

REPORT TO LEGISLATURE ON CLEARINGHOUSE RULE

By the Department of Health and Family Services on Rule 06-086 relating to Ch. HFS 172, Safety, Maintenance and Operation of Public Pools and Water Attractions

Basis and Purpose of Proposed Rule

Chapter HFS 172 is being repealed and recreated under ss. 250.04 (1) and (7) and 254.47, Stats., to regulate the maintenance and operation of public pools, including therapeutic pools. The proposed rules also cover water attractions, which are defined in rules as public facilities with design and operational features that provide patron recreational activity other than conventional swimming and involves partial or total immersion of the body. Types of water attractions include activity pools, interactive play attractions, leisure rivers, plunge pools, vortex pools, vanishing edge pools, waterslides, run-out slides, drop slides, pool slides, wave pools, zero-depth entry pools, and any public pool with play features except wading pools. The proposed rules also include provisions regulating water slides that were previously regulated by the Department of Commerce.

Responses to Clearinghouse Recommendations

The Department accepted the comment(s) made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested, except as follows:

Comment 1.: Section 259.64, Stats., speaks to all inspection fees, while ss. HFS 172.06 and 172.07 speak to fees imposed by both the department and the department's agents. The statutory and rule provisions do not conflict.

Comment 2. b.: "Tubing pool" is covered in the HFS 172.04 definition of "pool" and is also defined in Comm 90.

Comment 2. h.: The staffing requirements as drafted are clearly required and not permissive.

Comment 4: Chapter 250, Stats., establishes broad authority for the department and the department's agents to regulate public health. Chapter HFS 172 regulates "public" pools. Under the umbrella of that authority, the department has included in this rule a definition of "water attraction" and included that definition expressly in the definition of "pool."

Comment 5b: The department is asked to further define "municipality," "political subdivision," and "used on a regular basis." All of these terms are either in current rule or statute, and there is no intent to change their meaning.

Final Regulatory Flexibility Analysis.

Operations that are built or redesigned so that pools will be direct sources of income will face additional training and labor costs as outlined above. Most pools in Wisconsin are swimming pools or spas designed and

operated as an amenity to lodging. These operations will feel little or no impact from the proposed revisions.

Changes to the Analysis or Fiscal Estimate

Analysis: No changes were made to the rule's analysis.

Fiscal Estimate: No changes were made to the rule's fiscal estimate.

Public Hearing Summary

The Department held two public hearings on the proposed rule. The first hearing was held on August 9, 2006 in Madison. The second hearing was held on August 10, 2006 in Wausau. The Department began accepting comments via the Wisconsin Administrative Rules Website on July 7, 2006. A total of 14 people attended the two hearings. No comments were received via the Website. The hearing record was closed on August 17, 2006.

List of Public Hearing Attendees and Commenters

The following is a complete list of the persons who attended the public hearing or submitted written comments on the proposed rule, the position taken by the commenter and whether or not the individual testified or provided written comments.

The number preceding the name corresponds to the specific comment made in the Public Comments and Department Responses Summarized section.

	Name and Address	Position Taken (Support or Opposed)	Action (Oral or Written)
1.	Trisha Pugal Wisconsin Innskeeper Association 1025 S. Moorland Rd #200 Brookfield, WI 53005	No position taken	Written
2.	Wade Rudolph NCHC 1100 Lakeview Drive Wausau, WI 54403	No position taken	Oral
3.	Dale Grosskurth Marathon County Health Department 1200 Lakeview Drive Rm 200 Wausau WI 54403	No position taken	Oral and Written
4.	Shane Schwingle American Red Cross 4860 Sheboygan Ave Madison, WI 53705	No position taken	Observed Only
5.	Lynita Docken Department of Commerce 4003 N. Kinney Coulee Rd Lacrosse, WI 54601	No position taken	Written
6.	Jason Krapfl Carrico Aquatic Resource, Inc. 619 Grant St Fort Atkinson, WI 53190	No position taken	Written

