

# **Chapter I**

## **State Sanitary Code**

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### **Subpart 6-2**

### **Bathing Beaches**

**(Statutory Authority: Public Health Law, § 225)**

**Includes Amendments Effective July 6, 2011**

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## GENERAL PROVISIONS

**Section 6-2.1 Purpose.** The purpose of this Subpart is to assure a sanitary, healthful and safe environment for the public when using bathing beaches.

### 6-2.2 Definitions.

- (a) Bathing beach shall mean a bathing place, together with any buildings and appurtenances, and the water and land areas used in connection therewith, at a pond, lake, stream or other body of fresh or salt water which is used for bathing or swimming with the express or implied permission or consent of the owner or lessee of the premises or which is operated for a fee or any other consideration or which is openly advertised as a place for bathing or swimming.
- (b) Sanitary survey shall mean a survey and an evaluation of the contributory watershed and bathing area for existing and potential sources of pollution and safety hazards, including but not limited to soil conditions, underwater topography, water movement, submerged and other hazardous objects, water depth in diving area; seasonal or anticipated water level variations, and water quality.
- (c) Permit-issuing official shall mean the State Commissioner of Health, the health commissioner or health officer of a city of 50,000 population or over, the health commissioner or health officer of a county or part-county health district, the State regional health director or district director having jurisdiction, or any county public health director having all the powers and duties prescribed in section 352 of the Public Health Law. The permit-issuing official may designate additional persons to act in his behalf to issue permits required by this Subpart.
- (d) Bathing shall mean to become partially or totally immersed in water and shall include swimming, wading and diving, but shall exclude fishing, scuba diving and surfboarding.
- (e) Adequate shall mean sufficient to accomplish the purpose for which something is intended, and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of this Subpart.
- (f) Uniform Code shall mean the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Subtitle S, Chapter I.
- (g) Aquatic supervisory staff shall mean, effective May 15, 1993, an individual possessing the qualifications, as found in section 6-2.20, for Supervision Levels I, II, III or IV.
- (h) Effective May 15, 1993, supervising lifeguard shall mean an individual, at least 18 years of age, who possesses as minimum qualifications, Supervision Level IIB, and has at least two seasons of adequate life guarding experience.
- (i) Public Access Defibrillation (PAD) program shall mean a program that complies with section 3000-b of the Public Health Law, including the availability of an automated external defibrillator, the identification of an emergency health care

provider, the development of a collaborative agreement and successful staff completion of training in the operation of an automated external defibrillator.

### **6-2.3 Application.**

- (a) The requirements of this Subpart shall apply to all bathing beaches, except:
  - (1) those owned and/or maintained by an individual for the use of family and friends; and
  - (2) those, excluding ocean beaches in Nassau County, Suffolk County, and New York City, that are owned and operated by a condominium (i.e., property subject to the Article 9-B of the Real Property Law, also known as the Condominium Act), a property commonly known as a cooperative, in which the property is owned or leased by a corporation, the stockholders of which are entitled, solely by reason of their ownership of stock in the corporation, and occupy apartments for dwelling purposes, provided an “offering statement” or “prospectus” has been filed with the Department of Law, or an incorporated or unincorporated property association, all of whose members own residential property in a fixed or defined geographical area with deeded rights to use, with similarly situated owners, a defined bathing beach, provided such bathing beach is used exclusively by members of the condominium, cooperative apartment project or corporation or association and their family and friends.
- (b) Section 6-2.5 of this Subpart shall not apply to bathing beaches maintained and operated as part of a temporary residence or children’s camp property subject to the regulations of Subpart 7-1 or 7-2 of this Title.

### **6-2.4 Enforcement.**

- (a) Permits and placarding.
  - (1) Operation of a bathing beach without a permit is a violation of this Subpart. The permit-issuing official may order any bathing beach operating without a permit to close and remain closed until the facility has obtained and displays a valid permit.
  - (2) The enforcement procedures delineated in sections 12, 12-a, 12-b, 16, 308, 309, 1303-1305 and 1308 of the Public Health Law may be used, as appropriate. Where a public health hazard is found, the bathing beach shall be placarded to prohibit use until the hazard is corrected in order to protect the public health or safety of bathers. When a placard is used, it shall be conspicuously posted at all entrances leading to the bathing beach. The placard shall state the authority for its placement and indicate that concealment, mutilation, alteration or removal of it by any person without permission of the permit-issuing official shall constitute a violation of this Chapter and the Public Health Law.

