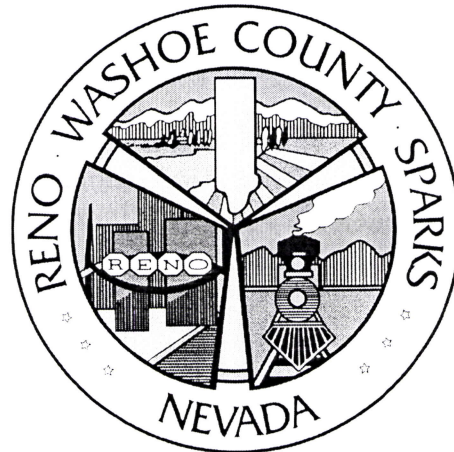


# Washoe County



**FILED**

SEP 15 2011

AMY HARVEY  
WASHOE COUNTY CLERK

BY DANEY ANSTOY  
DEPUTY

## Health District

**REGULATIONS  
OF  
THE WASHOE COUNTY DISTRICT BOARD OF HEALTH  
GOVERNING**

**Public Swimming Pool and Spa Operator  
Certification Program**

WASHOE COUNTY DISTRICT HEALTH DEPARTMENT  
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AMENDMENT TO FOR PUBLIC BATHING PLACES AND PUBLIC SPAS APPROVED BY THE WASHOE COUNTY  
DISTRICT BOARD OF HEALTH ON AUGUST 25, 2011  
Requirements in effect as of December 31, 2011

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# **PUBLIC SWIMMING POOL AND SPA OPERATOR CERTIFICATION PROGRAM**

## **GENERAL PROVISIONS**

### **PURPOSE AND INTENT**

**Purpose** The purpose of this section is to attain a uniform standard of training and certification for public pool and spa operation and management.

**Intent** There shall be a Public Swimming Pool and Spa Operator Certification Program administered under the direction of the Health Authority. Such a program will have as its primary goal, the assurance that persons operating public pools and spas understand the principles of water chemistry, disinfection, safety hazards and comply with the provisions set forth in these regulations.

### **PUBLIC SWIMMING POOL AND SPA OPERATOR CERTIFICATE REQUIRED**

After December 31, 2011 all Public pools and spas, as defined in Sections 444.058 and 444.385 of these regulations, and issued permits by the Health Authority shall be under the direct supervision of a Certified Pool Operator (CPO). The CPO is not required to be physically present at all hours of operation; however the CPO must be available at any time required for the operation of the pool and/or spa and when requested by the Health Authority and at a minimum via telephone communication.

## **SECTION 010**

### **DEFINITIONS**

As used in this regulation, unless the context otherwise requires, the words and terms defined in Sections 010.005 through 030.030 inclusive, have the meanings ascribed to them in those sections.

**010.005 CERTIFIED POOL/SPA OPERATOR (CPO)** means an individual who has successfully completed the National Swimming Pool Foundation CPO course or renewal process.

**010.010 HEALTH AUTHORITY** means the District Health Officer of the Washoe County Health District or their authorized representatives.

**010.015 NATIONAL SWIM POOL FOUNDATION (NSPF)** means the national group that coordinates and administers the Certified Pool/Spa Operator (CPO) Course and certification process.

- 010.020 PERSON** means a natural person, any form of business or social organization and any other non-governmental legal entity including, but not limited to, a corporation, partnership, limited liability company, association, trust or unincorporated organization.
- 010.025 PRIVATE SWIMMING POOL** means any swimming pool at a single family private residence controlled by the owner of the residence, the use of which is limited to the owner’s family or invited guests of the owner.
- 010.030 PUBLIC SWIMMING POOL AND SPA** means any artificial swimming lagoon; isolation floatation tank; mineral bath, therapeutic pool or similar facility; spa; special purpose pool; spray pool; swimming pool; wading pool; or water recreation attraction that is used by the public for swimming or bathing. “Public swimming pool and spa” or “public pool and spa” does not include “private swimming pool” as defined above.
- 010.035 PUBLIC SWIMMING POOL AND SPA OPERATOR** means any person who voluntarily or for remuneration performs pool services at a public pool and/or spa and other duties associated with the operation of a public pool and/or spa and who is certified pursuant to these regulations.
- 010.040 WASHOE COUNTY DISTRICT BOARD OF HEALTH** means the governing Board of the Washoe County District Health Department as comprised under the authority of the Nevada Revised Statutes (NRS) Chapter 439.390 and organized pursuant to NRS 439.370.
- 010.045 WASHOE COUNTY HEALTH DISTRICT** means all of the geographical area in both the incorporated and unincorporated parts of Washoe County, Nevada.