7.	Stephanie Pederson American Red Cross 2220 Silvernail Road, STE 200 Pewaukee, WI 53072	No position taken	Observed Only
8.	Geri Giannotte Olsen American Red Cross 2220 Silvernail Road, STE 200 Pewaukee, WI 53072	No position taken	Observed Only
9.	Phil Julson 4639 Star Spangled Trail Madison, WI 53718	No position taken	Observed Only
10.	Deb Bossingham 146 S. Main Street Oregon, WI 53575	No position taken	Observed Only
11.	Michelle Schwoch Marathon County Health Department 1200 Lakeview Drive Rm 200 Wausau WI 54403	No position taken	Observed Only
12.	David St. Jules Wisconsin Environmental Health Association, Inc. P.O. Box 8565 Madison, WI 53708-8565	Support	Written
13.	Dan Peterson Eau Claire County 720 2 nd Ave Eau Claire, WI	No position taken	Written
14.	Tom Carrico Carrico Aquatic Services, Inc. 2240 Highway AB, Suite L McFarland, WI 53558	No position taken	Written

Public Comments and Department Responses Summarized

Rule Provision	Public Comment	Department Response
General	We ask that a longer implementation period be allocated to allow time for education on the changes. One month from publication does not allow sufficient time. 1	Consistent with this comment, the Department has extended the statutory effective date of this rule to the first day of the sixth month following publication of the rule. The Department intends to provide training on the rule.
General	Will some of the new requirements be “grandfathered” for existing situations? 1	Section HFS 172.11 (3) (b) relating to the maximum turnover for a water attraction has been revised to apply only to water attractions constructed after the effective date of the rule. Pools constructed prior to the effective date of this code will be required to comply with

		the code in effect at the time of the pool’s construction. Section HFS 172.11 (3) (e) relating to the turnover times for exercise and therapy pools has likewise been revised. For alternative compliance for all other requirements, an operator or owner may submit to the Department a request under s. HFS 172.03.
General	Licensed health care providers need standardized rules as minimum standards. Providers are already regulated by the CDC, CMS, and FDA. 2	A recent evaluation from an agent health department showed that two-thirds of the therapy pools in health care settings did not meet minimum disinfectant residuals to provide safe water. Because hydrotherapy pools handle immuno-compromised and injured patrons, it’s important that these pools meet the minimum requirements in the rule. The Department recommends that standards for therapy pools remain in the rule.
General	While not of great importance, I would wish that in using my name as a committee member that you would also include the name of our company, Carrico Aquatic Resources, as has been done for the other private members. 14	The affiliation has been added.
172.04 (43)	The “run-out slide” definition needs to be clarified. 1	The definition of “run-out slide” has been revised to be substantially the same as the definition given in Comm 90.03 (25) for the term “run-out slide”.
172.04 (45)	The definition of “superchlorination” should be changed to read: “Superchlorination”, “Superoxidation”, and “Shocking” means the addition of an oxidizing product such as chlorine to public pool water to raise the level of oxidizer to at least 10 ppm. The suggested change is because breakpoint chlorination is increasing the chlorine level by 10 times the combined chlorine level. Pools may have to shock or superchlorinate due to higher swimmer loads even though they do not have any combined chlorine. Shocking the pool is also	The definitions of “breakpoint chlorination” and “superchlorination” have been revised consistent with the comment.