- (3) Within 15 days of placarding of a facility, the operator of such facility shall be provided with an opportunity to be heard and present proof that continued operation of the facility does not constitute a danger to the public health. The hearing shall be conducted by the permit-issuing official or his designated hearing officer.
- (4) The permit-issuing official or his designated representative shall inspect the premises, within two working days of notification that the hazard has been eliminated, to remove the placards after verifying the correction.
- (b) Public health hazards. Any of the following violations are public health hazards which require the permit-issuing official or designated representative to order immediate correction or to immediately institute action as provided in the law and in this Subpart:
  - (1) failure to provide adequate supervision of the beach as prescribed in section 6-2.17 of this Subpart;
  - (2) overhead electrical wires within 20 feet horizontally of the bathing beach;
  - (3) failure to provide all lifesaving equipment at beach;
  - (4) use of unapproved or contaminated water supply sources for potable water use;
  - (5) failure to meet water quality standards contained in section 6-2.15 of this Subpart;
  - (6) the existence of sewage and waste-water discharges in the bathing area;
  - (7) failure to properly delineate swimming area boundaries;
  - (8) failure to provide signs indicating swimming is prohibited when the bathing beach is closed or unsupervised; and
  - (9) any other condition determined to be a public health hazard by the permit-issuing official.
- (c) Other violations. Violations of other sections of this Subpart or of other Parts of this Chapter are also subject to a penalty.

### **6-2.5 Permit for operation.**

- (a) No municipality, person, group of persons, firm, corporation, association, organization or institution shall operate or maintain or permit the use of any bathing beach without a permit from the permit-issuing official issued subject to the provisions of this Chapter and such additional sanitary or safety safeguards as may be required by the permit-issuing official. The permit shall be posted conspicuously at the facility.
- (b) Application for a permit shall be made to the permit-issuing official at least 30 days before the expiration of a prior permit or at least 30 days before the opening of any bathing beach.

### **6-2.6 Variance and waivers.**

- (a) Variance. The permit-issuing official may, on written application and after review, grant a variance from a specific provision of this Subpart subject to appropriate conditions which shall include a time schedule for compliance where such variance is in harmony with the general purposes and intent of this Subpart, and where there are practical difficulties or unnecessary hardship in complying with such provision.
- (b) Waiver. The permit-issuing official may waive, in writing, any of the requirements of this Subpart, and include the waiver as a condition of the permit to operate, when it reasonably appears that the public health will not be endangered by granting of such waiver and adequate alternative provisions have been made to protect the safety of the bathers and the public health. A copy of the waiver and description of the alternative provisions shall be submitted by the permit-issuing official to the State Commissioner of Health at the time of issuance. Such waiver shall remain in effect for a period of time, concurrent with the operating permit, unless sooner revoked for cause by the permit-issuing official.

**6-2.7 Injury and illness incident reporting.** A full report of any injury or illness incident occurring at a bathing beach shall be reported by the owner/operator to the permit-issuing official within 24 hours and recorded in a logbook. This shall include all incidents occurring at a bathing facility which: (a) result in death; (b) require resuscitation; (c) require referral to a hospital or other facility for medical attention; or (d) is a bather illness associated with bathing water quality.

## **SITE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE**

### **6-2.8 Approval of plans.**

- (a) No municipality, person, group of persons, firm, corporation, association, organization or institution shall establish or construct or physically modify a bathing beach until plans and specifications are submitted to, and receive the approval of, the permit-issuing official. All plans shall be prepared by a person licensed by the State of New York to practice engineering or architecture.
- (b) Bathing beach design standards, as contained in section 6-2.19 of this Subpart, shall be the basis upon which all plans for bathing beaches are reviewed and approved.
- (c) Plans for any potable water treatment or sewage treatment facilities to be constructed at a bathing beach shall be approved prior to construction by the permit-issuing official or such agency having jurisdiction for such plan approval.

**6-2.9 Construction compliance certificate.** The operator shall submit, prior to opening new facilities or equipment, a construction compliance certificate to the permit-issuing official. This certificate shall be prepared and signed by a professional engineer or architect licensed to practice in New York State. The certificate shall include a statement that the bathing beach, the buildings and all appurtenances have been constructed in accordance with approved plans and specifications.

### **6-2.10 Approved bathing waters.**

- (a) Natural or artificially formed bathing areas must meet the following conditions:
  - (1) A sanitary survey verifies that the watershed for the beach water is free of sewage and untreated sewage discharges, or that known waste-water discharges or other contamination is determined to not adversely impact water quality or beach use based upon an historical water quality model for rainfall and bacteriological quality.
  - (2) A bathing beach located on the watershed of a lake, reservoir, stream or other body of water used as a source of public water supply shall be so operated as not to pollute or contaminate such supply and shall comply with all watershed rules or local regulations in effect.
  - (3) Water quality standards specified in section 6-2.15 of this Subpart.
  - (4) The swimming and bathing areas are provided with float lines to clearly designate the perimeter, the separation of shallow and deep areas, the wading area, the diving area and dropoffs, radical changes in slope or underwater obstructions. This requirement is not applicable at beaches located on the shore of Lake Erie, Lake Ontario, Long Island Sound or the Atlantic Ocean, unless required by the permit-issuing official.
- (b) Use of impoundments less than four acres in area for bathing purposes shall be prohibited unless:
  - (1) the operator can document compliance with subdivision (a) of this section; or
  - (2) a minimum of 100 gallons per person per day of dilution water meeting the standards contained in section 6-2.15 of this Subpart is added to or flows through the swimming and bathing area.

