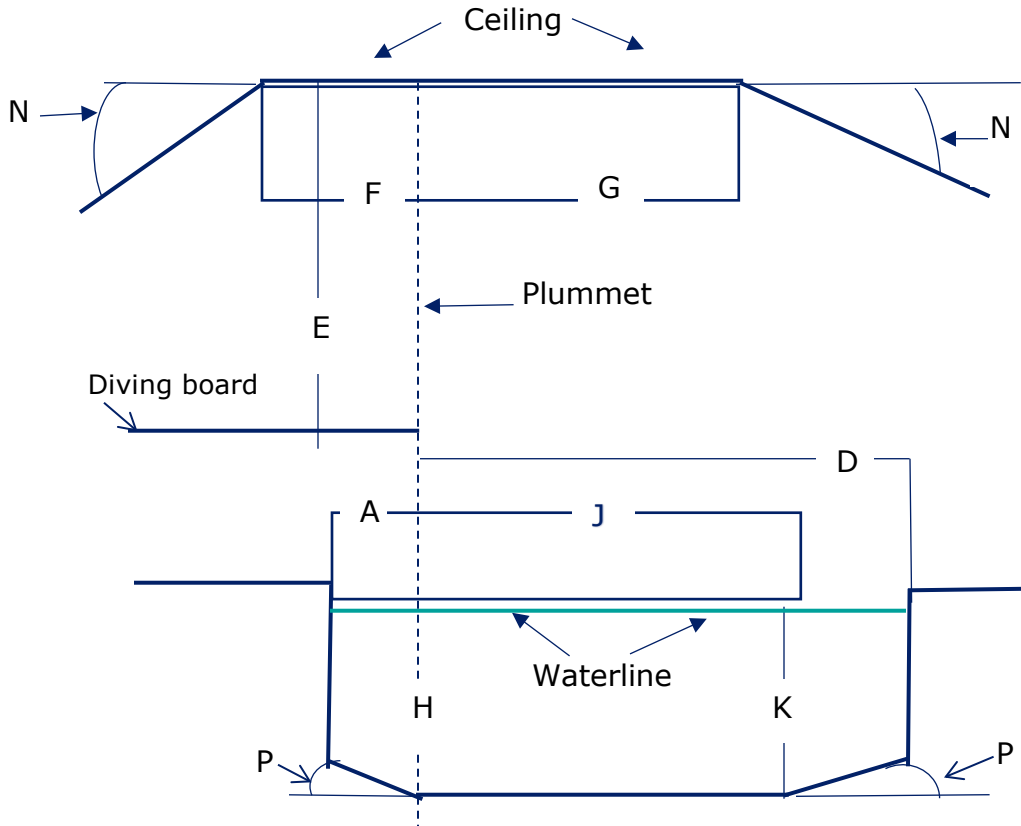
Figure: 25 TAC §265.188(b)(8)(B)

Minimum Dimensions of Components Related to Diving Wells by Diving Board Height					
	Diving Board Height	0.5 Meter	0.75 Meter	1.0 Meter	3.0 Meters
A	Distance from plummet back to pool wall	3.0 ft. (0.91 m)	4.5 ft. (1.37m)	6.0 ft. (1.83 m)	6.0 ft. (1.83 m)
B	Distance from plummet to pool wall at side	10.0 ft. (3.05 m)	10.0 ft. (3.05m)	10.0 ft. (3.05 m)	11.5 ft. (3.51 m)
C	Distance from plummet to adjacent plummet	8.83 ft. (2.69 m)	8.83 ft. (2.69 m)	8.83 ft. (2.69 m)	8.54 ft. (2.60 m)
D	Distance from plummet to pool wall ahead	26.0 ft. (7.92m)	27.83 ft. (8.48 m)	29.58 ft. (9.02 m)	33.67 ft. (10.26 m)
E	Height, diving board to ceiling at plummet & distances F and G	16.0 ft. (4.88 m)	16.0 ft. (4.88 m)	16.0 ft. (4.88 m)	16.0 ft. (4.88 m)
F	Clear overhead distance behind and each side of plummet	8.0 ft. (2.34 m)	8.0 ft. (2.34 m)	8.0 ft. (2.34 m)	8.0 ft. (2.34 m)
G	Clear overhead distance ahead of plummet	16.0 ft. (4.88 m)	16.0 ft. (4.88 m)	16.0 ft. (4.88 m)	16.0 ft. (4.88 m)
H	Depth of water at plummet	9.5 ft. (2.90 m)	10.75 ft. (3.28 m)	12.0 ft. (3.66 m)	12.5 ft. (3.81 m)
J	Distance ahead of plummet to depth K	12.0 ft. (3.66 m)	14.25 ft. (4.34 m)	16.5 ft. (5.03 m)	19.75 ft. (6.02 m)
K	Depth at distance J ahead of plummet	8.75 ft. (2.67 m)	10.0 ft. (3.05 m)	11.28 ft. (3.44 m)	12.17 ft. (3.71 m)
L	Distance at each side of plummet to depth M	8.0 ft. (2.34 m)	8.13 ft. (2.48 m)	8.25 ft. (2.51 m).	9.92 ft. (3.02 m)
M	Depth at distance L on each side of plummet	9.08 ft. (2.77 m)	10.33 ft. (3.15 m)	11.63 ft. (3.54 m)	12.17 ft. (3.71 m)
N	Maximum slope to reduce height E	30 degrees	30 degrees	30 degrees	30 degrees
P	Maximum floor slope to reduce depth ahead of K, to sides of M or back to pool wall behind H	3:1	3:1	3:1	3:1

(C) Figure 25 TAC §265.188(b)(8)(C) Diving Board or Platform Longitudinal Section.

Figure: 25 TAC §265.188(b)(8)(C)

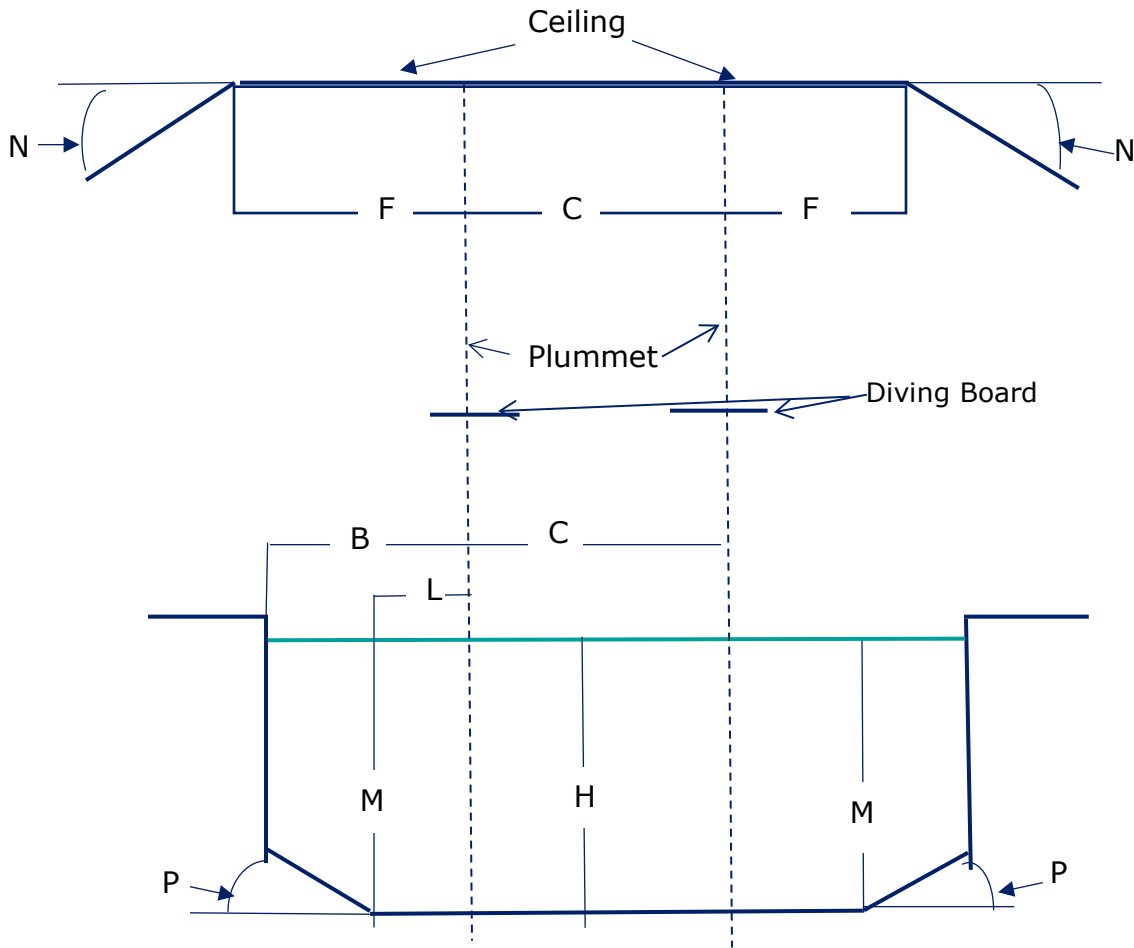
Not drawn to scale.



(D) Figure 25 TAC §265.188(b)(8)(D) Diving Board or Platform Cross Section: Front View.

Figure:25 TAC §265.188(b)(8)(D)

Not to scale



(9) Non-competitive pools with diving boards or diving platforms constructed before the effective date of this subchapter shall comply with either the FINA competitive diving pool and diving board or diving platform requirements or with paragraph (8) of this subsection.

(10) Diving or jumping rocks and ledges shall be designed by a licensed engineer and must comply with the requirements for decks in §265.185(f) of this subchapter (relating to Decks and Deck Equipment).

§265.189. Slides and other Aquatic Play Features.

(a) Proper installation of a slide or other aquatic play feature. A slide or other aquatic play feature, such as a climbing wall, floating amusement island, zip line, or anchored floats, shall be installed according to manufacturer's instructions or in accordance with the licensed engineer's specifications.

(b) Slide or aquatic play feature design requirements. A slide or other aquatic play feature that is designed and constructed or renovated on or after the effective date of this subchapter and that is not a pre-manufactured slide or aquatic play feature, shall be planned and designed by a licensed engineer.

(c) An aquatic play feature or slide that meets the definition of "Amusement Ride" in Texas Occupations Code, Chapter 2151 (the Amusement Ride Safety Inspection and Insurance Act) shall comply with that chapter.

(d) Any feature that meets the definition of a "slide" in the Consumer Product Safety Commission's Safety Standard for Swimming Pool Slides as published in Title 16 Code of Federal Regulations, Part 1207, shall comply with those standards in addition to the requirements in this section.

§265.190. Circulation Systems for Pools and Spas.

(a) General circulation requirements for pools and spas. A circulation system consisting of pumps, piping, return inlets and outlets, filters and other necessary equipment shall be provided for the complete circulation of the water.

(b) Filtering systems for wading pools and spas. Wading pools and spas constructed on or after the effective date of this subchapter shall have separate and independent filtering systems.

(c) Turnover times for pools and spas.

(1) For pools and spas constructed on or after the effective date of this subchapter, the circulation equipment shall be sized to turn over the entire pool or spa water capacity as specified in Figure 25 TAC §265.190(c)(1). The circulation system shall be designed to provide the required turnover rate based on the maximum pressure and flow rate recommended by the manufacturer of the filter with clean filter media. The total volume of the pool or spa shall include water in the surge or balance tank.

Figure: 25 TAC §265.190(c)(1)

Turnover Times for Pools and Spas.	
CATEGORY	MAXIMUM TURNOVER RATE
Class A, B and C pools	Turnover rate is equal to 1.5 times the average depth of pool in feet not to exceed 6 hours
Wading Pools	1 Hour
Activity Pools with 24 inches or less water depth	1 Hour
Activity Pools with water depths more than 24 inches	2 Hours
Runout Slide, Plunge Pool, Catch Pool	1 Hour
Leisure Rivers	2 Hours
Vortex Pools	1 Hour
Surf Pools, Wave Action Pools with less than 20,000 sq. ft. pool surface area	2 Hours or as per Licensed Engineer
Spas	30 minutes

(2) For pools and spas constructed before the effective date of this subchapter, the circulation equipment shall be sized to turn over the entire pool or spa water capacity in accordance with the pool and spa turnover rate requirements in effect at the time the pool or spa was constructed. When a pool or spa is renovated, to the extent possible, turnover times shall comply with the requirements of this section.

(d) Circulation system operation at pools and spas. Circulation systems shall circulate treated and filtered water for 24 hours a day unless the recirculation rate is reduced below the minimum required design values when the pool is unoccupied. The flow turndown system shall be designed as follows:

(1) the system flowrate shall not be reduced more than 25% lower than the minimum design requirements and may be reduced only when the pool is unoccupied; and

(2) water clarity is maintained as required, no algae are present, and disinfectant levels and pH are maintained as required in §265.206 of this subchapter (related to Water Quality at Pools and Spas).