**SECTION 020**

**SWIMMING POOL AND SPA OPERATOR REQUIREMENTS**

**020.005 REQUIREMENTS FOR PUBLIC SWIMMING POOL AND SPA OPERATOR CERTIFICATION**

Public Swimming Pool and Spa Operator Certification shall be accomplished by:

- A. Successful completion of the National Swim Pool Foundation (NSPF) Certified Pool/Spa Operator (CPO) examination, and obtaining a certificate of completion from the NSPF as a CPO;
- B. Payment of the certificate fee to the Health Authority.

**020.010 QUALIFICATIONS FOR CERTIFICATION AS PUBLIC SWIMMING POOL AND SPA OPERATOR**

An applicant for certification as a swimming pool and spa operator must:

- A. Fully understands the technical aspects of swimming pool water disinfection and equipment and materials used in connection therewith;
- B. Is fully competent to service, clean and maintain swimming pools and appurtenances;
- C. Has knowledge of the effects and hazards of chemicals used in swimming pool water;
- D. Has an understanding of testing procedures for determination of pH, disinfectant residual, cyanuric acid concentration, total alkalinity, calcium hardness, and acid demand;
- E. Has an understanding of basic water chemistry including, but not limited to, free and combined chlorine, superchlorination, pH, total alkalinity, and hardness;
- F. Has a knowledge of disinfectant feeding devices, filters, pumps, motors and heaters; and
- G. Has knowledge of applicable laws, regulations, local requirements, and standards relating to swimming pool and spa maintenance.

**020.015 PUBLIC SWIMMING POOL AND SPA OPERATOR CERTIFICATE AND PHOTO IDENTIFICATION CARD ISSUANCE**

Certificates and photo identification cards issued under this section shall be issued only after the Health Authority has received all of the following;

- A. An application, made in writing and on forms provided by the Health Authority for Public Swimming Pool and Spa Operator Certification;
- B. Documentation of successful completion of an NSPF CPO course;
- C. Documentation of successfully passing the NSPF CPO examination;
- D. A copy of the applicant's government issued driver's license or other form of government issued photo identification;
- E. Payment of the certificate fee to the Health Authority (fees submitted are not refundable if not accompanied by all necessary items listed in this section); and

- F. Certification, certificates, and identification cards are issued as of the date when the applicant successfully completed an NSPF CPO examination and expire three (3) years from the date identified on the NSPF CPO certification.

**020.020 REPLACEMENT OR DUPLICATE CERTIFICATES AND PHOTO IDENTIFICATION CARDS**

Replacement or duplicate certificates and photo identification cards shall be issued after the Health Authority has:

- A. Received an application, made in writing and on forms provided by the Health Authority;
- B. Received payment of the certificate replacement fee (fees submitted are not refundable if not accompanied by all necessary items listed in this section);
- C. Taken a photograph of the applicant; and
- D. Replacement certificates and cards shall be issued with the same expiration date as the original certificate and photo identification previously issued by the Health Authority.

**020.025 CHANGE OF NAME OR ADDRESS**

Certificate holders shall inform the Health Authority of any name or address change. Legal documentation such as marriage certificates, divorce decrees or court orders shall be provided for any change in name.