**6-2.11 Water supply.** The water supply serving all plumbing fixtures, including drinking fountains, lavatories and showers, shall, after treatment, meet the applicable requirements of Part 5 of this Title.

**6-2.12 Garbage; refuse.** Adequate and sanitary facilities shall be provided for the storage and disposal of garbage and refuse. Sanitary methods shall be used for the collection, temporary storage, handling and disposal of garbage and refuse.

### **6-2.13 Bathhouse and toilet facilities.**

- (a) General. Adequate toilet and hand washing facilities must be provided for all bathing beaches. In determining the location of toilet and hand washing facilities for ocean beaches, factors which shall be considered include, but are not limited to, susceptibility of the area to flooding, groundwater depth in the area, and potential for shifting of sand dunes and erosion.
- (b) Walls and floors of the bathhouse shall be free from cracks or open joints. The floors should be well drained.

- (c) All toilet facilities and dressing rooms shall be adequately lighted, ventilated and maintained.
- (d) When showers are provided, they shall be supplied with water at a temperature of at least 90 degrees Fahrenheit and no more than 110 degrees Fahrenheit at a rate of at least 1.5 gallons per minute per shower head. Thermostatic, tempering or mixing valves shall be kept in good operation to prevent scalding of the bathers.
- (e) All toilet facilities shall be provided with soap, paper towels or electrical hand-drying units, and covered waste receptacles. Suitable sanitary napkin receptacles shall be provided in toilet facilities used by females.
- (f) Care of suits and towels. All bathing suits and towels furnished or rented shall be washed with a detergent in hot water, rinsed and thoroughly dried after each use.

## **OPERATION AND SUPERVISION**

**6-2.14 Operator responsibility.** The operator of the bathing beach shall be responsible for: (a) sample collection and analysis of bathing waters, when required by the permit-issuing official, and assuring a safe water quality; (b) controlling the decorum and activities at the bathing site; (c) supplying adequate supervisory personnel; (d) reporting injuries, deaths and communicable disease; and (e) maintaining physical facilities.

### **6-2.15 Water quality monitoring.**

- (a) No bathing beach shall be maintained or operated on any body of water when the water quality is determined by the permit-issuing official to constitute a potential hazard to health if used for bathing.  
 To determine if the water quality constitutes a potential hazard to health requiring closure of the beach, the permit-issuing official shall consider one or a combination of any of the following items: results of a sanitary survey; historical water quality model for rainfall and other factors; verified spill or discharge of contaminants affecting the bathing area; and water quality indicator levels specified in this section.
- (b) Sample collection and analysis when required for surveillance or design purposes shall be in accordance with the frequency, locations and procedures specified by the permit-issuing official. All samples collected from bathing beaches shall be examined in laboratories possessing State Department of Health certification for water supplies.
- (c) Bacteriological quality. The following bacteriological indicator levels shall be used when determining acceptability of water quality for bathing beaches.
  - (1) Based on a single sample, the upper value for the density of bacteria shall be:
    - (i) 1,000 fecal coliform bacteria per 100 ml; or
    - (ii) 61 enterococci per 100 ml for freshwater; or
    - (iii) 104 enterococci per 100 ml for marine water; or
    - (iv) 235 E.coli per 100 ml for freshwater (E.coli is not to be used as an indicator in marine water).
  - (2) Based on the mean of the logarithms of the results of the total number of



samples collected in a 30 day period, the upper value for the density of bacteria shall be:

- (i) 2,400 total coliform bacteria per 100 ml; or
  - (ii) 200 fecal coliform bacteria per 100 ml; or
  - (iii) 33 enterococci per 100 ml for freshwater; or
  - (iv) 35 enterococci per 100 ml for marine water; or
  - (v) 126 E.coli per 100 ml for freshwater (E.coli is not to be used as an indicator in marine water).
- (3) When the above described levels are exceeded, the permit-issuing official shall cause an investigation to be made to determine the source or sources of pollution and, along with other factors described in section 6-2.15 (a) determine if the beach shall be closed.
- (d) Chemical quality. The water shall be free of chemical substances capable of creating toxic reactions, skin or membrane irritations to the general public.
- (e) Physical quality. Physical inspection shall verify that the water is free of deposits, growths, oils, greases or other substances in the water capable of creating a health or safety hazard.
- (f) Biological quality. Algae and aquatic vegetation shall be controlled so that no hazard to bathers result. Any chemical used to control vegetation and algae shall not be capable of creating toxic reactions, skin or membrane irritations when the beach is in operation.