(e) Off season circulation system operation. When an outdoor pool or spa is not in use for an extended period of time (such as off season), clarity shall be maintained. Circulation rates shall be permitted to be reduced provided that acceptable water clarity as required in §265.206 of this subchapter is maintained.

(f) Unfiltered water and total volume. Unfiltered water such as water that may be withdrawn from and returned to the pool or spa by a pump separate from the filtration systems, such as for slides, shall not factor into the turnover time.

(g) Servicing circulation components. Pool and spa circulation system components that require replacement or servicing shall be accessible for inspection, repair, or replacement and shall be installed in accordance with the manufacturer’s specifications.

(h) Equipment installation. Pool and spa equipment and related piping shall be installed in accordance with the manufacturer’s instructions.

(i) Piping and fittings. Plastic pipe and fittings used in circulation systems in pools and spas constructed or renovated on or after the effective date of this subchapter shall be non-toxic and shall be able to withstand the design operating pressures and conditions of the pool or spa. Plastic pipe shall be listed and labeled in compliance with NSF 14 and one of the standards listed in Figure 25 TAC §265.190(i).

Figure: 25 TAC §265.190(i)

Piping and Fittings	
Material	Standard
Acrylonitrile butadiene styrene (ABS)	ASTM D1527
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D2846; CSA B137.6
Copper or copper-alloy tubing	ASTM B88; ASTM B447
Polyvinyl chloride (PVC) hose	ASTM D1785; ASTM D2241; ASTM D2672; CSA B137.3
Polyvinyl chloride (PVC) plastic pipe	ASTM D1785, CSA B137.3
Stainless steel pipe, types 304, 304L, 316 & 316L	ASTM A312

(j) Fittings. Suction outlet fitting assemblies and manufacturer-components certified in accordance with ANSI/APSP/ICC-16, skimmers and manufacturer-provided components of skimmers, and gutter overflow grates and fittings installed above or outside of the overflow point of the pool or spa are not required to meet the standards listed in Figure: 25 TAC §265.190(i). All other fittings used in circulation systems shall be listed and labeled in compliance with one of the standards in Figure 25 TAC §265.190(j).

Figure: 25 TAC §265.190(j)

Fittings	
Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D1527
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D2846, ASTM F437, ASTM F438, ASTM F349, CSA B137.6
Copper or copper-alloy tubing	ASME B16.15
Polyvinyl chloride (PVC) plastic pipe	ASTM D2464, ASTM D2466, ASTM D2467, CSA B137.2; CSA B 137.3
Stainless steel pipe, Types 304, 304L, 316, 316L	ASTM A182, ASTM A403

(k) Joints. Joints shall be made in accordance with manufacturer’s instructions.

(l) Piping subject to freezing. Piping subject to damage by freezing shall have a uniform slope in one direction and shall be equipped with valves for drainage or shall be capable of being evacuated to remove water. Pool or spa piping shall be adequately supported and designed to prevent entrapment of air, water, or dirt. Provision shall be made for expansion or contraction of pipes.

(m) System draining. Equipment shall be designed and fabricated to drain the water from the equipment, together with exposed face piping, by removal of drain plugs, manipulating valves, or by other methods. Drainage shall be in accordance with manufacturer’s specifications.

(n) Pressure and vacuum gauges. Pool and spa circulation shall be equipped with the following:

(1) a pump suction (vacuum or combination vacuum/pressure) gauge installed according to manufacturer’s instructions and located on the suction side of the pump;

(2) a filter inlet pressure gauge installed at the point of greatest pressure;

(3) a filter outlet gauge; and

(4) a flow measuring device for pools and spas certified, listed and labeled to NSF Standard 50, NSF Standard 60, or NSF Standard 61 located to show the rate of flow through the filter. The flow rate measuring device shall indicate gpm and shall be selected and installed to be accurate within plus or minus 10 percent of actual flow.

(o) Instructions and schematic. Written operation and maintenance instructions shall be provided for the circulation system of the pool or spa. Exposed piping shall be labeled to identify the piping function and direction of flow. For pools and spas constructed on or after the effective date of this subchapter, a complete, easily readable schematic of the entire recirculation system shall be openly displayed in the mechanical room or available to maintenance and inspection personnel.

(p) Hydrostatic pressure test. Air pressure testing of pool and spa circulation systems is prohibited. In pools and spas that are constructed on or after the effective date of this subchapter, the circulation system piping, other than that integrally included in the manufacture of the pool or spa, shall be subjected to a hydrostatic pressure test of 25 pounds per square inch with the pressure held until the pool shell is in place.

(q) Piping labeled. All piping in pools and spas shall be labeled to identify the piping function and direction of flow. The name of the liquid or gas and arrows indicating the direction shall be permanently indicated on the pipe by labelling or other method regardless of the date of construction.

§265.191. Filters for Pools and Spas.

(a) Filters required. Filtration shall be required for all pools and spas that recirculate water.

(b) Filters and media. All pool and spa filters and filter media, including alternative filter media, shall be certified, listed, and labeled to NSF/ANSI 50. Filters shall use the appropriate filter media within size specifications as recommended by the filter manufacturer and NSF/ANSI 50.

(c) Filter design. Filters shall have a flow rating equal to or greater than the design flow rate of the circulation system. Filters shall be designed and installed so that filtration surfaces can be inspected and serviced.

(d) Internal pressure. For pressure-type filters a means shall be provided to allow the release of internal pressure.

(1) Filters incorporating an automatic means of internal air release as the principal means of air release shall have one or more lids that provide a slow, safe release of pressure as part of the design and shall have a manual air release in addition to an automatic release.

(2) The following statement shall be posted in letters at least 1/2 inch in height, in a conspicuous location, and within the areas of the air release: "DO NOT START THE SYSTEM AFTER MAINTENANCE WITHOUT FIRST PROPERLY REASSEMBLING THE FILTER AND SEPARATION TANK AND OPENING ALL AIR RELEASE VALVES."

(3) A separation tank used in conjunction with a filter tank, shall have a manual method of air release or a lid that provides for a slow, safe release of pressure as it is opened.

(e) Filter and separation tank instructions. Filters and separation tanks for pools and spas shall have operation and maintenance instructions permanently installed on the filter or separation tank.

(f) Observable waste discharge. Pools and spa filters shall be provided with a readily observable free fall or sight glass installed on the waste discharge line in order that the filter washing progress may be observed. Sight glasses must be readily removable for cleaning.

(g) Backwashing. Pool and spa filters designed to be backwashed shall be backwashed and maintained according to manufacturer's instructions.

§265.192. Pumps and Motors for Pools and Spas.

(a) Safe pump operation. A pump for a pool or spa shall not be operated if the owner or operator of the pool or spa knows or should know in the exercise of ordinary care that the drain grate, suction outlet, or any suction outlet cover is missing, broken or loose. If such a condition exists, the pool or spa shall be closed immediately and remain closed until a proper repair or replacement has been made.

(b) Pump design and installation. The pump design, construction and installation of the pump and component parts shall be installed according to manufacturer's instructions and be certified, listed and labeled in accordance with NSF Standard 50.

(c) Performance. A pump shall be provided for circulation of the pool and spa water. The pump shall be capable of providing the flow required for filtering the pool or spa water and filter cleaning, if applicable, against the total dynamic head developed by the complete system.

(d) Pump intake protection. A cleanable strainer, skimmer basket, or screen shall be provided for pools and spas, upstream or as an integral part of circulation pumps, to remove solids, debris, hair, and lint on pressure filter systems.

(e) Pump and motor location. Pumps and motors shall be accessible for inspection and service in accordance with the manufacturer's specifications.

(f) Isolation valves. Isolation valves (also known as shutoff valves) shall be installed on the suction side and discharge sides of pumps that are below the waterline. Such valves shall be accessible to service personnel.

(g) Motor performance. Motors shall comply with UL 1004-I, UL 1081, CSA C22.2 No. 108 or the relevant motor requirements of UL 1563 or CSA C22.2 No. 218.1, and Department of Energy minimum energy efficiency ratings as applicable.

(h) Operation and overload protection. Pump motors shall be capable of operating the pump under full load with a voltage variation of plus or minus 10% from the nameplate rating. Motors shall have thermal or current overload protection, either built in or in the line starter, to provide locked rotor and running protection.

§265.193. Suction Outlet Systems (Suction Outlets) and Return Inlets for Pools and Spas.

(a) Suction outlet system design. A suction outlet system shall be designed to protect against suction entrapment, evisceration, and hair entanglement or entrapment hazards in accordance with ANSI/APSP-16, American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins.

(b) Wading pool suction outlets.

(1) A wading pool or any pool having a depth of 24 inches or less that does not contain a PIWF and that is constructed or renovated on or after the effective date of this subchapter shall not have fully submerged suction outlets. Skimmers or overflow gutters shall be installed and shall accommodate 100% of the circulation system flow rate.

(2) A wading pool or any pool having a depth of 24 inches or less containing a PIWF and that is constructed on or after the effective date of this subchapter may install two or more suction outlets or a single unblockable suction outlet. The suction outlets shall comply with VGBA and ANSI/APSP/ICC requirements for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins, and shall be placed where they are inaccessible by users.

(c) Skimmers not suction outlets. For purposes of this section, skimmers are not considered to be suction outlets.

(d) Closure when a cover is missing, broken or loose. If the cover or grate on a suction outlet including a vacuum outlet is missing, broken, or loose, the pool or spa shall be closed immediately and shall remain closed until a proper repair is made or a replacement is installed.

(e) Fully submerged suction outlets not required. Fully submerged suction outlets are not required. When fully submerged suction outlets are not installed, surface skimming or overflow systems shall be designed and permitted to provide 100% of the circulation flow rate.

(f) Field fabricated suction outlets and sumps. Field fabricated suction outlet covers, or grates, sump, fasteners, and assemblies shall be designed and certified by a licensed engineer as conforming to ANSI/APSP-16. Field built sumps shall be constructed in accordance with the suction outlet fitting assembly manufacturer's instructions or, as may be site specific, designed by a licensed engineer.

(g) Single points of suction. Pools and spas constructed or renovated on or after the effective date of this subchapter shall not have a single fully submerged suction outlet.

(h) Dual outlets and three or more outlets. Pools and spas constructed or renovated on or after the effective date of this subchapter shall have dual or three or more suction outlets that are designed, constructed, manufactured, and installed in accordance with ANSI/APSP/ICC.

(1) The distance between dual VGBA-compliant suction outlets, as measured from center to center of the suction outlet cover or grate, shall be no less than three feet.

(2) The flow rate through a fitting, cover, or grate shall not exceed the approved flow rate for that fitting, cover, or grate when one suction fitting in a suction outlet system is blocked.

(3) No means of isolating suction outlets is permitted that could allow one suction outlet to serve as the sole source of water to a pump.

(4) A single pipe to a pump suction inlet that serves two or more suction outlets may have a valve to shut off the flow to the pump.

(i) Compliance with ANSI/APSP 16. Fully submerged suction outlet fitting assemblies, including cover/grate and associated fittings, fasteners, and components shall be tested and certified by a third-party test lab accredited by the International Laboratory Accreditation Cooperation (ILAC) to test and certify products as conforming to ANSI/APSP-16.

(j) Suction vacuum release systems. Pools and spas constructed prior to the effective date of this subchapter, that have single points of suction (single submerged suction outlet) are required to install a SVRS and APSS that meets the following requirements:

(1) When used, SVRS and APSS devices shall be tested and certified by a third-party test lab accredited by the ILAC as conforming to ASME/ANSI A112.19.17, ASTM F 2387 or any successor standards recognized by the U.S. Consumer Product Commission and installed in accordance with manufacturer's instructions.

(2) For substantially varying environmental conditions, including freezing temperatures, extreme heat, salt spray and humidity, the suitability of a SVRS or APSS must be confirmed with the manufacturer prior to installation and use.

(3) Licensed engineers or certified installers shall confirm suitability with the SVRS or APSS manufacturer prior to installation and use and that the SVRS or APSS is not being installed in an incompatible configuration such as with the use of check valves, hydrostatic relief valves, skimmers, solar systems, elevated or submerged pump suction, multilevel bodies of water, water features, or two or more suction outlets.

(4) SVRS and APSS devices shall be operated, tested, and maintained according to manufacturer's instructions. Testing and maintenance records or logs for the SVRS or APSS shall be maintained on-site for 2 years.