**020.030 RENEWAL CERTIFICATE AND PHOTO IDENTIFICATION CARD ISSUANCE**

Renewal certificates and photo identification cards shall be issued after the Health Authority has received all of the following:

- A. An application for a Swimming Pool and Spa Operator Certification renewal, made in writing on forms provided by the Health Authority;
- B. Documentation of attending a training course or other alternate method of training, approved by the Health Authority for recertification of an NSPF CPO. Documentation of attendance must be within the 12 month period prior to the expiration of the applicant's current Swimming Pool and Spa Operator Certification;
- C. A copy of the applicant's current NSPF CPO Certificate;

- D. Payment of the Health Authority's certificate fee (fees submitted are not refundable if not accompanied by all necessary items listed in this section); and
- E. A photograph of the applicant taken by the Health Authority at the time of application submission.

**020.035 RESPONSIBILITIES OF A CERTIFIED PUBLIC SWIMMING POOL AND SPA OPERATOR**

The CPO in charge of pool or spa shall:

- A. Ensure that all employees and any other staff comply with the Regulations of the Washoe County District Board of Health Governing Public Bathing Places and Spas;
- B. Be responsible for identifying and correcting safety hazards in the day-to-day operation of the pool and/or spa and related facilities;
- C. Ensure that employees are effectively cleaning the pool and/or spa and related facilities;
- D. Maintain complete and accurate daily records of the pool and/or spa water chemistry, flow rate, chemical additions, and all other testing and information required by the Health Authority;
- E. Suspend all use of any pool and/or spa if conditions arise that may present a threat to public health, personal safety, or a threat to the environment;
- F. Maintain the Identification Card (ID) issued by the Health Authority current and on their person while working. The ID must be provided upon request by the Health Authority;
- G. Post the complete name, Public Swimming Pool and Spa Operator Certification number, expiration date, and valid phone number on a form provided by the Health Authority. The form must be posted at either the pool or spa, or in the pump room, and must be provided upon request by the Health Authority. The information on the form must remain current at all times while the pool and/or spa are in operation;
- H. Develop and implement specific policies, procedures and standards aimed at ensuring the pools and spas are operated in a manner that protects health and safety and prevents the spread of disease and water borne illness; and
- I. Conduct in-house self-inspections of daily operations on a periodic basis to ensure that procedures, operations, and safety are properly addressed.

**020.040 MAINTENANCE STANDARDS**

- A. Any Certified Public Swimming Pool and Spa Operator who provides pool or spa services at a public swimming pool or spa within the jurisdiction of the Health Authority shall provide these services in accordance with the standards and requirements set forth in the provisions of Nevada Administrative Code Chapter 444 relating to the clarity of pool or spa water, disinfection, pH, cyanuric acid concentration, total alkalinity, cleanliness of the pool, repair or modification of pool, and repair or replacement of pool equipment and piping.
  
- B. If the Certified Public Swimming Pool and Spa Operator is unable to provide services at a public pool or spa in accordance with the requirements of these regulations because of any defect or deficiency in pool and/or spa equipment or appurtenances which are the responsibility of the pool owner; the pool or spa operator shall promptly deliver to the pool owner a written notice which describes any such defect in sufficient detail to enable the pool owner to understand the nature of the defect and determine what repair or replacement of equipment or accessories is necessary in order to provide for adequate servicing of the pool. The pool or spa operator shall retain a dated copy of any such notice in their regular business records which shall be available for inspection by the Health Authority.

**SECTION 030**

**ENFORCEMENT ACTIONS**

**030.005 PUBLIC SWIMMING POOL AND SPA OPERATOR CERTIFICATE  
SUSPENSION; HEARING**

- A. Whenever the Health Authority finds an unsanitary or other condition in the operation of a public pool and/or spa which, in their professional judgment, constitutes a substantial hazard to the public health or environment, or for serious and/or repeated violations of any of the requirements of these regulation, the permit to operate the pool and/or spa may be suspended without warning, notice or hearing. The Health authority shall immediately issue and serve a written order specifying the deficiencies upon which the suspension is based. Any person to whom such an order is issued shall comply with the terms within the time period set forth by the Health Authority.