#### **6-2.16 Control of beach and water use.**

- (a) All areas of an operator's property that are adjacent to the designated public beach area and are accessible to the public for entry into the water for bathing shall be supervised or patrolled during hours of operation. Bathing shall be prohibited where required supervision is not provided.
- (b) Operators must maintain signs stating the hours during which public bathing is allowed, and that bathing at other times is prohibited.
- (c) No motorized vehicles except emergency and maintenance vehicles shall be permitted on the beach.
- (d) No boating, water skiing, fishing, or surfboarding shall be permitted in the bathing area during the hours bathing is allowed. Separate areas for the above activities may be designated by floating lines and buoys.
- (e) Bathing at night or during electrical thunderstorms is prohibited.
- (f) Clearly visible depth markings shall be provided at all diving boards, platforms, piers, floats and similar facilities. Warning signs stating "No Diving" shall be provided where water depths are less than eight feet.
- (g) Diving shall not be permitted unless minimum depths in accordance with provisions in section 6-2.19, item 4.8.2, of this Subpart are provided.
- (h) All plug-in electrical devices, such as portable announcing systems and radios, are

prohibited within 20 feet of the water.

- (i) Bather use.
  - (1) The maximum number of bathers permitted in the bathing waters of a bathing beach shall not exceed one bather per 25 square feet of water surface. In areas of water depth greater than four feet, at least 75 square feet per bather shall be provided.
  - (2) The operator shall be responsible for restricting usage so that the maximum capacity is not exceeded.
  - (3) A sign stating the maximum number of persons who may use the bathing beach at any one time shall be posted in a conspicuous place.
- (j) Glass containers shall not be permitted on the beach.

### **6-2.17 Supervision – personnel and equipment.**

- (a) Personnel.
  - (1) (i) When a bathing beach is part of a temporary residence or a campground, as defined in Part 7 of this Title, the operator must provide either Supervision Level I, Iib, III or IV aquatic supervision. Supervision Level I must be provided at temporary residence ocean surf beaches. When Supervision Level III or IV is selected, on-premise CPR certified staff is not required. The temporary residence or campground operator must notify the permit-issuing official in writing of the supervision level selected and at least 15 days before making any subsequent changes to the supervision level selected for each bathing beach.
  - (ii) When Supervision Level III or IV is selected, the operator of a temporary residence or campground bathing facility described in paragraph (1)(i) of this subdivision shall not allow the use of the temporary residence or campground bathing facility by persons other than registered overnight patrons of the temporary residence or campground and their guests.
- (2) The Supervision Level required at each bathing beach, other than those described in paragraph 1 of this subdivision, will be determined based on the following:
  - (i) Supervision Level I is required at ocean surf beaches.
  - (ii) Supervision Level Iib is required when any of the following are present: water depth within the designated bathing area is five feet or greater; diving boards; flotation devices (other than those bearing a U.S. Coast Guard Type I-III label); bottom conditions hazardous to bathers; aquatic amusements; bathing area perimeter is 50 feet or more from shore; beach bottom slope is steeper than 1:8; slides that discharge into the water.
  - (iii) Supervision Level IV is required when the water depth within the designated bathing area is less than five feet and the bathing area perimeter is less than 50 feet from the shore.

- (3) Aquatic supervisory staff must meet the requirements of section 6-2.20 of this Subpart. When a facility voluntarily provides supervisory staff or a Supervision Level exceeding those required by this section, all the requirements of this Subpart relative to supervision are applicable.
- (4) At least one aquatic supervisory staff person having at least the required supervision level shall be provided for each 50 yards of beach front or fraction thereof at bathing beaches required to use Supervision Levels I and II. Sufficient aquatic supervisory staff must be provided for visual surveillance of the entire bathing area(s) open for swimming.
  - (i) At ocean surf beaches, at least one Supervision Level I aquatic supervisory staff possessing a current certificate of training in the operation and use of an automated external defibrillator approved by a nationally-recognized organization or the state emergency medical services council shall be present at all hours of beach operation. Records of the training shall be maintained available for review during inspections.
- (5) Additional aquatic supervisory staff may be required by the permit issuing official whenever it is necessary for the protection of the beach patrons (bathers). Factors, including but not limited to: beach shape; diving board use; patron decorum, patron alcohol consumption; and, bathing facilities used primarily for the developmentally disabled may be the basis for increased coverage.
- (6) The aquatic supervisory staff at beaches required to have Supervision Levels I-III shall be at the beachfront, providing direct supervision of the bathers.
- (7) The aquatic supervisory staff shall be engaged only in activities that involve direct supervision of bathers. When instructional activities occur and the aquatic supervisory staff is also providing the instruction, additional staff meeting at least Supervision Level III requirements must be provided when the instructional activities may be reasonably expected to distract required aquatic supervisory staff from direct supervision of all bathers.
- (8) Beaches required to use Supervision Levels I and II aquatic supervisory staff shall provide a supervising lifeguard when the facility is required to provide three or more aquatic supervisory staff.
- (9) The facility operator shall be responsible for verification of aquatic supervisory staff qualifications. Copies of the certifications or other document(s) showing possession of such qualifications shall be kept on file at the site and made available to the Department upon request.
- (10) A bathing beach permitted to use Supervision Level IV shall comply with the following bathing beach use rules:
  - (i) Two or more adults (18 years of age or older) must be present at the beach when the bathing facility is in use, with at least one adult on the beachfront.
  - (ii) Supervision Level IV Bathing Beach Personnel shall be on premise at all times the beach is in use and will conduct at least one visual beachfront

check prior to operation/use. The visual check shall confirm the beach is in compliance with the requirements of this Subpart, including safety equipment and water conditions. Upon completion of these inspections the personnel signs or initials the log, and records the time of inspection and number of persons using the facility. A log is to be provided and maintained by the facility operator to record the time of periodic inspection(s) and other required information.