	done after the pool has been drained and cleaned at part of the start up process. 14	
172.05 (1) (a) 1.	Clarify how significant a modification must be to warrant a new permit. The provision is too vague. 1	A new permit is required any time a pool is modified into a different pool type, regardless of the breadth of the modification. The language in s. HFS 172.05 (1) (a) 1. has been revised for clarification and renumbered s. HFS 172.05 (1) (b) 1.
172.05(2)(c)	The Department of Commerce issues the compliance statement under s. 90.04(5)(b). There are no time limits on the submittal of this statement. Perhaps the following could be substituted for the immediate presentation of the compliance statement language: "A completed final inspection report from the Department of Commerce construction inspector." 5	Language in s. HFS 172.05 (2) (c) has been revised consistent with the suggested language and renumbered s. HFS 172.05 (4) (a) 3.
172.05 (2) (d)	Address what additional information must be provided for a permit. Leaving it open ended leaves this at the sole discretion of the agent. 1	The operation of each pool is unique and in reviewing permit applications, the Department or agent needs to be able to individually review each pool's unique operations. This provision has been renumbered s. HFS 172.05 (4) (a) 5.
172.05 (3) (a) 6.	Denying permits for violations unrelated to pools may be overly restrictive as it allows for the denial of a pool permit for any other local violations of ordinances, orders or regulations no matter what it relates to. 1	The language of this provision has been renumbered s. HFS 172.05 (5) (c) 6. and revised to require that a denial of a permit for a violation of ch. 254, Stats., ch. HFS 172, an order, ordinance or regulation by a village, city, county, or local board of health be related to the operation of a pool, such language also refers to water attractions.
172.05 (3) (c)	Proposed wording relating to permit renewal requires payment of a renewal fee 15 days before the expiration date. This would impact the section on voiding a permit 15 days after receipt of a late notice (i.e. this could be	The language in s. HFS 172.05 (3) (c) has been renumbered to s. HFS 172.05 (4) (b) 1., and revised to remove the requirement that renewal permit

	<p>received 12 days prior to expiration, allowing for a permit to be voided just 3 days after the renewal date!). We would appreciate the DHFS suggested change to “no later than 15 days from the expiration of the permit”.</p> <p style="text-align: center;">1</p>	<p>fees be paid 15 days before the expiration date. Under the revised language, renewal permit fees must be paid before the expiration date.</p>
172.06	<p>By addition of the pre-inspection fee to the permit fee, this in effect doubles the fee for a new pool, etc., while at the same time increasing basic permit fees for many types of structures. Since the pre-inspection may or may not in practice be followed up with another regular inspection during the first year, it would make more sense to have the pre-inspection fee include a first year permit fee, if approved for a permit (at a rate less than the double rate included in the proposal).</p> <p>It has been clarified to us that the fees for waterslides and pool slides are a per slide basin fee (versus a per actual slide), which should be specified. We would also suggest continuing with the package price initiated for water attractions with up to 2 pool slides/waterslides to perhaps 2 or 3 additional package categories and remove the individual fees. This would allow DHFS higher revenue to offset costs in inspecting facilities with a lot of slide fixtures, but not be an unreasonable increase in total permit costs for the facility. If this is not possible, then the individual cost needs to be reduced and a cap may be needed.</p> <p style="text-align: center;">1</p>	<p>The Department uses pre-inspection fees and permit fees to cover different costs. Pre-inspection fees cover the cost of on-site inspections, plan reviews, safety provision, and the like up to the time a facility receives its first permit and is allowed to open. Permit fees, on the other hand, cover the annual costs of maintaining the permit, such as the annual inspection.</p> <p>Presently in Wisconsin, pool basins have no more than 2 slides to a pool basin and can accommodate only 2 slides per basin. The 2 slide package pricing is based on this trend. If this practice changes in the future, the Department will consider additional package pricing for slides per basin in upcoming rule revisions.</p>
172.07 (1) (a) (intro.)	<p>The language requiring inspectors to present proper identification to gain access was eliminated.</p> <p style="text-align: center;">1</p>	<p>The language in s. HFS 172.07 (1) (a) (intro.) has been revised to require authorized employees and agents to show proper identification when conducting inspections.</p>
172.07 (1) (a) 5.	<p>The language allowing inspectors to examine and copy “relevant documents and records” is fairly broad. Please consider clarifying language that specifies “directly related to ensuring”.</p> <p style="text-align: center;">1</p>	<p>Section HFS 172.07 (1) (a) 5. has been revised to limit examination and copying of records to records relating to the operation of the pool.</p>
172.07 (1) (b) 3.	<p>Additional possible charges by the agent. This would allow the agent to overrule the fee tables.</p>	<p>Chapter HFS 192 gives agents the authority to set their fees</p>