(k) Vacuum outlets. Vacuum outlets in pools and spas shall comply with IAPMO SPS 4 and be provided with a cover that automatically closes and automatically latches and cannot be opened by pool and spa users. The vacuum outlet cover must be installed according to manufacturer's instructions and be no greater than 12 inches below the water level. The vacuum piping shall be equipped with a valve to remain in the closed position when not in use. Vacuum outlets in skimmers are not required to have a separate cover. If the vacuum outlet cannot be equipped with an automatic closure and latch, the vacuum outlet shall be permanently sealed.

(l) Skimmer equalizer lines.

(1) For pools and spas constructed on or after the effective date of this subchapter skimmer equalizer lines shall not be installed.

(2) Skimmers shall be vented to the atmosphere through openings in the lid.

(3) Pools and spas constructed prior to the effective date of this subchapter with skimmers having equalizers shall comply with all submerged suction outlet requirements in ANSI/APSP/ICC.

(m) Maximum suction system flow rate. The maximum system flow rate in suction systems shall be determined in accordance with the ANSI/APSP/ICC-7 and ANSI/APSP-16 in effect at the date of construction.

(n) Return water velocity. The water velocity in return lines of pools and spas constructed on or after the effective date of this subchapter shall not exceed 8 feet per second except:

(1) the feet per second velocity between the pump strainer and filter shall meet the manufacturer's requirements; and

(2) the 8 feet per second velocity is not required to be met in water jets, spray nozzles, and wall nozzle returns.

(o) Return inlets and fittings. A pool or spa constructed or renovated on or after the effective date of this subchapter shall have return fittings that are provided and arranged to facilitate a uniform circulation of water and maintain a uniform sanitizer residual and pH throughout the entire pool and spa.

(1) A pool shall be provided with a minimum of one return inlet for every 300 square feet of pool surface area, or fraction thereof.

(2) A spa shall have a minimum of one return inlet for every 150 square feet of surface area with a minimum of 2 inlets per spa.

(3) Floor inlets shall be flush with the floor of the pool or spa.

(4) Return inlets shall be designed to not constitute a hazard to the user.

(5) Wall return inlets must not project more than 1 inch beyond the pool or spa wall surface and must be submerged at least 12 inches below the design water level.

§265.194. Pool and Spa Surface Skimming and Perimeter Overflow (Gutter) Systems.

(a) Surface skimming system required. A surface skimming system shall be provided for pools and spas. Surface skimming systems shall be listed and labeled in accordance with NSF 50. Where installed, surface skimming systems shall be designed and constructed to create a skimming action on the pool water surface when the water level in the pool is within operational parameters.

(b) NSF Standard 50 listing for spa skimmers. Skimmers that are an integral part of a spa and that have been listed and labeled with NSF Standard 50 shall not be required to be listed and labeled in accordance with UL 1563 or UL-IEC 50335-2-60.

(c) Surface skimming systems in certain pools. Installation of surface skimming systems is not required for the following pools if the pools are planned and designed by a licensed engineer:

(1) wave action pools;

(2) activity pools;

(3) catch pools;

(4) run out slide pools;

(5) leisure rivers; or

(6) vortex pools.

(d) Skimming system sizing. Skimming systems shall be designed to maintain effective skimming action throughout the pool or spa and to handle 100% of the water flow through the surface skimmers. Where automatic surface skimmers are used the following shall apply:

(1) In pools, one skimmer shall be provided for every 500 square feet of pool surface area or fraction thereof.

(2) In spas, one skimmer shall be provided for every 150 square feet of spa surface area or fraction thereof.

(e) Perimeter overflow (gutter) coverage. Where a gutter type surface skimming system is used as the sole surface skimming system, the system shall extend around not less than 50 percent of the pool or spa perimeter.

(f) Pool gutter system surge capacity. Where perimeter surface skimming systems are used, they shall be connected to a circulation system with a system surge capacity of not less than 1 gallon for each square foot of water surface except the surge capacity may be less than 1 gallon if the maximum user load capacity calculated in accordance with Figure 25 TAC §265.184(o)(2) (related to Maximum Number of Users in Class A Pools Not Being Used for Competitive Events and Class B and Class C Pools and Spas) is lowered. The capacity of the perimeter overflow system and related piping may be considered as a portion of the surge capacity.

(g) Spa gutter system surge capacity. Where a gutter system surface skimming system is used in a spa it shall be connected to the circulation system with a system surge capacity of not less than 2 gallons for each square foot of spa surface.

(h) Skimmer covers and equalizers. Skimmer covers located on a walking surface shall be securely seated, slip-resistant, of sufficient strength to withstand normal use, and not constitute a tripping hazard.

(i) Automatic makeup water. Automatic makeup water supply equipment shall be provided to maintain continuous skimming in pools and spas constructed on or after the effective date of this subchapter.

§265.195. Electrical Requirements for Pools and Spas.

(a) Electrical equipment and lines. Electrical equipment and lines at pools and spas constructed or renovated after the effective date of this subchapter shall comply with:

(1) the NEC adopted by TDLR at the time of construction or renovation of the pool or spa; or

(2) the local electrical code to the extent the local electrical code is more restrictive than the NEC; and

(3) electrical requirements for aquatic facilities in accordance with NFPA 70.

(b) Licensed electrician. A pool or spa electrical system shall be installed, maintained, repaired or replaced by a licensed electrician in accordance with the Texas Electrical Safety and Licensing Act, Texas Occupations Code, Chapter 1305 and related rules.

(c) National testing and listing of electrical equipment. Electrical equipment for pools and spas shall be approved and listed for use in pools and spas by a nationally recognized electrical testing laboratory, such as UL, at the time of installation.

(d) Manufacturer's instructions for installation of electrical equipment. Electrical equipment and related electrical components for pools and spas shall comply with the manufacturer's installation instructions.

(e) Ground fault circuit interrupters (GFCIs) required. All electrical outlets in the pool or spa yard and in dressing or sanitary facilities serving a pool or spa shall be protected with a GFCI. Each electrical line to an underwater light in a pool or spa shall be protected with a GFCI located in the circuit breaker for the light at the breaker box or in an outlet through which the power for the light passes.

(f) GFCI compliance with the NEC. All GFCIs and circuit breakers shall comply with the NEC. Other electrical equipment, including pumps, must be grounded and bonded in accordance with the NEC. Pumps shall be both internally and externally grounded.

(g) Bonding. Pools and spas shall be bonded in accordance with the NEC or with UL 1563 as applicable.

(h) Plastic coated rebar. Plastic coated or epoxy coated rebar in pools or spas is prohibited.

(i) Indoor aquatic facilities and interior chemical storage spaces. For purposes of compliance with the NEC, an indoor aquatic facility and interior chemical storage spaces shall be considered wet and corrosive environments.

(j) Wet and corrosive chemical storage. Electrical conduit shall not enter or pass through an interior chemical storage space, except as required to service devices integral to the function of the room, such as pumps, vessels, controls, lighting and safety devices.

(k) Sealed and inert. Where required, the electrical conduit in an interior chemical storage space shall be sealed and made of materials that will not interact with any chemicals in the chemical storage space.

(l) Protected lighting. Lamps, including fluorescent tubes, installed in interior chemical storage spaces shall be protected against breakage with a lens or other cover, or otherwise protected against release of hot materials.

(m) Overhead wiring and lines. Overhead wiring and power lines shall be elevated over the indoor or outdoor pool or spa in compliance with the NEC and NESC.

(n) Service personnel electrical disconnects. Electrical disconnects for pools and spas intended to protect service personnel shall be accessible to service personnel, located within sight of the pool and spa equipment and located at least 5 feet away from the inside walls of a pool or spa. Each disconnecting means shall disconnect all ungrounded conductors to the equipment it serves. If electricity to equipment is supplied through a line that plugs into an outlet and if the line may be disconnected by removing the plug from the outlet, a separate disconnect switch is not required for that equipment.

(o) Emergency shutoff switch required for spas only.

(1) An emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers in a spa.

(2) Emergency switches shall be accessible to users, located within sight of the spa and located not less than 5 feet, but not greater than 10 feet from the inside walls of the spa.

(3) A sign notifying users of the location of the spa emergency shutoff switch shall be posted in a location that is visible from the spa and that meets the requirements in §265.208(e) of this subchapter (relating to Certain Requirements for Spas).

§265.196. Lighting Requirements for Pools and Spas Constructed or Renovated on or After the Effective Date of this Subchapter.

(a) Artificial lighting required. When a pool or spa is open for use during periods of low natural illumination, pools and spas shall provide artificial lighting. At a minimum artificial lighting shall be provided 30 minutes before sunrise and 30 minutes after sunset or until the pool is closed, whichever is later.

(b) Lighting provided for pools and spas.

(1) Lighting shall be provided to illuminate all areas of the pool and spa, including all suction outlets on the bottom of the pool or spa such that the suction

outlets shall be visible and that the pool water is transparent and free from cloudiness.

(2) Illumination shall be sufficient to enable a lifeguard or other persons standing on the deck or sitting on a lifeguard stand adjacent to the pool edge to determine if a pool user is lying on the bottom of the pool or spa.

(3) The conditions in paragraphs (1) and (2) of this subsection are met when all suction outlets are visible from the edge of the deck at all times when artificial lighting is illuminated. When an eight-inch diameter black disk or Secchi disk is placed at the bottom of the pool in the deepest point, it shall be visible from the edge of the pool deck at all times when artificial lighting is illuminated.

(c) Pool and spa deck lighting required. Overhead or underwater lighting, or both, shall be provided to illuminate the pool and deck areas. The lighting shall be listed and labeled and shall be installed in accordance with the NFPA 70 and the current NEC.

(d) Lighting levels required. Any combination of overhead and underwater lighting may be used to provide maintained illumination at the required lighting levels.

(1) Outdoor pools: Not less than 10 horizontal foot-candles (10 lumens per square foot or 108 lux) at the pool water surface.

(2) Indoor pools: Not less than 30 horizontal foot-candles (30 lumens per square foot or 323 lux) at the pool water surface.

(3) Deck area: Not less than 10 horizontal foot-candles (10 lumens per square foot or 108 lux) at the walking surface of the deck.

(e) Underwater lighting requirements in pools and spas. Underwater lighting shall provide not less than 8 horizontal foot-candles (8 lumens per square foot or 86 lux) at the pool water surface area. Where fixtures and lamps are rated in watts, not less than a total wattage of 1/2 watt/ft² of pool water surface for incandescent underwater lighting is required.

(f) Outdoor pool and spa underwater lighting exception. Where outdoor pools and spas are open for use from 30 minutes before sunset to 30 minutes after sunrise, or during periods of low illumination, underwater lighting may be excluded where:

(1) maintained illumination surface lighting levels are a minimum of 15 horizontal foot-candles (15 lumens per square foot or 161 lux); and

(2) all portions of the pool, including the bottom and suction outlets, are readily visible without glare.

(g) Dimmable or color changing lighting. Dimmable or changing color lighting is allowed but shall not be used to meet the lighting levels required for public pools and spas in subsections (d) and (e) of this section.

(h) Emergency illumination. Pools, spas, and pool yards that operate during periods of low illumination shall be provided with emergency lighting that will automatically turn on to permit evacuation of the pool and securing of the area in the event of power failure.

(1) Emergency lighting facilities shall be arranged to provide initial illumination that is not less than 0.1 foot-candle (0.1 lumen per square foot or 1 lux) measure at any point on the water surface and at any point on the walking surface of the deck, and not less than an average of 1 foot-candle (1 lumen per square foot or 11 lux).

(2) At the end of the emergency lighting time duration, the illumination level shall be not less than 0.06 foot-candle (0.06 lumen per square foot or 0.65 lux) measured at any point on the water surface and at any point on the walking surface of the deck, and not less than an average of 0.6 foot-candle (0.6 lumen per square foot or 6.46 lux).

(3) A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded.

(i) Security lighting. Where security lighting is provided, it shall be sufficient to illuminate the pool at all times during periods of low illumination or when the pool or spa is closed. Security lighting may be overhead lighting, underwater lighting, or a combination of both.

(j) Lighting levels of the pool or spa, regardless of the date of construction, may be reduced for scheduled special events such as movies, holiday events, or similar activities.

(k) Lighting for pools and spas constructed before the effective date of this subchapter. Pools and spas constructed before the effective date of this subchapter shall comply with the pool and spa lighting requirements in effect at the time the pool or spa was constructed. When a pool or spa is renovated, to the extent possible, lighting shall comply with the requirements of subsections (a)–(k) of this section.

§265.197. Heaters.

(a) Installation and replacement of heaters. Pools and spas constructed on or after the effective date of this subchapter and pre-existing pools and spas replacing heaters shall comply with the following requirements.

(b) Accessible on-off switch required. Electric power to heaters shall be controlled by a readily accessible on-off switch that is an integral part of the heater, mounted on the exterior of the heater or external to and within 3 feet of the heater.

(1) Operation of the switch shall not change the setting of the heater thermostat.

(2) Switches shall be in addition to a circuit breaker for the power to the heater.