- (iii) Children less than 16 years of age must at all times be accompanied by a parent or guardian or similar adult responsible for their safety and behavior while at the bathing facility.
- (iv) A free, conveniently located telephone must be provided at the facility with posted numbers for the nearest emergency service (police, fire department, ambulance, hospital).
- (v) Required safety equipment must be provided at site.
- (vi) Warning signs of a minimum 36" x 24" size with safety conditions and methods for summoning CPR certified individual, when CPR trained staff is required, must be posted. The warning sign must state:
  - Two or more adults (18 years of age or older) must be present at the beach when the bathing facility is in use, with at least one adult on the beachfront.
  - Children less than 16 years of age must at all times be accompanied by an adult responsible for their safety and behavior while at the bathing facility.
  - Swim only within the designated bathing area.
  - Method of summoning on-premise CPR staff (only where CPR trained staff is required).
  - Location of free telephone and numbers to contact.
- (vii) The bathing facility operator shall provide to all patrons a written statement or brochure. Only patrons who have received this statement may use the bathing facility. The brochure or statement must state at least the following:
  - NEVER SWIM ALONE. A minimum of two adults, 18 years of age or older, must be present whenever this swimming facility is in use.
  - THERE IS NO SUBSTITUTE FOR ADEQUATE SUPERVISION. Children under 16 years of age must be accompanied by a parent or guardian.
  - IN AN EMERGENCY, NOTIFY THE FACILITY OPERATOR AND CONTACT HELP AS SOON AS POSSIBLE. A free telephone is provided at this facility (define location). Telephone numbers for the nearest emergency medical service are posted.

- Only use this facility during posted hours of operation and swim only in the designated bathing area.
  - Don't drink alcohol and swim.
- (b) Lifesaving equipment and safety lines.
- (1) Lifesaving equipment shall be readily accessible at all bathing beaches. Minimum equipment shall include:
- (i) A first aid kit, which may be any commercially available 24-unit kit or, a supply of band aids, bandage compresses, and self-adhering gauze bandages and a pocket face mask or face shield with a one way valve to assist with CPR;
  - (ii) At Supervision Level I and IIb bathing beaches: one rescue tube or a torpedo buoy with an attached line for each lifeguard required by this section; a rescue board or lifeboat in compliance with section 6-2.19 item 6.2.1 (board/boat specifications) and a full size commercially available spine board or a spine board six feet long and a minimum sixteen inches wide provided with straps to aid in immobilization of a victim and hand holds;
    - (a) At ocean surf beaches, at least one automated external defibrillator shall be provided by the operator and maintained on-site. The beach operator shall implement a PAD program as defined in section 6-2.2(i) of this Subpart and maintain the following records on-site for inspection:
      - (1) A copy of the collaborative agreement between an emergency health care provider and the ocean surf beach operator;
      - (2) A copy of the notification to the regional emergency medical services council of the existence, location, and type of automated external defibrillator; and
      - (3) The records of automated external defibrillator maintenance and testing specified by the manufacturer's standards.
    - (iii) At Supervision Level IV bathing beaches or temporary residence bathing beaches using Supervision Level III in accordance with section 6-2.17(a)(1)(ii): One U.S. Coast Guard approved ring buoy at least 18 inches in diameter fitted with a quarter inch diameter line a length of 50 feet, and a reaching pole, 15 feet long.
- (2) Each lifeguard stand shall be equipped with a whistle or megaphone, and an umbrella or sunshade.
- (3) Elevated lifeguard chair(s) shall be provided at all level I and IIb beaches. A minimum of one chair is required for each 50 yards of supervised beach front or at locations described in the approved safety plan as required by section 6-2.17(c). Elevated lifeguard chairs shall be located to provide a clear unobstructed view of the bathing area. Where swimming or diving is permitted more than 150 feet from the shoreline, lifesaving patrol boats or offshore lifesaving stations shall be provided.