	<p>This is too open. Request this language be removed or if included, that it specifically parallel the other statute to avoid any expansion of their right to assess discretionary fees.</p> <p style="text-align: center;">1</p>	<p>based on the expenses of running their programs, limited to their true and representative costs. The Department exercises oversight authority to prevent programs from charging more than the costs the program incurs.</p>
172.07 (3)	<p>If a pool is temporarily closed, is there a way for the facility to have a right to a re-inspection upon correction of the issue in a more timely manner than the rule proposes? If a facility must wait for a re-inspection they may lose considerable additional revenue. Revise the language to encourage timely accommodation to reinspect and reopen.</p> <p style="text-align: center;">1</p>	<p>Whenever the Department determines, under s. 254.85 (2), Stats., that an immediate danger to health exists, the Department will issue a temporary order to close a pool. When the Department determines there is no longer an imminent danger to health, the Department immediately notifies the operator that the operator is allowed to reopen the pool. Re-inspection occurs in a prompt and timely manner.</p>
172.09 (3)	<p>The right of a facility to prove they have submitted payment for a permit in 5 days after receipt of a notice of insufficiency to avoid having their permit voided would appear unreasonable if the facility is not at fault. Change the 5 days after receipt of notice to 15 days.</p> <p style="text-align: center;">1</p>	<p>The language has been revised to allow a facility 15 days after receipt of a notice of insufficiency relating to a check or other draft drawn upon an account containing insufficient funds to show the Department that all fees have been paid and there are no outstanding payments due to the Department.</p>
172.10	<p>It appears that the appeals process in each community could be different, and may not adequately offer a fair appeals process. Is it possible to refer to existing, basic fair appeals practices to protect businesses from around the state?</p> <p style="text-align: center;">1</p>	<p>Chapter 66, Stats., determines the appeals process for agents. The Department has no legal authority to require agents to use other procedures.</p>
172.11 (1)	<p>Add “recirculation” before “pumps” and add “disinfection” to this sentence.</p> <p style="text-align: center;">1</p>	<p>The language has been revised consistent with the comment.</p>
172.11 (3)	<p>Since HFS 172 governs all pools, regardless of age should allowance be made in the code for pools constructed prior to the code implementation date for turnover times (for</p>	<p>Section HFS 172.11 (3) (b) relating to the maximum turnover for a water attraction has been revised to apply only to</p>

	<p>example those in therapy pools) and other mechanical requirements (such as pipe labeling)? Perhaps the effective date of the code should be referenced for those pools constructed after that date to achieve compliance with these issues.</p> <p style="text-align: right;">5</p>	<p>water attractions constructed after the effective date of the rule. Pools constructed prior to the effective date of this code will be required to comply with the code in effect at the time of the pool's construction. Section HFS 172.11 (3) (e) relating to the turnover times for exercise and therapy pools has likewise been revised.</p> <p>Pipe labeling shows the flow of the pool water through the pool's system, regardless of the age of the pool, and is critical to understanding the pool's water circulation, so pipe labeling provisions will remain as proposed.</p>
<p>172.13 (1) (a)</p>	<p>This provision should be changed to: "Feeders shall be automatic, easily adjustable, capable of providing the required chemical residuals, easily disassembled for cleaning and maintenance, durable and capable of accurate feeding". It is not always possible or desirable to install valves upstream on a bleach pump. Second, a rate-of-flow meter to accurately measure the flow through the feeder system is not available for a majority of the feed equipment in the field today. This sounds like a carry over from gas chlorine. I have never seen an accurate rate of flow meter for a bleach or acid pump or for most chemical feeders, for that matter I cannot remember seeing an accurate rate of flow meter for the pool's circulation system.</p> <p style="text-align: right;">14</p>	<p>The Department has no history of complaints regarding the placement of disinfection flow control valves, including whether they can be installed upstream from disinfectant feeders. If problems such as those mentioned in this comment exist, an owner or operator may request the Department to consider alternative compliance under s. HFS 172.03.</p>
<p>172.13 (2)</p>	<p>Requiring the pool to be closed for all maintenance should be dropped or changed to say: "all maintenance, including changing the gas tanks, should be performed, when possible, when the public pool or water attraction is closed to public use." Interpretation of this statement tells me, as an example, that if a pool filter needs backwashing at 3:00 pm the operator must close the pool, send everyone home, backwash, then reopen the pool or not backwash till after the pool closes that night,</p>	<p>Section HFS 172.13 (2) has been revised to require maintenance that presents a danger to patrons to be performed during times when the pool is not in use or is closed to public use.</p>