(c) Gas fired heaters. Gas fired heaters shall not be equipped with continuously burning ignition pilots.

(d) Heated pool and spa cover requirements. Cover requirements for outdoor heated pools and spas.

(1) Outdoor heated pools and outdoor permanent spas shall have a vapor-retardant cover or other vapor-retardant means that is as effective as a cover.

(2) Where more than 70 percent of the energy for heating, computed over an operating season, is from a heat pump or solar energy source, covers or other vapor-retardant means shall not be required.

(e) Heaters and hot water storage tanks. Heaters and hot water storage tanks shall be listed and labeled in accordance with Figure 25 TAC §265.197(e).

Figure: 25 TAC §265.197(e)

Water Heater Listings	
Electric Water Heater	UL 1261, UL 1563 or CSA C22.2 No.218.1
Gas-fired Water Heater	ANSI Z21.56/CSA 4.7a
Heat Exchanger	AHRI 400
Heat Pump Water Heater	UL 1995, AHRI 1160, CSA C22.2 No. 236

(f) Heater size. Heaters shall be sized in accordance with the manufacturer's specifications.

(g) Installation of heaters. Heaters, except solar thermal water heaters, shall be installed in accordance with the manufacturer's specifications and the International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code, and NFPA 70 (NEC).

(1) A means shall be provided to monitor water temperature.

(2) A means to prevent public access to heater controls is required. Public access to heater controls is prohibited.

(h) Solar thermal water heaters. Solar thermal water heaters shall be installed in accordance with the International Mechanical Code. Solar thermal collectors and panels shall be listed and labeled in accordance with ICC 901/SRCC 100 or ICC 900/SRCC 300. Collectors and panels shall be permanently marked in a post-installation readily viewable location with manufacturer's name, model number, and serial number.

(i) Heater circulation system. Water flow through the heater bypass piping, back-siphonage protection, and the use of heat sinks shall be in accordance with the heater manufacturer's specifications. Where required by the manufacturer, heaters shall be installed with an automatic device that will ensure that the pump continues to run after the heater shuts off for the time period specified by the manufacturer.

(j) Special requirements for fuel-fired and electric appliances for spas. Components provided for water temperature controls shall be suitable for the intended application and shall comply with the following.

(1) Water temperature regulating controls shall be listed and labeled as in compliance with UL-873 or UL 372. A means shall be provided to indicate the water temperature in the spa; or

(2) Water temperature regulating controls that are integral to the heating appliance and listed in accordance with the end use appliance standard shall be considered in compliance with this subsection.

(3) Water temperature at the heater outlets shall not exceed 140°F.

(k) Maximum spa water temperature. The maximum water temperature of a spa shall not exceed 104°F.

(l) Registration with TDLR. All pool and spa heaters with an input of 200,000 British thermal units (btu) or more shall be registered and installed in accordance with the requirements of TDLR.

§265.198. Pool or Spa Water Supply and Drinking Water for All Pools and Spas.

(a) Water supply. For all pools and spas, the initial fill water and make-up water used to maintain the water level and water used as a vehicle for sanitizers or other chemicals, for pump priming, or for other additions shall be from a public water system as defined by 30 TAC §290.38 (relating to Definitions) or from a water well that complies with the requirements of subsection (d) of this section.

(b) Water distribution system. All portions of the water distribution system shall be protected against backflow and back siphonage using a high hazard preventer such as a reduced-pressure-principle backflow preventer meeting the requirements of the American Society of Sanitary Engineering Standard 1013 2013, as amended, and approved for use in potable water systems possibly subjected to back

siphonage or high back pressure, or an air gap designed to ASME Standard A112.1.2.

(c) Over-the-rim spouts. Over-the-rim spouts shall be located under a diving board, adjacent to a ladder, or otherwise shielded so as not to create a hazard. The open end of the spout shall have a secured soft pliable end and shall not protrude more than 2 inches beyond the edge of the pool. The open end shall be separated from the water by an air gap of not less than 1.5 pipe diameters measured from the pipe outlet to the rim.

(d) Private water supply. If the water supply providing water to the pool or spa does not meet the definition of a public water system, as defined in subsection (a) of this section, that water supply shall comply with the following requirements.

(1) Water pressure system shall:

(A) be designed to maintain a minimum pressure of 35 pounds per square inch (psi) at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection.

(B) be designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions when the system is intended to provide firefighting capability; and

(C) maintain a minimum distribution pressure not less than 20 psi at any time.

(2) Coliform testing of the well water shall be performed each month the pool or spa is open for use. Records of any bacteriological tests shall be kept on-site for three years and made available during inspection.

(3) Chemical analysis shall be for the secondary constituent levels set out by 30 TAC §290.118 (relating to Secondary Constituent Levels).

(A) Water samples for chemical analysis obtained from the entry point to the distribution system shall be submitted to a laboratory certified by the TCEQ once every 3 years.

(B) Records of all chemical testing shall be kept on-site for three years and made available during inspection.

(e) Drinking water provided. At least one drinking water fountain or other source of drinking water such as bottled water, shall be provided and available for pool and spa users at all pools and spas constructed on or after October 1, 1999, and shall be available at all times the pool or spa is open for use. A faucet, spigot or sink does not satisfy the requirements for providing drinking water. Glass containers

shall not be allowed on a deck, in the pool or spa, or anywhere within the pool/spa yard.

(1) The drinking water is not required to be chilled.

(2) The drinking water is not required to be located in the pool or spa yard.

(3) When the drinking water is not located in the pool or spa yard, a sign with letters a minimum of 1 inch in height shall be posted so that it is visible to users that informs the users of the location of the drinking water.

(f) Hose bibs. Hose bibs in the pool or spa yard shall be protected with a vacuum breaker.

§265.199. Wastewater Disposal for Pools and Spas.

(a) Filter backwash wastewater disposal. Filter backwash, cartridge wash water, and drainage water that is not reused in the pool or spa shall be discharged or disposed of in accordance with the requirements of the TCEQ or local regulatory authority.

(b) No direct connection. No direct mechanical (hard) connection shall be made between the pool or spa, the drains, the chemical treatment equipment, or the system of piping and the sanitary sewer system, septic system, or other wastewater disposal system.

(c) Pool and spa backwash. Backwash water and draining water shall be discharged through an air gap formed by positioning the discharge pipe opening at least two pipe diameters above the overflow level of any barriers that could cause flooding and submergence of the discharge opening or by other means in accordance with TCEQ requirements. Splash screening barriers are permitted as long as the barriers do not destroy air gap effectiveness.

(d) Wastewater post treatment. Where necessary, filter backwash water and drainage water shall be treated either chemically or through use of settling tanks to eliminate or neutralize chemicals, diatomaceous earth, and other contaminants in the water that exceed discharge limits set by TCEQ or the local regulatory authority.

(e) Other wastewater or drainage water disposal facilities or lines. The location of other wastewater disposal facilities or lines shall meet applicable standards of 30 TAC, Chapter 307, Texas Surface Water Quality Standards, Chapter 308, Criteria and Standards for the National Pollutant Discharge Elimination System, Chapter 311, Watershed Protection, and Chapter 315, Pretreatment Regulations for Existing and New Sources of Pollution, or the local regulatory authority.

§265.200. Disinfectant Equipment and Chemical Feeders.

(a) Disinfectant agent. Pool and spa water shall be continuously disinfected by a disinfectant agent, chlorine or bromine, with a residual that can be easily measured by simple and accurate field tests.

(b) Water treatment chemicals. Treatment chemicals shall be certified, listed, and labeled to either NSF/ANSI Standard 50 or NSF/ANSI Standard 60 or have an EPA FIFRA registration and be used only in accordance with the manufacturer's instructions.

(c) Chlorine gas prohibited. Use of compressed chlorine gas is prohibited.

(d) Training and protection. Personnel responsible for the operation of the disinfectant agent and other potentially hazardous chemicals, whether it is the trained and certified operator, or someone assigned to maintain a pool or spa when the trained and certified operator is not on-site, shall be properly trained and provided with appropriate protective equipment and clothing, including rubber gloves and goggles, safety information, and safety data sheets. Safety data sheets covering all chemicals for which personnel are responsible shall be kept on-site and be readily available.

(e) Application of disinfectant in a pool or spa. Automated controllers that adjust chemical feed based on demand or manually, or remotely managed controllers for pool and spa disinfection and pH control shall be installed.

(1) Disinfection equipment shall be selected and installed so that continuous and effective disinfection can be achieved under all conditions.

(2) Disinfectant feed systems shall have the capacity to maintain up to 5 parts per million (ppm) (or equivalent bromine level) in outdoor pools and spas and up to 3 ppm chlorine (or equivalent bromine level) in indoor pools and spas under all conditions of intended use.

(f) Hand distribution of chemicals. Hand distribution of disinfectant chemicals, chemicals used to adjust pH, or algaecides is prohibited when users are in the pool or spa. Before users reenter the pool or spa following hand distribution of disinfectant chemicals, chemicals used to adjust pH, or algaecides the following shall apply:

(1) tests of disinfectant levels and pH shall be performed;

(2) the tests shall be performed 30 minutes after hand distribution; and

(3) no one may reenter the pool or spa until the disinfectant levels and pH are checked and are found to be within the required range for disinfectant level and pH.

(g) Bulk chemical tanks. All chemical bulk and day tanks shall be clearly labeled to indicate the tank's contents.

(h) Chemical storage areas.

(1) Disinfectant agents, other chemicals, and feed equipment shall be stored so that pool and spa users do not have access.

(2) Dry chemicals shall be stored off the floor or in waterproof containers in a dry room and protected against flooding or wetting from floors, walls and ceiling.

(3) Chlorine compounds shall not be stored in the same storage room or storage area as petroleum products.

(i) Chemical feeders. Chemical feeders for pools and spas shall meet NSF Standard 50 and shall operate in a manner that does not invalidate the NSF 50 rating for the system and system equipment. Chemical feeders shall:

(1) be installed, maintained, and operated in accordance with the manufacturer's instructions;

(2) be installed so that the solution is introduced downstream from the filter and heater and, when possible, at a point lower than the heater outlet fitting or according to manufacturer's instructions;

(3) incorporate failure-proof features so that the chemical cannot feed into the pool or spa, the pool or spa piping system, or water supply system, or into the pool and spa yard if equipment or power fails; and

(4) if the system has chemical feed pumps, be wired so they cannot operate unless there is adequate return flow to properly disburse the chemical in the pool or spa and be regulated to ensure constant feed with varying supply or back pressure.

§265.201. Safety Features for Pools and Spas.

(a) Handholds. Where the depth of the water below the design waterline of a pool or spa exceeds 42 inches and there is no seat or bench, swimout-installed handholds along the perimeter shall be provided.

(b) Handholds in wave action pools or leisure rivers. Handholds shall not be required for wave action pools, surf pools, and leisure rivers.

(c) Location and placement of handholds. Handholds shall be located not more than 12 inches above the design waterline and horizontally spaced not greater than 4 feet apart.

(d) Handhold type. Handholds can include one or more of the following:

(1) top of pool deck or coping;

- (2) secured rope;
- (3) rail;
- (4) rock;
- (5) ledge;
- (6) ladder; or
- (7) stair step.

(e) Safety float lines and floor markings.

(1) For Class A pools not being used for competitive events:

(A) A rope and float line shall be provided between 1 and 2 feet on the shallow water side of the 5-foot depth. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched rope and float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users.

(B) Rope and float lines shall be securely fastened to wall or deck anchors made of corrosion-resisting materials and of the type that is recessed or removable and shall have no projection that will constitute a hazard when the line is removed.

(2) Class B pools that are over 5 feet deep shall comply with the following:

(A) The transition point of the pool floor from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile or other permanent method using a color contrasting with the bottom.

(B) A rope and float line shall be provided meeting the requirements of paragraph (1)(A) and (B) of this subsection.

(3) For Class C pools that are over 5 feet deep:

(A) The transition point of the pool floor from the shallow area to the deep area of the pool shall be visually set apart by a 4-inch minimum width row of floor tile or other permanent method using a color contrasting with the bottom.

(B) A rope and float line may also be used in addition to the transition line and shall meet the requirements of paragraph (1)(A) and (B) of this subsection.

(4) Certain pools exempted. Wave pools, surf pools, and waterslide landing pools are not required to provide a safety rope on the shallow side of the change in floor slope.

(5) Where an activity pool constructed on or after the effective date of this subchapter or an activity pool constructed prior to effective date that is being renovated has a user accessible depth greater than 5 feet, the floor shall be visually set apart with a 4-inch minimum width row of floor tile or other permanent method using a color contrasting with the bottom just above the 5-foot water depth.

(f) Depth markers in pools. Depth markers in pools constructed or renovated on or after October 1, 1999, or that are being replaced, shall meet the following requirements.