- (4) Safety equipment shall have its function plainly marked, and shall be kept in ready condition.
  - (5) Floating lines shall mark the boundaries of the swimming, wading and diving areas in accordance with the provisions of section 6-2.19, item 4.7, of this Subpart. Swimming shall be prohibited outside the marked area.
  - (6) A bathing beach with consistent actual bather use of 500 or more bathers shall have and maintain a readily accessible building for emergency care. This building shall be equipped with an advanced first aid kit and a resuscitator.
- (c) Safety plan. Operators of bathing beaches must develop, update and implement a written beach safety plan, consisting of: procedures for daily bather supervision, injury prevention, reacting to emergencies, injuries and other incidents, providing first-aid and summoning help. At ocean surf beaches, the safety plan shall be developed in consultation with an individual having adequate ocean surf lifeguarding experience. The safety plan shall be approved by the permit-issuing official and kept on file at the beach. Approval will be granted when all the components of this section are addressed so as to protect the health and safety of the bathers, and the plan sets forth procedures to insure compliance with this Subpart.

#### **6-2.18 Operator and operating records.**

- (a) Each bathing beach shall be under the supervision of a competent operator who shall require the careful observance of sanitary regulations prescribed in this Part and the requirements of the permit issued for such bathing beach.
- (b) The bathing beach operator shall maintain daily records indicating the daily number of bathers using the beach, number of lifeguards on duty, weather conditions, water clarity, the results of any water quality laboratory reports, and reported rescues, injuries and illnesses. Upon completion, the records shall be maintained at the facility for 12 months. The permit-issuing official may require submission of reports at periodic intervals.

#### **6-2.19 Bathing beach design standards.**

**0.0 Introduction.** These standards are to be used by public health officials, design engineers and architects, and the owners and operators of bathing beaches for the design of new or modified bathing beaches regulated by this Subpart. These standards are enacted to ensure adequate design and establishment of bathing beaches, reflecting current safety and sanitary requirements. These standards are applicable to all bathing beaches located on ponds, lakes, streams or other bodies of water in the State.

#### **1.0 Definitions.**

- 1.1 Bathing beach shall mean a bathing place, together with any buildings and appurtenances, and the water and land areas used in connection therewith, at a pond, lake, stream or other body of fresh or salt water which is used for bathing or swimming with the express or implied permission or consent of the owner or lessee of the premises or which is operated for a fee or any other consideration or which is openly advertised as a place for bathing or swimming.

- 1.2 Uniform Code shall mean the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Subtitle S, Chapter I.
- 1.3 Adequate shall mean sufficient to accomplish the purpose for which something is intended, and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of this Subpart.

## 2.0 Submission of plans.

- 2.1 General. Preliminary plans and the engineer's report should be submitted for review prior to the preparation of final plans. No approval for construction shall be issued until final, complete, detailed plans and specifications have been submitted to the permit-issuing official (PIO) and are approved. Documents submitted for formal approval shall contain sufficient information to demonstrate to the permit-issuing official that the proposed bathing beach, or improvements thereto, will meet the design standards specified in this section, and shall include, but not be limited to:
  - 2.1.1 Detailed description of the watershed, with location and identification of all potential sources of contamination, including any anticipated future development.
  - 2.1.2 Location of access roads, parking, buildings, water supplies, sanitary and storm sewers, electrical and telephone services and the proposed facilities relative to existing facilities.
  - 2.1.3 Date, address, name, professional seal, and signature of the designing engineer or architect.
  - 2.1.4 Location relative to nearest population center with service facilities, such as medical, fire protection and communication.
  - 2.1.5 Maximum and average attendance and swimmer loads.
  - 2.1.6 Source, quality, quantity and characteristics of water.
  - 2.1.7 Area designations, bottom slopes and materials.

## 3.0 Sanitary survey report. A report reflecting the results of a sanitary survey shall include the following information:

- 3.1 Watershed supplying bathing area. A map shall depict the watershed, including but not limited to existing waste-water discharges, landfills or other facilities that may have an impact on water quality, adjacent land use and major physical contours, highways, etc. The extent of the watershed to be mapped should be based upon knowledge of the characteristics of the watershed. All potential sources of pollution and waste-water discharges must be shown.
- 3.2 Plot maps. A map drawn to scale, showing the actual bathing beach location, dimensions, contours, existing land use and wastewater discharges within 10,000 feet of the proposed beach, unless otherwise required by the PIO.

- 3.3 Water level. Seasonal or anticipated water level variations.
- 3.4 Sources of contamination. Listing of type and size of existing and potential sources of contamination, volume, occurring only with specific weather conditions, and the concentration of the materials in the effluent that might adversely affect the bathing beach water. The potential for contamination during and after storm events must be included.
- 3.5 Weather and topographical influences. Prevalent wind direction during bathing season, rainfall, current measurement, topography, or unusual factors.
- 3.6 Bathing beach water quality. A history of the bacteriological quality, pH, and the turbidity of the proposed body of water shall be researched from all possible sources. The results of at least one set of representative bacterial samples, pH tests, and turbidity tests each week for a period of eight weeks shall be included. Eight sets of samples shall include at least one set after heavy rains consisting of daily samples for a five-day period.
- 3.7 Physical and chemical. The physical and chemical quality of bathing water, including objectionable color, odor, taste and other substances capable of producing unusual quality problems. A history of any unusual quality problems encountered in the bathing water should be included.
- 3.8 Biological. The biological quality of bathing area water, including objectionable vegetation, infectious snails, and poisonous or dangerous aquatic organisms, shall be discussed.
- 3.9 Fishing, boating or canoeing. Location of boat traffic, marinas or boat dockage area, any canoeing activity or fishing.
- 3.10 Auxiliary water source. Location, flow rate of auxiliary water source to augment low flow.