	<p>thus in the mean time operating the pool below the required flow rate. Or if an acid barrel goes empty in the middle of the day, again the pool patrons must be sent home until the acid has been changed then re-open the pool or operate the pool with a high pH level (which is what is going to happen) or if the skimmer baskets or hair/lint baskets need cleaning the pool must be closed and everyone sent home.</p> <p style="text-align: center;">14</p>	
172.14 (3) (a)	<p>Section HFS 172.14 (3) (a) should be removed from the rule. This is old technology and would force every chemical currently being used for water treatment to use a two tank system for every chemical except gas chlorine and CO-2 settle out precipitate. Oh what a mess this would be!! Most of these filter rooms do not have room for additional tanks. Please Strike this requirement as it does not pertain to today's current technologies.</p> <p style="text-align: center;">14</p>	<p>Calcium hypochlorite is the only chemical that forms a precipitate. The Department agrees that this is out-dated technology, but Wisconsin has operators of older pools who still use calcium hypochlorite and therefore, this provision must remain in the rule.</p>
172.14 (4) (d)	<p>Change to 60-180 ppm.</p> <p>What are the other calculations or indexes that the department will approve and will those be approved and accepted by local departments? I.e. Calcium Saturation Index and Ryzner Index.</p> <p style="text-align: center;">14</p>	<p>The language has been revised to reflect the ppm's suggested.</p> <p>The calculations do not need codification. The Department will provide additional indexes and calculations for total alkalinity by policy communications.</p>
172.14 (4)	<p>I do not see any mention of upper limits for chlorine or bromine, which is good, but not what we discussed.</p> <p style="text-align: center;">14</p>	<p>Section HFS 172.14 (4) has been revised to include maximum chlorine residuals and total maximum bromine.</p>
172.14 (5)	<p>This section is very weak and needs to be cleaned up and added to. No where does the code state how to operate a controller. I would suggest the following: If an ORP controller with a readout is installed on the swimming pool system, the swimming pool water shall have an ORP of at least 700 mV, but no greater than 880 mV. The swimming pool shall be closed if the ORP is less than 650 mV or greater than 880 mV.</p> <p style="text-align: center;">14</p>	<p>The parameters for ORP are found in s. HFS 172.14 (5) which allows 650-850 mV. These numbers are based on the CPO and AFO manuals previously referenced in preceding comments, as well as recommended by the World Health Organization for safe drinking water. The Department has revised the language to add that "when the oxidation reduction potential reads below 650 mV or above 850 mV, it</p>