(1) Depth markers shall be permanent and may consist of metal tiles or letters, ceramic tiles, and engraved concrete with letters and numbers filled with Lithichrome enamel paint or an equivalent paint. The numbers and letters shall be not less than 4 inches in height, shall be clearly marked in a color contrasting to the background on which they are applied, and located on the deck and the vertical wall of the pool at:

- (A) the minimum and maximum water depths;
- (B) on both sides and at each end of the pool; and
- (C) at all points of slope change.

(2) Depth markers shall be installed at water depth increments not to exceed 2 feet and shall be spaced at intervals not to exceed 25 feet and shall comply with the following:

(A) Depth markers shall have units of measurement that either spell out "feet" or "inches" or abbreviate "FT," "IN," or fractions of a foot.

(B) Depth markers may also use units of measurement in meters. The depth markers must be spelled out in "meters" or abbreviated as "M."

(3) Depth markers shall indicate the actual pool depth within ± 3 inches at normal operating water level where measured 3 feet from the pool wall or at the tangent point where the cove radius meets the floor, whichever is deeper.

(4) Depth marker positions.

(A) Depth markers on the pool wall shall be positioned in the top 4-1/2 inches of the pool wall just under the coping and be positioned to be read by a user while in the pool.

(B) Depth markers on decks shall be slip-resistant, placed within 18 inches of the water's edge, and positioned to be read while standing on the deck facing the water.

(C) Deck depth markers shall not be placed on the deck above entry/exits including steps, ladders, recessed treads, water lounges, and beach entries of the pool.

(5) Sidewall depth markers shall not be required of a beach entry pool on the beach entry.

(6) Vanishing edge and overflow gutter pool depth markers shall comply with the following:

(A) On roll out gutter pools or other pools without a vertical wall that do not have at least 3 inches of pool wall above the operating water level, the depth markers and any unit markers shall be readable from the pool and shall be placed in the first 6 inches of deck, or on a vertical wall or fence, if one exists, within 10 feet of the water's edge. If there is no practical location for installation of vertical depth markers, no depth or unit markers shall be required in those areas.

(B) On vanishing edge pools, depth markers and any unit markers shall not be required on that portion of the vanishing edge that has no pool wall above the design water level and shall not be required on that portion of the vanishing edge that is inaccessible to patrons on the deck. Sidewall and deck markers must be installed on the vanishing edge immediately at the end of the vanishing edge in the top 4-1/2 inches of the pool.

(7) Depth markers are not required on wave pool or surf pool decks.

(g) Depth markers for spas. Spa depth markers shall comply with the following:

(1) Depth markers shall be permanent with numbers and letters not less than 4 inches in height and shall be clearly marked in a color contrasting to the background on which they are applied both on the deck and on the vertical wall of the spa. Depth markers on the vertical wall shall be positioned in the top 4-1/2 inches of the spa wall and be positioned to be read by a user while in the spa.

(2) There shall not be less than two depth markers for each spa, regardless of spa size and shape.

(3) Depth markers shall be spaced at not more than 25-foot intervals and shall be uniformly located around the perimeter of the spa.

(4) Deck depth markers shall be positioned to be read while standing on the deck and shall be slip-resistant.

(5) Depth markers shall have units of measurement that either spell out "feet" or "inches" or abbreviate "FT," "IN," or fractions of a foot.

(6) Depth markers may also use units of measurement in meters. The depth markers must be spelled out in "meters" or abbreviated as "M."

(h) Movable bottom pool and spa depth markers. Pools or spas with movable floors shall have a sign indicating movable floor and varied water depth. The posted water depth shall be the water level to the floor of the pool or spa measured vertically 3 feet from the wall of the pool or spa. A sign shall be posted to inform the user that the pool or spa has a varied depth and refer to the sign showing the current depth.

(i) Deck "NO DIVING" markers for pools.

(1) The warning words "NO DIVING" and the international symbol for no diving shall be permanent and clearly marked on the pool deck with contrasting colors and letters at least 4 inches high. The warning shall be placed at least every 25 feet or fraction thereof, around the pool where the water depth is 5 feet or less. At least two warnings including the "NO DIVING" and the international no diving symbol, shall be provided at the extreme ends of the minimum depth and at the extreme ends of the maximum depth of 5 feet on each side of the pool or on each of the longer dimensional sides of the pool. These warnings shall be slip-resistant. The warning "NO DIVING" and the international no diving symbol on the deck shall be within 18 inches of the water's edge and positioned to be read while standing on the deck facing the water. The international no diving symbol consists solely of a diver's profile in a circle with a 45-degree slash through the diver and may be red and/or black on a light background.

(2) If a permanent structure above the pool deck is within 5 feet of the water's surface, the international no diving symbol and the warning "NO DIVING" in contrasting colors and letters at least 4 inches high, shall be permanently affixed to the structure so that such warnings are visible to persons who may attempt to use the structure for diving. The international no diving symbol and the warning are not required on diving boards or diving platforms, ADA-compliant chair lifts, slide flumes, lifeguard stands, or bridges.

(3) Deck "NO DIVING" markers and international symbol for no diving shall not be placed on the deck above entry/exits, including steps, ladders, recessed treads, water lounges, and beach entries of the pool.

(4) Deck "NO DIVING" markers and the international symbol for no diving are not required for spas.

(5) "NO DIVING" markers are not required on the interior tile line of a pool or spa.

(j) Signs for pools.

(1) Signs shall be in the pool yard, securely mounted as applicable, and readily visible to the pool user. Signs shall be posted within the pool yard unless otherwise stated within this subchapter.

(2) Sign panels shall be durable for the weather conditions. The message surface shall be clean and smooth and shall readily accept paint or precut lettering adhesives.

(3) Theming or artwork applied to signs shall not invade the message panel. Signs shall have a distinct border.

(4) Multiple signs may be used, or the messages may be combined on one sign.

(5) Safety signs for pools constructed on or after the effective date of this subchapter or safety signs that are replaced at pools constructed prior to the effective date of this subchapter shall be in compliance with Figure 25 TAC §265.201(j)(5).

Figure: 25 TAC §265.201(j)(5)

Required Pool Sign or Signs	Letter and Symbol Size
"WARNING-NO LIFEGUARD ON DUTY" (Where no lifeguard required or provided.)	4 inches
"NO DIVING" and International no diving symbol (Where no lifeguard required or provided.)	4 inches
"IN CASE OF EMERGENCY, DIAL 911"	4 inches
Precise Location of the Pool on or with the Emergency Phone (address, or directions, or GPS location, or building number, as appropriate)	Minimum 1-inch
Hours of Operation	Minimum 1-inch
Directions to and Location of Emergency Phone if Phone Not Visible in Pool Yard	Minimum 2-inches
Maximum User Load Limit	Minimum 2-inches
"PETS IN THE POOL ARE PROHIBITED"	Minimum 2-inches
"DO NOT SWIM IF YOU HAVE BEEN ILL WITH DIARRHEA WITHIN THE PAST 2 WEEKS"	Minimum 2-inches
"CHANGING DIAPERS WITHIN 6 FEET OF THE POOL IS PROHIBITED"	Minimum 2-inches
"GLASS ITEMS NOT ALLOWED IN THE POOL YARD"	Minimum 2-inches
"PERSONS UNDER THE AGE OF 14 MUST NOT BE IN THE POOL WITHOUT ADULT SUPERVISION"	Minimum 2-inches
"EXTENDED BREATH HOLDING ACTIVITIES ARE DANGEROUS AND PROHIBITED"	Minimum 2-inches

(7) In areas of Texas where the majority of citizens are non-English speaking, in addition to signs in English, signs and other written warnings or information required by these standards may be posted in the predominant language.

(8) Variations of the language of the required safety signs in Figure 25 TAC §265.201(j)(5) are allowed if the language of the safety signs is substantially equivalent to the language in Figure 25 TAC §265.201(j)(5) and if local regulatory officials that regulate public swimming pools and spas approve the variations before the sign is posted in the pool yard.

(k) Instructional signs for pools such as wave pools, slide pools, and other pools requiring additional instructions or information. Instructional signs in pools and spas constructed or renovated on or after the effective date of this subchapter shall be provided and inform guests of specific instructions for the use of the ride. Instructional signs shall be located along the queue approaching the ride dispatch area. Lettering shall be a minimum of 1-inch in height. Signs for waterslides shall indicate riding instructions, warnings, and requirements in accordance with the manufacturer's recommendations and be posted at the waterslide entry.

(l) Ring buoy, throw rope, and reaching pole. A pool shall have at least one ring buoy with throwing rope and a reaching pole for every 2000 square feet of pool surface area up to 6000 square feet. If the pool has over 6000 square feet of surface area an additional ring buoy, throw rope, and reaching pole shall be provided for each additional 4000 square feet of surface area or fraction thereof. The reaching poles and ring buoys with rope shall be visible and readily accessible from all areas of the pool yard.

(1) The reaching pole shall be light, strong, non-telescoping, and at least 12 feet long. The pole shall be constructed of fiberglass or other material that does not conduct electricity and shall have a body hook or shepherd's crook with blunted ends attached.

(2) The throwing rope shall be 1/4-inch to 3/8-inch in diameter, with a length at least two-thirds the maximum width of the pool. A USCG-approved ring buoy shall be attached to the throwing rope.

(m) Emergency summoning device. A pool or spa shall have a minimum of one emergency telephone, emergency monitoring contact device, or alternative communication system that is capable of immediately summoning emergency services and that is readily accessible, within 200 feet of the water, and is functioning at all times the pool or spa is open for use. Where a pool or spa has a seasonal operation schedule, the emergency summoning device shall be functioning 24 hours a day during the entire season the pool or spa will be in use. Clear operating instructions for the emergency summoning device shall be provided.

(1) A fixed location telephone, emergency monitoring device, or alternative communication system shall be visible, have no obstruction to access, and have some method of identification that enables the telephone or other device or system to be easily identified by users.

(2) A telephone or emergency monitoring device shall not be answered by an on-site office. The alternative communication system shall not be answered by an on-site office unless the alternative communication system complies with paragraph (5) of this subsection.

(3) A telephone shall be capable of making calls to 911 dispatch or to an emergency service.

(4) An emergency monitoring contact device, when activated, shall directly connect to a 24-hour monitoring service, or directly to 911 dispatch or to emergency medical services.

(5) An alternative communication system that contacts an on-site office may be used if the pool or spa is in a remote area with limited or delayed emergency medical services response times, and there are employees on-site that are trained and certified or licensed to perform emergency medical intervention when the pool or spa is open for use.

(6) A cell phone that is dedicated for use at the pool or spa, mounted in the pool or spa yard for public use and labeled as the emergency phone, may be used if the cell phone is activated by a service provider and is provided with a permanent power supply.

(7) A sign shall be posted above the emergency summoning device, whether it is a phone, emergency monitoring device, or alternative communication device with the precise location of the pool or spa such as an address, building number, GPS location, or other location identifying information in letters a minimum of 1-inch in height.

§265.202. Lifeguard Personnel Requirements and Standards at Pools.

(a) Lifeguards required. Pools and spas shall be required to meet the operational standard that is most applicable to their respective use. For example, a pool or spa that is occasionally operated as a Class C pool or spa but is generally made available to the public, with or without a fee, shall meet Class B lifeguard standards. A minimum of two lifeguards shall be provided at:

(1) Class A pools during competitive events;

(2) Class B pools whenever the Class B pool is open;

(3) any pool where a user enters the water from any height above the deck or wall, including from diving boards, diving platforms, drop slides, waterslides, starting platforms, zip lines, or climbing walls that are open for use;

(4) any wave or surf pool; or

(5) any pool while it is being used for the recreation of youth groups, including youth camps, visiting childcare groups, or visiting school groups.

(b) Closing diving boards, diving platforms, drop slides, waterslides, starting platforms, zip line or climbing wall. A diving board, diving platform, drop slide, waterslide, starting platform, zip line, climbing wall, or any other structure that allows entry from any height above the deck will be considered open unless there is

a lock or chain, or other method used to prevent access to these structures and a sign is posted on the entry to these structures stating that they are closed.

(c) Lifeguards at spas. Lifeguards are not required at spas.

(d) Lifeguard staffing plan required. A staffing plan specifying the number of on-duty lifeguards shall be prepared by the pool operator, lifeguard supervisor, or pool owner and shall be sufficient to provide adequate supervision and close observation of all users, at all times. A copy of the plan shall be available on-site and be provided to a department or local regulatory authority inspector upon request.

(e) Surveillance area. Each lifeguard shall be given an assigned surveillance area commensurate with ability and training. The lifeguard shall be able to view the entire assigned surveillance area.

(f) Other duties shall not distract. Lifeguards conducting surveillance of users shall not be assigned duties that would distract the lifeguard's attention from proper observation of the users, or that would prevent immediate assistance to persons in the water.