**4.0 Design.** The following criteria shall be used for establishing a bathing beach:

- 4.1 Location. The suitability of the site shall be established by a sanitary survey.
- 4.2 Area. The water surface area of the body of water where the beach is developed shall be at least one acre. When the area is less than four acres and 100 gallons per bather per day of natural flow-through in the bathing area is lacking, a source of dilution water of at least 100 gallons per bather per day must be provided with minimum water quality meeting the provisions of section 6-2.15 of this Subpart.
- 4.3 Bather use. A minimum of 25 square feet of water surface per bather shall be provided. At least 75 square feet per bather must be provided in the area over four feet deep.
- 4.4 Land area. At least 35 square feet of land area per bather should be provided.
- 4.5 Bottom slopes. For depths up to four feet, the slope shall be uniform and not exceed 1:10. For greater depths, the slope should not exceed 1:3.
- 4.6 Bottom materials. The bottom up to a water depth of six feet shall consist of sand, pea gravel or other similar material.



#### 4.7 Area designations.

- 4.7.1 Location of lines. Marker lines with buoys shall be provided at all beaches, except Great Lakes or ocean beaches, to designate the perimeter, the separation of shallow and deep-end areas at a depth of three to four feet, the diving area, and dropoffs, radical changes in slopes or underwater obstructions. A separate wading area up to two feet deep, designated by lines, should be provided.
- 4.7.2 Installation. Lines shall have floats at five-foot intervals and be securely anchored, and have buoys no more than 25 feet apart and at points where lines are joined.
- 4.7.3 Depth markers. Clearly visible depth markers shall be provided at all the diving boards, platforms and similar facilities, together with warning signs stating "No Diving" where depth is less than eight feet.

#### 4.8 Diving facilities.

- 4.8.1 Platforms. Floating diving piers and fixed platforms shall be constructed with a visible 12-inch air space under maximum feasible load. There shall be as little underwater construction as is consistent with adequate support. All braces and struts shall be designed to prevent entrapment of bathers. For solid flotation devices such as foam blocks, no air space is required.
- 4.8.2 Depths. Diving from rafts, piers or other platforms shall be prohibited, unless a minimum water depth of eight feet is provided and maintained for a distance of at least ten feet forward of the diving direction. For a diving board or other device three or less feet above the water, the depth at the end of it, and for 12 feet beyond it, shall be 10 feet. For heights above water greater than three feet, the depths at those locations shall be 12 feet and twenty feet beyond it. No diving device more than 10 feet above water shall be installed.

#### 4.9 Water currents. Water currents in the bathing area shall not exceed three feet/second.

#### 4.10 Sewage discharges. No waste-water discharges from sewage treatment plants, combined sewers or other sources shall be permitted within 750 feet of the bathing beach.

#### 4.11 Water quality. Bathing beaches shall meet the water quality criteria for bacteriological, physical and chemical quality specified below.

- 4.11.1 Bacteriological quality. Based on the mean of the logarithms of the results of 5 or more samples collected in a 30 day period, the upper value for the density of bacteria shall be:
  - 4.11.1.1 2,400 total coliform bacteria per 100 ml; or
  - 4.11.1.2 200 fecal coliform bacteria per 100 ml; or
  - 4.11.1.3 33 enterococci per 100 ml for freshwater; or
  - 4.11.1.4 35 enterococci per 100 ml for marine water; or
  - 4.11.1.5 126 E.coli per 100 ml for freshwater (E.coli is not to be used as an indicator in marine water)

4.11.2 Chemical quality. The water shall be free of chemical substances capable of creating toxic reactions, skin or membrane irritations to the general public.

4.11.3 Physical quality--water clarity. In all bathing areas, except the Great Lakes or ocean beaches, it shall be possible to see an eight-inch black-and-white disk in four feet of water. Clarity tests should be performed at a four foot depth in the bathing area at a minimum of three different locations. A map depicting test locations, dates of sampling and current conditions should be submitted.

#### 4.12 Electrical requirements.

4.12.1 Wiring shall conform to the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Subtitle S, Chapter I, and the requirements of the appropriate regulatory agency. A certificate shall be submitted for all new electrical work.

4.12.2 Overhead clearance. No overhead electrical wiring shall pass within 20 feet horizontally of the bathing beach water line.