		shall be manually tested with an approved test kit.”
172.15 (1)	The requirement for chlorine generators to be NSF approved should be a construction requirement and located in Comm 90. 5	The Department agrees. However, Comm 90 does not address chlorine generators, and the Department does not know of any future plans of the Department of Commerce to address generators in Comm 90. Chlorine generators are added to pool disinfection systems that are used in pools as supplemental disinfectant systems. Consequently, the Department believes that it is important that rules are in place to address the immediate needs observed in the field.
172.15 (2) (b)	The requirement for electrically interlocking chemical feeders to the pumps is a construction requirement. A reference to Comm 90 could allow this discussion at the Comm 90 code council meetings and a more health-conscious answer developed. The discussions to this point have questioned whether the electrical connection is adequate to protect the pool patrons and whether a physical disconnect should also be required. Allowing a flow sensor controller may answer only part of the question. 5	Based on experience from the field, this requirement is necessary for both design and operation. See s. 172.13 (1) (c). The Department will continue discussions on this issue. Additional revisions may be considered in future changes to the ch. HFS 172.
172.17 (3)	We are unfamiliar with this method for chlorine and bromine testing, and would appreciate clarification as it is proposed as a requirement. 1 Specify FAS-DPD as the titrimetric method. 13	The “FAS-DPD” method has been added for clarification.
172.19 (2)	The water supply to the pool should specifically reference pool make-up water. Some pools are filled from sources other than those referenced in the code. Perhaps a reference to s. Comm 82.70 (4) should be made.	Section HFS 172.19 (2) requires that all water supplied to the pool be from a source approved by DNR under chs. NR 108, 811, or 812. Consequently, the rule provisions appropriately address make-up water as part of the water supply. Comm s.

	5	82.70 (4) refers to the same DNR requirements, therefore a cross-reference to that section is unnecessary.
172.20	<p>Certified Pool Operator (CPO) is the name of a private business program and this is promoting that program and business. Many people will misuse this information to mean that only a CPO certification will be accepted. Therefore, references to certified pool operator should be changed to read “A certified operator requirement”...at every mention in the code.</p> <p style="text-align: center;">14</p>	References to “certified pool operator” have been changed to “certified water attraction operator”.
172.20 (2)	<p>Disappointed the certified pool operator requirement does not extend to all lodging facilities, and limited to only water attractions. Request this to be reconsidered or brought up at next revision.</p> <p style="text-align: center;">3</p>	The Department agrees that having a certified pool operator at all swim facilities is important. This rule revision covers larger, more complex facilities, but the Department will consider extending the certified pool operator requirement when the code is revised in the future.
172.21 (1)	<p>Could the words “when the pool is open” be added to the requirement for a supervisor “at all times”?</p> <p style="text-align: center;">1</p>	The language has been revised consistent with the comment.
172.22 (2) (a)	<p>Begin sentence with: “A copy of...”</p> <p style="text-align: center;">1</p>	The language has been revised consistent with the comment.
172.22 (2) (b)	<p>The wording that at least one lifeguard... “should have all of the following certifications”... needs clarification to clarify if one individual must have all the certifications or whether each certification type must be covered amongst the lifeguards present.</p> <p style="text-align: center;">1</p>	The language has been revised to clarify that at least one lifeguard must have the listed qualifications.
172.22 (3) (a)	<p>Would it be acceptable for lifeguards to “have in their possession” vs. “shall wear” a rescue tube? We have been advised that ARC has requested this change, but we believe the language that we have offered will produce similar results (ability to quickly use the tube for a rescue).</p> <p style="text-align: center;">1</p>	The Department has consulted with the American Red Cross (ARC) and the latter takes the position that “have in their possession” and “shall wear” are not the same standard. The ARC state that “shall wear” is the acceptable standard. Relative to the safety of rescue tube harnesses, the ARC states that the current standard is that rescue tubes are made to “break away” from the harnesses when