(g) Lifeguard rotation required. When lifeguards are provided or required, a rotation procedure for lifeguards is required. Lifeguards shall have sufficient break time from guarding activities as recommended by ARC or equivalent aquatic safety organization.

(h) Lifeguard training and drills. When lifeguards are provided or required, alertness and response drills and any other training shall be provided as follows:

(1) A pre-season training program.

(2) A continual "in-service" program totaling a minimum of 60 minutes for every 40 hours of employment by a lifeguard or other aquatic safety personnel.

(3) Review of the Centers for Disease Control and Prevention standards for responding to formed-stool contamination, diarrheal-stool contamination, vomit contamination, and contamination involving blood.

(4) Performance audits as recommended by the ARC, Young Men's Christian Association, or by an equivalent aquatic safety organization.

(5) Facility Emergency Action Plans for events such as submersions, suspected spinal injury, medical emergencies, thunderstorms, missing persons, bad weather, or chemical exposure.

(i) Emergency action plan. Any pool or spa emergency action plan shall contain the following:

(1) a list of emergency phone numbers and contacts, including the trained and certified operator;

(2) the location of the first-aid kit and other rescue equipment such as the AED, BVM, and backboard;

(3) a response plan for inclement weather such as thunderstorms, lightning, or high winds, including evacuation areas; and

(4) a plan following the Centers for Disease Control and Prevention standards for responding to formed-stool contamination, diarrheal-stool contamination, vomit contamination, and contamination involving blood.

(j) Lifeguard records. All training shall be reviewed as necessary and kept current. Lifeguard records shall be kept on-site or shall be made available to the department or local regulatory authority within 3 business days of the inspection. The following records pertaining to lifeguards shall be kept 3 years:

(1) each lifeguard's certification including the expiration date; and

(2) records of the most current training, including date, length of training, training topic(s), trainer name(s), and attendees.

(k) Lifeguard access to safety equipment. Lifeguards shall have access to safety equipment including:

(1) an Occupational Safety and Health Administration (OSHA)-compliant, minimum 24-unit first aid kit housed in a durable weather-resistant container that is fully stocked and ready for use. The kit shall include disease transmission barriers and cleaning kits meeting OSHA standards;

(2) at least one backboard equipped with a head immobilizer and with sufficient straps to immobilize a person to the backboard, in locations sufficient to affect a two-minute response time to an incident; and

(3) at least one portable AED and one BVM kept in a secure location that can be easily and quickly accessed by lifeguards or other trained personnel.

(l) Platforms or stands for lifeguards only are required where water depth is greater than 5 feet and shall have a protective umbrella or sunshade high enough to give lifeguards a complete and unobstructed view of the assigned area of surveillance for the lifeguards.

(m) Personal lifeguard equipment. Each lifeguard shall be provided with the following personal equipment:

(1) uniform attire that readily identifies the lifeguard as a staff member and a lifeguard;

(2) a rescue tube with attached rope or strap;

(3) personal protective devices including a resuscitation mask with one-way valve and non-latex, non-powdered, single use disposable gloves worn as a hip pack or attached to the rescue tube; and

(4) a whistle or other signaling device for communicating to users, other lifeguards, or staff.

§265.203. Pool Yard and Spa Yard Enclosures.

(a) Fence or barrier required. All pool yards and spa yards shall be completely enclosed by a fence, wall, or equivalent barrier. An enclosure can surround multiple pools and spas within an aquatic facility.

(b) Enclosures for Class A and Class B pools and spas and resident youth camp pools and spas. Enclosures for Class A and Class B pools and spas and resident youth camp pools and spas shall meet the following requirements.

(1) Class A and B pools and spas and pools and spas at resident youth camps shall have an enclosure consisting of a fence, portion of a building, wall or other durable enclosure or an equivalent structure.

(2) A building that serves as part of the enclosure shall have doors or gates that open into the pool or spa yard only if:

(A) any doors or gates between the building and the pool or spa yard are for entry into a storage room, restroom, shower room, dressing room, or mechanical room adjacent to the pool or spa; and

(B) the room does not have any door or gate openings to the outside of the pool or spa yard enclosure.

(3) The enclosure, including doors and gates, shall:

(A) have a minimum effective perpendicular height of at least 6 feet as measured from the ground surface on the outside of the enclosure;

(B) have no openings in the enclosure, either through or under it, which would allow passage of a 4-inch sphere;

(C) have no horizontal mid-rail and be designed and constructed so that it cannot be readily climbed; and

(D) have all doors, gates, and windows in the enclosure directly and continuously supervised by staff at the pool during hours of operation or locked to prevent unauthorized entry.

(4) Gates and doors of Class A and Class B pool and spa enclosures. Gates and doors of Class A and Class B pool and spa enclosures shall be capable of being locked and shall be locked if the pool or spa is not open for use. The gate or door shall be locked if the pool or spa is closed for repairs, hazards, weather related hazards, adding chemicals by hand, or any other condition that warrants closure of the pool or spa.

(c) Enclosures for pools and spas subject to Texas Health and Safety Code, Chapter 757. A pool or spa that is subject to Texas Health and Safety Code, Chapter 757, shall have an enclosure as required in Chapter 757.

(d) Enclosures for all other Class C pools and spas. A Class C pool or spa not subject to Texas Health and Safety Code, Chapter 757 shall have an enclosure that complies with this subsection and, if applicable, subsection (h) of this section (relating to enclosures for pools and spas in a building).

(1) The pool or spa yard enclosure shall consist of one or a combination of a fence, portion of a building, wall, or other durable enclosure that meets the requirements of this section. The enclosure shall comply with the following:

(A) The enclosure must have a minimum perpendicular height of at least 48 inches as measured from the ground surface on the outside of the enclosure.

(B) Openings in or under the enclosure shall not allow the passage of a 4-inch diameter sphere.

(C) Planters, light poles, and site furnishings shall not be permitted within 36 inches, measured horizontally, from the outside of the enclosure. Tree limbs shall be kept trimmed to prevent a tree or the limbs of the tree to be used by children to climb over the enclosure.

(D) Chain link fencing material is prohibited for pools and spas constructed on or after October 1, 1999. Pool and spa fences at pools and spas constructed before October 1, 1999, that replace the chain link fence are prohibited from using chain link fencing.

(E) The enclosure shall have no horizontal mid-rail and be designed and constructed so that it cannot be readily climbed. The distance between horizontal members of a fence that is 48 inches in height shall be no less than 45 inches.

(F) Windows that are capable of being opened are not allowed as a part of a pool or spa enclosure unless those windows are above the required enclosure height as measured from the ground level outside of the pool enclosure. Doors or

gates of a building that are capable of being opened are not allowed as part of an enclosure unless:

(i) the doors or gates between the building and pool yard or spa yard are for entry into a storage room, restroom, shower room, dressing room, or mechanical room adjacent to the pool or spa;

(ii) the room does not have any door or gate openings to the outside of the pool yard or spa yard enclosure; or

(iii) the pool or spa yard is indoor and complies with the requirements of subsection (h) of this section.

(2) Gates and doors of the pool or spa enclosure subject to this subsection shall:

(A) be equipped with self-closing and self-latching devices meeting the definition in §265.182(88) of this subchapter (related to Definitions), that are designed to close and keep the gate or door securely closed and latched at all times the gate or door is not in use;

(B) open outward away from the pool or spa;

(C) have hand activated door or gate opening hardware located at least 3-1/2 feet above the deck or walkway. Pools and spas constructed or pool/spa enclosure and gates renovated on or after the effective date of this subchapter shall have the gate opening hardware only on the pool/spa side of the gate and the gate and enclosure shall have no openings greater than 1/2 inch within 18 inches of the door or gate opening hardware;

(D) be capable of being locked and be locked if the pool or spa is not open for use; and

(E) be locked if the pool or spa is closed for repairs, hazards, weather related hazards, adding chemicals by hand, or any other condition that warrants closure of the pool or spa.

(e) Entry into pool yard or spa yard. Pool yard and spa yard enclosures shall be constructed so that all persons will be required to pass through an enclosure gate or door to gain access to the pool or spa. All gates and doors exiting a pool or spa yard shall open into a public area or walkway accessible by all users of the pool or spa.

(f) Propping open gates prohibited. No gate or door into a pool yard or spa yard shall be propped open or remain propped open unless an agent, employee, or contractor of the owner is present and doing construction, maintenance, or repair work in the pool yard or spa yard or on its enclosure that reasonably requires the gate to be propped open.

(g) Service gates or doors. Service gates or doors, used only by service personnel such as chemical delivery services, facility maintenance services, and lawn and landscaping services are not required to be self-closing and self-latching. Service gates and doors shall not be used as a user entry or exit and shall be kept securely closed and locked when not in actual use by service personnel entering or exiting the pool or spa yard.

(h) Enclosures for pools and spas in a building. For pools and spas that are in a building, the interior or exterior building walls may be designated as the enclosure.

(1) Entry/exit gates or doors into the pool or spa located in a building shall comply with the requirements for entry/exit gates and doors for Class A, Class B, or Class C pool and spa gates and doors in subsections (b), (c), and (d) of this section as applicable.

(2) Elevator doors are not to be used as entry/exits into the pool or spa yard when the pool or spa is inside a building or accessed from the interior of a building.

(3) Where separate indoor and outdoor pools and spas are located at the same site, a door or gate may be provided between them if they comply with all the requirements in subsections (b), (c), and (d) of this section for Class A, Class B, and Class C pool and spa gates and doors, as applicable, except that if the gate or door between the indoor and outdoor pool or spa does not provide an exit from the pool or spa yard, that gate or door may open inward into the outdoor pool or spa yard.

§265.204. Dressing and Sanitary Facilities at Pools and Spas (Bathhouses).

(a) Fixture design. Fixtures at dressing and sanitary facilities shall be designed so that the fixtures are readily cleanable.

(b) Fixture installation. Fixtures at dressing and sanitary facilities shall be installed in accordance with plumbing codes in effect at the time the fixtures are installed.

(c) Cleaning of sanitary facilities. Dressing and sanitary facilities shall be cleaned as necessary to maintain sanitary conditions at all times.

(d) Ventilation of sanitary facilities. Adequate ventilation shall be provided in dressing and sanitary facilities to prevent objectionable odors.

(e) Dressing and sanitary facilities at Class A, Class B and Class C pools and spas. Class A, Class B, and Class C pools and spas constructed before the effective date of this subchapter shall provide dressing and sanitary facilities in accordance with the requirements in place at the time of construction. Dressing and sanitary facilities shall be provided for Class A, Class B, and Class C pools and spas constructed or renovated on or after the effective date of this subchapter and must comply with the following requirements.

(1) Separate dressing and sanitary facilities for men and women shall be provided. The rooms shall be well lit, drained, and ventilated, in accordance with good public health engineering practices in place at the time of construction. They shall be planned and developed so that sanitation is maintained. An appropriate number of dressing rooms that can accommodate families are allowed.

(2) Partitions between portions of the dressing room area, screen partitions, shower, toilet, and dressing room booths shall be constructed of durable material not subject to damage by water and shall be designed so that waterway is provided between partitions and floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.

(3) An adequate number of hose bibs and a hose of adequate length shall be provided for washing down all areas of the dressing and sanitary facility interior. Adequate cross-connection control devices, approved by TCEQ or the local regulatory authority shall be provided. When not in use, hoses shall be stored in such a manner as to prevent a trip hazard.

(4) Floors in dressing rooms and sanitary facilities shall have a smooth, easy-to-clean, impervious-to-water, slip-resistant surface. The floors shall have a minimum dynamic coefficient of friction at least equal to the requirements of ANSI A137.1 as measured by the DCOF AcuTest.

(5) Lavatory, shower, and toilet facilities shall be located to encourage use of the sanitary facilities by users of the pool or spa.

(6) Cleansing showers and lavatories shall be provided with hot and cold running water. Where heated water is provided to showers or lavatories it shall comply with the following:

(A) the heated water supply to showers and lavatories shall be controlled by an anti-scald device;

(B) user access to water heaters and thermostatically controlled mixing valves for showers shall be prohibited;

(C) each showerhead shall have a water flow of not less than 2 gallons per minute (7.61 psi); and

(D) at each showerhead, the heated shower water temperature shall be between 90°F and not more than 120°F.

(7) Sanitary napkin receptacles. Sanitary napkin receptacles shall be provided in each water closet compartment for females and in the shower areas for female use only.

(f) Number of fixtures at Class A, Class B, and Class C pools and spas constructed on or after the effective date of this subchapter. The number of fixtures at Class A, Class B, and Class C pools and spas constructed on or after the effective date of this subchapter shall comply with Figure 25 TAC §265.204(f) and shall be based upon the total user loads found in Figure 25 TAC §265.184(o)(2) Maximum number of users in Class B and Class C pools.