- B. Any person with a Public Swimming Pool and Spa Operator Certification that has been suspended may, at any time; submit an application for a reinstatement of their Public Swimming Pool and Spa Operator Certification. The application for reinstatement shall address how all deficiencies and conditions causing suspension of the Public Swimming Pool and Spa Operator Certification have been corrected. Upon review by the Health Authority a written response will be provided within ten (10) calendar days.
- C. Public Swimming Pool and Spa Operator Certificate suspension does not allow the operator to function as the Public Swimming Pool and Spa Operator for any and all facilities, and will subsequently require the permit to operate for all associated facilities to be suspended until such a time as a new operator with a current Public Swimming Pool and Spa Operator Certification issued by the Health Authority has been identified.
- D. Any person with a Public Swimming Pool and Spa Operator Certification that has been suspended may request a hearing before the District Board of Health. All requests for hearing to the District Board of Health shall be initiated by the filing of a petition or written notice of appeal to the Health Authority. This must be done within ten (10) working days after the operator receives the order of suspension from the Health Authority.

**030.010 PUBLIC SWIMMING POOL AND SPA OPERATOR CERTIFICATE  
REVOCATION**

- A. For serious and/or repeated violations of any of the requirements of these regulations, suspension of the Public Swimming Pool and Spa Operator Certification, or for interference with the Health Authority in the performance of their duties, the Public Swimming Pool and Spa Operator Certification may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Before taking such action, the Health Authority shall notify the Public Swimming Pool and Spa Operator Certificate holder in writing, of the reasons upon which revocation of the Public Swimming Pool and Spa Operator Certificate is sought and advising the Public Swimming Pool and Spa Operator Certificate holder of the requirements for filing a request for a hearing.
- B. The Health Authority may permanently revoke the Public Swimming Pool and Spa Operator Certificate after ten (10) calendar days following service of the notice unless a request for a hearing is filed with the Health Authority by the Public Swimming Pool and Spa Operator Certificate holder within said ten (10) calendar days.

- C. Public Swimming Pool and Spa Operator Certificate revocation does not allow the operator to function as the Public Swimming Pool and Spa Operator for any and all facilities, and will subsequently require the permit to operate for all associated facilities to be suspended until such a time as a new operator with a current Public Swimming Pool and Spa Operator Certification issued by the Health Authority has been identified.
- D. Any person with a Public Swimming Pool and Spa Operator Certification that receives a notice for permanent revocation may request a hearing before the District Board of Health. All requests for hearing to the District Board of Health shall be initiated by the filing of a petition or written notice for hearing to the Health Authority. This must be done within ten (10) working days after the operator receives the notice of revocation from the Health Authority.

### **030.015 HEARING PROCEDURES**

- A. The hearings provided for in this section must be conducted by the District Board of Health at a time and place designated by the District Health Officer. Based upon the record of the hearing, the District Board of Health shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the Public Swimming Pool and Spa Operator certificate holder by the Health Authority within ten (10) days of the decision. The decision of the District Board of Health is final.
- B. Service of notices and orders shall be made by either one of the following:
  - 1. Personal service on the Public Swimming Pool and Spa Operator Certificate holder(s); or,
  - 2. Registered or certified mail addressed to the Public Swimming Pool and Spa Operator Certificate holder(s) at their address on file. Service shall be completed at the time of deposit into the United States Mail.
- C. At the time and place stated in the suspension and/or revocation of Public Swimming Pool and Spa Operator Certificate holder hearing, the District Board of Health shall hear and consider all relevant evidence, objections, or protests, shall receive sworn testimony of owners, witnesses, Health District personnel, and interested persons. The hearing may be continued from time to time.

### **030.020 PENALTIES**

- A. Any person who violates any of the provisions of these regulations is guilty of a misdemeanor, and may be subject to prosecution.

- B. Each day or part of a day during which such violation is continued and/or repeated constitutes a separate violation.

**030.025 ADDITIONAL REGULATIONS**

- A. The Health Authority is hereby authorized to make such additional rules and regulations as may be necessary for the properly and orderly administration of these regulations.
- B. These regulations shall be in full force upon approval by the Washoe County District Board of Health.

**030.030 SEVERABILITY**

- A. If any provision of these regulations is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions, which can be given effect without the invalid provision, and to this end the provisions of these regulations are declared to be severable.