		necessary to protect safety.
Table HFS 172.23-B	<p>Could the lifeguard/attendant staffing requirement for vortex pools and current pools be based on a minimum speed of the current before the requirement applies?</p> <p>Also, for interactive play attractions, a minimum area size should be designated before the requirement applies.</p> <p style="text-align: center;">1</p>	<p>The Department does not believe that patrons' health, safety and welfare would be protected if the lifeguard requirement is based on speed, as a pump's speed may be turned up or down. At least one lifeguard must be present whenever the pool is occupied by a patron.</p> <p>Relative to interactive play attractions, the requirement is only that at least one attendant be on the premises of the water attraction complex to provide periodic supervision of the water attraction. The Department believes this is a reasonable requirement.</p>
172.24	<p>It has been my understanding that the current interpretation of this rule is that if the instructor or coach is a certified lifeguard and is teaching or coaching during the activity then a certified lifeguard in addition to the teacher or coach must be on duty.</p> <p style="text-align: center;">14</p>	<p>Section HFS 172.24 has been revised to clarify that if a coach or instructor is a lifeguard, the lifeguarding requirements are met so long as the coach or instructor can supervise the entire group.</p> <p>A pool or water attraction that normally requires a lifeguard and is open to the public however, must be staffed by an additional lifeguard, if the pool normally requires a lifeguard.</p>
172.29 (1) (b)	<p>Facilities should be allowed to post additional safety rules in the required signage. For example, there may be some rules the facility wishes to add that are unique to their property or strengthen the safety of their property.</p>	<p>The language has been revised consistent with the comment.</p>
172.29 (1) (e)	<p>Is it fair to require the operator responsible for the actions of children over their own guardians?</p>	<p>The language has been revised consistent with the comment.</p>

HFS 172.29 (4)	Signage for vortex and current pools should be required only if a specified minimum flow level is achieved. 1	The Department believes that signage should be posted as required for patrons' health, safety and welfare. If necessary, individual operators or owners may request the Department to consider a request for alternative comparable compliance under s. HFS 172.03.
172.30	Require a pool or water attraction be closed, drained, swept and washed down, and inspected if broken glass is found in the pool or water attraction. We had two pools in July of this year that had broken glass in them. Both operators did not want to close and drain since they had sweep, vacuumed and did under water inspection. Upon further insistence and pressure from us they did drain. Both were amazed at the amount of glass they found and were glad they followed our advice. 14	The Department agrees broken glass is an important safety issue for pools and water attractions. The presence of hazardous substances or objects such as broken glass in a pool is addressed in pool closing criteria in s. HFS 172.30 (1). Because each situation is unique the Department will address recommendations for clean up via policy communications.
172.30 (4)	Add a maximum chlorine level. 13	Section HFS 172.14 (4) has been revised to include maximum chlorine residuals and total maximum bromine.
172.32 (1)	Is it necessary to submit monthly operating reports to regional offices? Recommend maintaining the records at the facility and making them available to inspectors. Could the form be available in Excel or other computerized format for easier distribution? 1	The Department encourages electronic data keeping, and will change the rule language to indicate the records shall be maintained at the facility and submitted to the Department or agent upon request.
172.32 (2)	Instead of requiring this new added procedure of reporting incidents, for all state-wide, we suggest that if there is a problem with information needed locally, a local requirement be imposed since it would be within their authority. 1	The requirement is that incidents resulting in death, serious injury, or illness that requires assistance from emergency personnel be reported by phone or fax, to the Department or agent, by the next working day following the incident. The Department needs to be able to monitor accidents at pools to ascertain state-wide trends and structural and procedural problems.
172.32 (3) (a) 9.	Retention of daily inspections and operational tests for 7 years seems to be excessive.	The language has been revised to require records of inspections and operational tests be retained

	1	for 2 years.
172.34 (6)	<p>Not allowing contained planters to be located anywhere on pool deck areas may be stronger than needed. We request a distance from the water be noted. Also, will there be a “grandfather clause” for this?</p> <p style="text-align: center;">1</p>	<p>The language in s. HFS 172.34 (6) has been revised to clarify that planters may not be within the required deck area.</p> <p>Also, the Department will consider requests for alternative compliance under s. HFS 172.03.</p>