Figure: 25 TAC §265.204(f)

Number of Fixtures at Class A, Class B, and Class C Pools and Spas constructed on or after the effective date of this subchapter.					
Fixture Schedule for Facilities with Water Surface Areas Less than 7500 sq. ft.	Females	Males	Fixture Schedule for Facilities with Water Surface Areas 7500 sq. ft. or More ¹	Females	Males
Water Closets	1	1	Water Closets	2	0.7
Urinals	NA	1	Urinals	NA	1
Lavatories ²	1	1	Lavatories ²	1	0.85
Cleansing showers	1	1	Cleansing Showers	1	1
Rinsing showers ³	1	1	Rinsing Showers ³	1	1
Baby Changing Table ⁴	1	1	Baby Changing Table ⁴	1	1

¹Number of fixtures per 7500 sq. ft. or portion thereof. Where the result of the fixture calculation is a portion of a whole number, the result shall be rounded up to the nearest whole number.

²Lavatories shall be provided with hot and cold running water.

³Rinsing showers can be tower showers or single showers without heated water. Not less than one and not more than half of the total number of showers required shall be located on the deck or at the entrance of each pool or spa. Tower rinsing showers are not required to provide heated water.

⁴One for each male or female sanitary facility.

(g) Dressing and sanitary facilities at apartments, hotels, condominiums, or motels. Sanitary facilities for pools and spas in apartments, hotels, condominiums, or motels are not required to have the following:

- (1) cleansing or rinsing showers;
- (2) dressing rooms;

(3) toilets;

(4) urinals unless the facility has toilets for persons using the pool or spa;

(5) hand drying towels unless the facility has a lavatory;

(6) baby changing table unless a lavatory with a faucet and soap are provided;
or

(7) a lavatory unless a faucet and soap are provided and there is proper wastewater disposal.

(h) Cleansing showers not required. Cleansing showers are not required at homeowners' association (HOA) or property owner's association (POA) pools and spas.

(i) Additional requirements for all dressing and sanitary facilities. Where dressing and sanitary facilities are required or provided they shall comply with the following:

(1) Soap dispensers with liquid or powdered soap shall be provided at each lavatory. The dispenser shall be metal or plastic, with no glass permitted.

(2) When provided, mirrors shall be shatter resistant.

(3) Toilet paper holders and toilet paper shall be provided at each toilet.

(4) Covered waste receptacles shall be provided in the toilet area or dressing room areas.

(5) Single-use hand drying towels or hand drying devices shall be provided near the lavatory.

§265.205. Operation and Management of Pools and Spas.

(a) Required operator certification. All Class A, Class B, and Class C pools and spas shall be maintained under the supervision and direction of a properly trained and certified operator.

(1) The operator is not required to be on-site whenever the pool or spa is open.

(2) The operator may be responsible for multiple pools and spas and shall ensure any on-site staff is properly trained in day-to-day pool and spa operations and maintenance.

(3) The trained and certified operator's name and contact information shall be made available to on-site staff, such as lifeguards, and to property management

companies, or property managers, and shall be made available at the request of the department or a local regulatory authority.

(b) Operator training and certification. Operator training and certification can be obtained by completion of one of the following courses or their equivalent:

(1) the NRPA, "Aquatic Facility Operator;"

(2) the PHTA, "Certified Pool Operator;"

(3) the ASPSA, "Licensed Aquatic Facility Technician;" or

(4) an equivalent course which requires testing and provides certification that is approved by the local regulatory authority.

(c) Operational standard for all pools and spas. Pools and spas shall be required to meet the operational standard that is most applicable to their respective use. For example, a pool or spa that is being operated as a Class C pool or spa but is generally made available to the public, with or without a fee, shall meet Class B operational standards.

(d) Water clarity standards for pools and spas. The water in a pool or spa shall be clear such that the bottom is clearly visible while the water is static at all times the pool or spa is open or available for use. Visual occlusion by sediment or other matter shall be checked before opening and periodically, as necessary, while the pool or spa is in use. The pool or spa shall be open for use only if the bottom and the submerged suction outlets, when present, are clearly visible.

(e) Off season water quality. When an outdoor pool or spa is not in use for an extended period of time, such as off-season, clarity shall be maintained, and algae growth shall be prevented; however, other water quality parameters as required in §265.206 of this subchapter (relating to Water Quality at Pools and Spas), do not need to be maintained. Other methods may be used to maintain pools and spas during extended periods of non-use if approved by local regulatory officials in writing and water clarity is maintained.

(f) Off season pool and spa safety. When a pool or spa is not in use after seasonal operation, while under construction, renovation, or for any reason, the facility shall not give off objectionable odors, become a breeding site for insects, or create any other nuisance condition or hazard.

(g) Domestic animals prohibited at pools and spas. Domestic animals and other pets shall not be allowed within a pool or spa enclosure area or in the pool or spa except as required by 28 CFR §36.302(c) and, if applicable, 24 CFR §100.204. Animals permitted under 28 CFR §36.302(c) and 24 CFR §100.204 shall be allowed on the deck and within the pool and spa yard, but not in the pool or spa.

(h) Actual water level at pools and spas. The actual water level in pools and spas shall be maintained within the design operating water level range of the rim, gutter, or skimmer system. When the water level is below the operating water level range of the pool or spa rim, gutter, or skimmer system, the pool or spa shall be closed.

(i) Use of personal floatation devices (PFD). No person shall be prohibited from the use of a USCG-approved PFD in a pool or spa.

(j) Proper use and protection from chemicals in pools and spas. Personnel in charge of maintaining a pool or spa, whether it is the trained and certified operator, or someone assigned to maintain a pool or spa when the operator is not on-site, shall be properly trained in accordance with §265.200 of this subchapter (relating to Disinfectant Equipment and Chemical Feeders).

(1) The use of chemicals at pools and spas shall be according to the chemical manufacturer's directions.

(2) No chemical shall be used in a way that violates the manufacturer's instructions for the chemical feed system or NSF 50 certification of that chemical feed system.

(k) Food and beverages. Food and beverages may be consumed in the pool or spa only if it is privately owned and operated. Consumption of food and beverages in a pool or spa that is not privately owned and operated is prohibited.

(l) Glass containers prohibited. Food and beverages shall be served only in non-breakable containers. Glass containers shall not be allowed on a deck, in the pool or spa, or anywhere within the pool/spa yard.

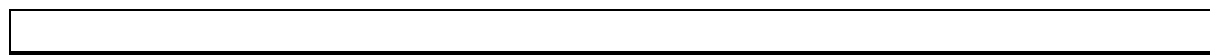
(m) Covered trash receptacles required. Covered trash containers shall be provided where food and beverages are allowed or served.

§265.206. Water Quality at Pools and Spas.

(a) Environmental Protection Agency (EPA) registration. A sanitizer, disinfectant, or other chemical used to treat the water shall be EPA-registered for use in pools and spas under the Federal Insecticide, Fungicide, and Rodenticide Act and shall be a pesticide as defined by the EPA.

(b) Required chemical levels. Water quality for a pool or spa shall meet the following criteria when the pool or spa is open for use. The water quality parameters in Figure 25 TAC §265.206(b) shall apply to both pools and spas unless otherwise indicated.

Figure: 25 TAC §265.206(b)



Required Chemical Levels			
Disinfectant Level	Minimum	Ideal	Maximum
Pool Free Available Chlorine	1.0 ppm	2.0 – 3.0 ppm	8.0 ppm
Spa Free Available Chlorine	2.0 ppm	3.0 ppm	8.0 ppm
Pool Bromine	3.0 ppm	4.0 – 6.0 ppm	10.0 ppm
Spa Bromine	4.0 ppm	5.0 ppm	10.0 ppm
Combined Chlorine	None	None	0.4 ppm
pH	Not less than 7.0	7.2 – 7.6	7.8
Cyanuric Acid	None	30 – 50 ppm	100 ppm
ORP	600 mV	650 – 750 mV	900 mV
Alkalinity	60 ppm	60 ppm – 180 ppm	>180 ppm
Calcium Hardness in Pools	150 ppm	>150 – 400 ppm	1000 ppm
Calcium Hardness in Spas	100 ppm	150 – 400 ppm	800 ppm
Algae	None	None	None

(c) Cyanuric acid. Cyanuric acid shall not be used in any indoor pool or spa or in therapy pools.

(d) Water clarity. Water clarity shall be sufficient such that an eight-inch black disk or Secchi disk on the floor at the deepest part of the pool can be clearly and immediately seen by an observer on the water surface above the disk or by someone standing on the deck closest to the disk.

(e) Reliable means of water testing required. A reliable means of testing for pH, free and total (combined) chlorine, bromine, cyanuric acid (when used) alkalinity, and calcium hardness, to minimum and maximum levels and levels in between shall be provided and available for the pool operator at the pool or spa when the pool or spa is open for use.

(f) DPD chemical test. Free available chlorine levels and bromine levels shall be determined using the DPD method.

(g) ORP reading frequency. ORP readings shall be recorded at the same time sanitizer and pH tests are performed where in-line ORP meters are used.

(h) Storage of test kits and reagents. Test kits and reagents shall be stored according to the manufacturer's instructions and protected from extreme heat and cold and from exposure to water, chemicals, petroleum products or any other

element or environment that could adversely affect the efficacy of water quality test results.

(i) Testing reagent accuracy. Testing reagents shall be changed at frequencies recommended by the manufacturer to ensure accuracy of the tests.

(j) Chemical balance. Water in the pool or spa shall be chemically balanced. Testing methods to determine the chemical balance of the water in the pool or spa, such as the Langelier Saturation Index, shall be conducted at a minimum, every 10 days while the pool or spa is open.

(k) Testing frequency and record keeping when pools and spas are open for use.

(1) When Class A and Class B pools and spas are open, they shall be tested for disinfectant levels, and pH every 2 hours. If a system is used to automatically control disinfectant and pH, testing for disinfectant level and pH shall be made at least once per day and a reading of the automatic control device shall also be made. Cyanuric acid levels shall be measured once each week.

(2) Class C pools and spas that have on-site staff primarily responsible for pool and spa operations, such as lifeguards, shall be tested for disinfectant levels and pH a minimum of 3 times a day. If a system is used to automatically control disinfectant and pH, testing for disinfectant level and pH shall be made once a day and a reading of the automatic control device shall also be made. Cyanuric acid levels shall be measured once per week.

(3) Class C pools and spas that do not have on-site staff primarily responsible for pool and spa operations, such as lifeguards, shall be tested for disinfectant levels and pH a minimum of one time a day. If a system is used to control disinfectant and pH electronically, and the system has the ability to transmit the mV level, or free chlorine level and pH to the trained and certified operator once a day, sanitizer level and pH shall be measured once a week using a test kit. A reading of the automatic control device shall also be recorded. Cyanuric acid levels shall also be measured once per week.

(4) Other required tests for pools and spas. Tests for alkalinity, calcium hardness, and chemical balance shall be performed every 30 days or as often as is necessary to maintain required water quality parameters and water clarity.

(5) Records of all testing of the pool and spa water shall be maintained at least 2 years and be available or made available upon request by the department or local regulatory authority. Records of testing can be kept on-site or off-site. If records are stored off-site they must be provided within 5 business days.

(l) Cyanuric acid levels shall not exceed 100 ppm. Whenever cyanuric acid levels exceed 100 ppm, sanitizer level must be raised to 2.0 ppm free available chlorine and maintained at that level until the cyanuric acid level drops to less than 100

ppm. Sanitizer level, pH, and cyanuric acid levels must be measured once a day until the cyanuric acid level drops below 100 ppm.

§265.207. Request for Alternate Method of Disinfectant.

(a) Application. Pursuant to Texas Health and Safety Code, §341.064(b-1), an owner or operator may apply to use an alternate method of disinfectant.

(b) Submission. A completed application for use of an alternate method of disinfectant must be submitted to the department's Consumer Protection Division, no later than 180 days before the opening of the pool or spa. The application shall include:

(1) the type and level of primary disinfectant;

(2) the type and level, where applicable, of any supplemental method of water treatment;

(3) the method for and equipment used for storing, delivering, and measuring primary disinfectant levels and supplemental water treatment levels;

(4) data supporting the effectiveness of the primary disinfectant and supplemental method of water treatment in maintaining required water quality;

(5) descriptions of any specialized equipment, application methods, or other water treatment methods that may differ from the requirements in §265.206 of this subchapter (relating to Water Quality at Pools and Spas);

(6) a proposed testing schedule for determining levels of biological and chemical levels as specified by the department to ensure the health and safety of the public;

(7) a detailed drawing or map of the pool that indicates swimming areas and non-swimming areas; and

(8) any additional information the department requires to make its decision.

(c) Decision. The department shall approve or reject a request to use an alternate method of disinfectant no later than 90 days after the completed application is submitted.

(d) Additional information. If the department requires additional information to make its decision, the application is not considered completed for purposes of subsections (b) and (c) of this section until the department receives the additional information as requested.

§265.208. Certain Requirements for Spas.

(a) Spas and Exercise Spas constructed or installed on or after the effective date of this subchapter. For purposes of this subsection, spas and exercise spas shall be referred to as spas. The maximum water depth for spas shall be 4 feet as measured from the design water level. The maximum water depth for exercise spas shall not exceed 6 feet 6 inches.

(1) Where multilevel seating is provided, the maximum water depth of any seat or sitting bench shall be 28 inches as measured from the design water line to the deepest point in the spa, except for spas designed for special purposes and approved by the local regulatory authority.

(2) . Spa decks shall be a minimum of 6 feet wide and shall comply with requirements for decks in §265.185 (relating to Decks and Deck Equipment for Pools and Spas). Continuous and unobstructed deck shall be provided a minimum of 50% around the spa perimeter. The deck may include the flush coping.

(b) Emergency shutoff switch required for spas only.

(1) An emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers in a spa.

(2) Emergency switches shall be accessible to users, located within sight of the spa and located not less than 5 feet, but not greater than 10 feet from the inside walls of the spa.

(3) A sign notifying users of the location of the spa emergency shutoff switch shall be posted in a location that is visible from the spa and that meets the requirements in subsection (e) of this section.

(c) Air induction system. An air induction system, when provided, shall prevent water back up that could cause electrical shock hazards and shall be properly sized in accordance with the manufacturer's sizing specification. Air intake sources shall not permit the introduction of toxic fumes or other contaminants.

(1) The air induction system shall be installed in accordance with the NEC and any federal, state, or local codes, and shall be accessible for inspection or service.

(2) If an air blower or other means of introducing air is provided, a manually operated timer switch located so as to require the exiting of the spa to reset shall be provided. Such a timer shall operate the spa blower and booster pump and shall automatically shut the blower and booster pump off in 15 minutes or when manually switched to the off position.

(d) Break-resistant thermometer. The maximum water temperature of a spa shall not exceed 104°F. A break-resistant thermometer (plus or minus 1- degree Fahrenheit tolerance) that is designed for use in a spa environment shall be available for patrons and staff to monitor spa temperature.

(e) Required spa signs. Signs for spas constructed on or after the effective date of this subchapter or safety signs that are replaced at spas constructed before the effective date of this subchapter shall be securely mounted and readily visible to spa users and shall be inside the spa enclosure as required in Figure 25 TAC §265.208(e) Required Spa Signs. The signs can be combined on one sign or posted individually. Variations of the language of the required safety signs in Figure 25 TAC §265.208(e) are allowed if the language of the safety signs is substantially equivalent to the language in Figure 25 TAC §265.208(e) and if local regulatory officials that regulate public swimming pools and spas approve the variations before the sign is posted in the pool or spa yard.

Figure: 25 TAC §265.208(e)

Required Spa Signs	Letter and Symbol Size
"WARNING – NO LIFEGUARD ON DUTY" (if no lifeguard is provided or required)	4 inches
"DO NOT USE THE SPA IF THE WATER TEMPERATURE IS ABOVE 104 DEGREES FAHRENHEIT"	Minimum 1-inch
Maximum User Load	Minimum 1-inch
Location of the Nearest emergency phone or device.	Minimum 2-inches
EMERGENCY SPA SHUTOFF	Minimum 2-inches
"DO NOT SWIM IF YOU HAVE BEEN ILL WITH DIARRHEA WITHIN THE PAST 2 WEEKS"	Minimum 2-inches
"PERSONS UNDER THE AGE OF 14 MUST NOT BE IN THE SPA WITHOUT ADULT SUPERVISION"	Minimum 2-inches
"PETS IN THE SPA ARE PROHIBITED"	Minimum 2-inches

§265.209. Additional Requirements for Aquatic Activity Devices and Specific Pools.

(a) Waterslides. Waterslides constructed on or after the effective date of this subchapter shall be planned and designed by a licensed engineer and shall be in conformance with ASTM F2375-17a and ASTM F2461-16e1. Waterslides shall be installed in accordance with the manufacturer’s instructions or in accordance with the licensed engineer’s specifications.

(b) Flumes. Flumes constructed on or after the effective date of this subchapter shall be made of inert, non-toxic, smooth, and easily cleaned surfaces. All flume valleys and dips shall have proper drainage, safety measures that ensure a rider cannot fall from the flume, and a means of egress in the event the ride malfunctions or a rider stops on the slide.

(c) Exit into landing pools. Waterslides constructed on or after the effective date of this subchapter shall be designed with an exit system which shall provide safe entry into the landing pool or waterslide runout. The waterslide exit system shall be in accordance with the manufacturer’s recommendations or the licensed engineer’s specifications and ASTM F2376-17a.

(d) Landing pools. Landing pools constructed on or after the effective date of this subchapter that provide steps or recessed steps with handrails instead of exit ladders shall install the steps at the opposite end of the landing pool from the flume exit. The steps shall be provided with a handrail. The steps and handrail shall be offset from the slide. If the waterslide flume ends in a pool, the landing area shall

be divided from the rest of the pool by a float line, wing wall, peninsula or other similar feature to prevent collisions with other bathers.

(e) Slide runouts. Waterslide runouts shall be designed in accordance with the slide manufacturer's recommendations or the licensed engineer's requirements and ASTM F2376-17a.

(f) Drop slide pools. For drop slide pools constructed on or after the effective date of this subchapter, the landing area of a drop slide shall be in accordance with the slide manufacturer's recommendations or the licensed engineer's requirements and ASTM F2376-17a. Steps shall not infringe on the landing area of a drop slide.

(g) Wave pools. For wave pools constructed on or after the effective date of this subchapter, access to a wave pool shall be a beach entry with the exception of an allowable Americans with Disabilities Act (ADA) designated entry point.

(1) Recessed steps shall not be allowed along the walls of the wave pool.

(2) Wave pools shall be fitted with a rope and float line located to restrict access to the caisson wall if required by the wave pool equipment manufacturer. Safety rope and float lines typically required at the shallow to deep water transition shall not apply to wave pools.

(3) A minimum of two emergency shutoff switches to disable the wave action shall be provided, one on each side of the wave pool.

(4) Deck depth markers are not required at wave pools.

(5) Caisson barriers shall have no openings that would allow passage of a 4-inch sphere and shall be provided for all wave pools.

(h) Leisure rivers. Leisure rivers constructed on or after the effective date of this subchapter shall comply with the following:

(1) Handrails for steps and propulsion jets for leisure rivers shall not protrude into the leisure river.

(2) Obstructions such as landscaping, walls, or bridges shall be allowed provided they do not impact lifeguarding, sight lines, or rescue operations.

(3) Bridges spanning a leisure river shall have a minimum clearance of both 7 feet from the bottom of the leisure river and 4 feet above the water surface to any structure overhead.

(4) Depth markers are required at all entry/exits to the leisure river but not along leisure rivers, in the landscape, where there is no deck, or in the channel.

(5) Leisure rivers may have limited entry/exit access to the water for users and do not require an entry/exit every 75 feet along the leisure river.

(i) Movable floor pools. Pools with movable floors constructed on or after the effective date of this subchapter shall be planned and designed by a licensed engineer and shall comply with the following:

(1) The use of starting platforms in the area of a movable floor shall be prohibited when the water depth is shallower than 5 feet.

(2) When a movable floor is installed into a diving pool, diving shall be prohibited if the dimensions of the pool do not meet the requirements in §265.188 of this subchapter, (relating to Diving Facilities for Pools).

(3) The surface of a movable pool floor shall be slip-resistant if it is intended for installation in water depths less than 5 feet.

(4) Use of the moveable floor portion of the pool shall not be open to users when the floor is being raised or lowered.

(j) Therapeutic pools and spas. Therapeutic pools and spas constructed on or after the effective date of this subchapter shall be constructed and operated in accordance with the requirements for pools and spas in this subchapter except that:

(1) therapeutic pools and spas that contain 1,000 or less gallons shall have a water turnover rate at 30 minutes or less; and

(2) therapeutic pools and spas that have design characteristics that vary from this chapter shall be planned and designed by a licensed engineer.

(k) Surf pools.

(1) Surf pools shall be fitted with a float line located to restrict access to the caisson wall if required by the surf pool equipment manufacturer.

(2) Wave caisson barriers shall be provided for all surf pools and shall have no opening that would allow passage of a 4-inch sphere. Surf pools using forced air to generate waves shall not be required to have caisson barriers unless recommended by the manufacturer.

(3) Safety rope and float lines required at the shallow to deep water transition shall not apply to surf pools.

(4) In addition to the requirements for lifeguards in §265.202 of this subchapter (relating to Lifeguard Personnel Requirements and Standards at Pools), lifeguards shall be provided with any equipment necessary to reach the deepest area of the surf pool during an emergency. The equipment shall be accessible to all lifeguards,

clearly labeled as "For Lifeguard Use Only" and shall be available whenever the surf pool is open and used for surfing.

(5) No surfer shall enter the surf pool unless:

(A) tethered to the surf board;

(B) wearing a USCG-approved PFD; or

(C) a lifeguard is in the surf pool in the surfing area directly supervising surfing activity.

(6) Non-surfing users shall not be allowed to enter the wave areas of the surf pool over 5 feet of depth while waves are being generated unless they are wearing a USCG-approved PFD.

(7) Surf pools constructed or renovated on or after the effective date of this subchapter shall comply with the following:

(A) Access to a surf pool shall be at the shallow or beach entry end with the exception of an allowable ADA designated entry point.

(B) A minimum of two emergency shutoff switches capable of immediately stopping wave generation shall be provided, shall be clearly marked as emergency shutoffs, and shall be readily accessible to lifeguards.

§265.210. Compliance, Inspections, and Investigations.

(a) The department or local regulatory authority shall have the right to enter at all reasonable times any area or environment, including a building, storage, equipment room, bathhouse, or office to inspect and investigate for compliance with this subchapter, to review records, to question any person, or to locate, identify, and assess the condition of the pool or spa.

(b) Advance notice or permission for entry is not required.

(c) The department or local regulatory authority shall not be impeded or refused entry during its official duties by reason of any company policy.

(d) It is a violation of this subchapter for a person to interfere with, deny, or delay an inspection or investigation conducted by the department or a local regulatory authority.

§265.211. Enforcement.

(a) If a person violates Texas Health and Safety Code, §341.064, or this subchapter, the department or local regulatory authority may, in accordance with

Texas Health and Safety Code, §341.092, institute a civil suit in district court for the assessment of civil penalties, injunctive relief, or both.

(b) A person who violates Texas Health Safety Code, §341.064, or this subchapter may also be subject to a criminal penalty under Texas Health and Safety Code, §341.091.

(c) If a pool or spa closes, either voluntarily or by court order, public access to the pool or spa shall be restricted and a notice posted on the entry gates or doors.

TITLE 25 HEALTH SERVICES
PART 1 DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 265 GENERAL SANITATION
SUBCHAPTER L STANDARDS FOR PUBLIC POOLS AND SPAS

REPEAL

§265.181. General Provisions.

§265.182. Definitions.

§265.183. Plans, Permits and Instructions for Post-10/01/99 Pools and Spas.

§265.184. General Construction and Design for Post-10/01/99 Pools and Spas.

§265.185. General Construction and Design for Pre-10/01/99 Pools and Spas.

§265.186. Decks, Entry/Exit, Diving Facilities, and Other Deck Equipment at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.187. Circulation Systems for Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.188. Filters at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.189. Pumps and Motors at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.190. Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.191. Surface Skimming and Perimeter Overflow (Gutter) Systems for Post-10/01/99 Pools and Spas.

§265.192. Electrical Requirements for Post-10/01/99 and Pre-10/01/99 Pools, Spas, Pool Yards, and Spa Yards.

§265.193. Heating of Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.194. Pool or Spa Water Supply for Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.195. Drinking Water at Post-10/01/99 and Pre-10/01/99 Pools and Spas.]

§265.196. Waste Water Disposal at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.197. Disinfectant Equipment and Chemical Feeders for Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.198. Gas Chlorination for Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.199. Specific Safety Features for Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.200. Pool Yard and Spa Yard Enclosures for Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.201. Dressing and Sanitary Facilities at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.202. Food, Beverages, and Containers at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.203. Operation and Management of Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.204. Water Quality at Post-10/01/99 and Pre-10/01/99 Pools and Spas.

§265.205. Construction, Operation, and Maintenance of Post-10/01/99 and Pre-10/01/99 Spas.

§265.206. Construction, Operation, and Maintenance of Post-10/01/99 and Pre-10/01/99 Therapeutic Pools and Spas.

§265.207. Compliance, Inspections, and Investigations.

§265.208. Enforcement.