### 5.0 Bathhouse.

5.1 General. Adequate toilet and hand washing facilities shall be provided for all bathing beaches.

5.2 Bathhouse design. Floors of the bathhouse shall be of smooth-finished material with nonslip surfaces, impervious to moisture, cleanable and sloped at least one-fourth inch per foot to drains. Carpeting shall not be permitted in shower and toilet areas or other areas receiving bathers. Junctions between walls and floors shall be coved. Walls and partitions shall be of smooth, impervious materials, free from cracks or open joints. Partitions between dressing cubicles shall terminate at least 10 inches above the floor or shall be placed on continuous raised masonry or concrete bases at least four inches high. Lockers shall be set either on solid masonry or concrete bases at least four inches high or on legs with bottom of locker at least 10 inches above the floor. Lockers shall be vented.

5.3 Fixture requirements. An adequate number of toilet and hand washing facilities shall be provided.

5.3.1 Fixtures. Plumbing fixtures and installations shall be in accordance with the Uniform Code.

5.4 Water supply. The source and quality of water supply serving the plumbing fixtures, including drinking fountains, lavatories and showers, shall after treatment meet the applicable requirements of Part 5 of this Title for potable water.

5.5 Drinking fountains. Where drinking fountains are provided, at least one drinking fountain for each 500 feet distance or for every 1,000 users or fraction thereof should be provided. The drinking fountains shall be of slanting jet type with surrounding guard, nonsubmersible opening. These shall be located at a convenient point and shall be supplied with a minimum of 20 psi adequate water pressure.

- 5.6 Waste-water disposal. Waste-water from a bathhouse or related facilities shall be discharged to a municipal sewerage system, when available. If not available, the substitute system shall be approved by the State Commissioner of Health or such other agency having jurisdiction over sewage plan approval.
- 5.7 Suits and towels. Where towels and/or swimming suits are provided, facilities shall be provided to launder, store and sanitize these items after each usage.
- 5.8 Hose bibbs. Hose bibbs with vacuum breakers must be provided within the bathhouse to enable the entire area to be flushed with a 50-foot hose.
- 5.9 Ventilation. All enclosed places, dressing rooms, shower rooms and toilets shall be ventilated by natural or mechanical means to provide a minimum of two air changes per hour.

## **6.0 Safety provisions.**

- 6.1 Signs. For beaches using Supervision Level I or IIb aquatic supervision, when no lifeguard is on duty at a beach, a legible sign or signs stating "No Lifeguard on Duty--Swimming Prohibited" shall be posted. The sign shall be a minimum 36" x 24" in size, with letters at least two inches high. "No Swimming" signs shall be posted at areas not permitted/approved for bathing on property adjoining the designated bathing area that is owned or under the control of the permit holder.
- 6.2 Lifesaving equipment. Lifesaving equipment shall be provided as required in section 6-2.17(b) of this Subpart.
  - 6.2.1 Boats/Boards. An adequate rescue board or an adequate boat shall be provided at all beaches where Supervision Level I or IIb aquatic supervision is required.
    - 6.2.1.1 Where bathing is permitted more than 150 feet from the bathing shoreline, lifesaving patrol boats or offshore lifesaving stations shall be provided. Each such boat shall be at least 12 feet long, equipped with pin oars, one life pole or shepherd's-crook type of pole having blunt ends, and one ring or torpedo buoy or rescue tube and life vests. Such boats shall be used for patrol, search and rescue purposes only.
  - 6.2.2 Equipment at lifeguard station.
    - 6.2.2.1 Elevated lifeguard chairs shall be located as close as practicable to the bathing area shoreline to provide a clear, unobstructed view of the bathing area.
    - 6.2.2.2 A rescue tube or torpedo buoy with six feet of line, or a rescue can with 500-foot hauling line.
  - 6.2.3 Maintenance. Safety equipment shall have its function plainly marked, and shall be kept in good repair and in ready condition. Bathers or others shall not be permitted to tamper with or use such equipment for any other than its intended use, or remove it from its established location.

- 6.3 Communication. A telephone(s) or other means of communication, with numbers posted of nearest squad, physician, ambulance, police agency and hospital, shall be provided at each beach.
- 6.4 Emergency care room. Every bathing beach capable of accommodating 500 swimmers and bathers shall have a readily accessible room or area designated and equipped for emergency care. Such room shall be equipped with at least the following: running potable water, a cot or bed, with blankets and sheets, advanced first aid supplies at least equivalent to 24 units, and resuscitation equipment.
- 6.5 Solid waste. An adequate number of leak-proof solid waste receptacles with self-closing lids shall be placed in the beach area.
- 6.6 Dangerous objects on beach. Glass containers shall not be permitted on the beach.

**6-2.20 Aquatic supervisory skill requirements.** The New York State Department of Health is responsible for review of training courses and/or certification programs to determine acceptability.

(a) SUPERVISION LEVEL I - SURF LIFEGUARD

- (1) The Supervision Level requirements for this level shall take effect May 15, 1994.
- (2) No person shall be qualified under this subdivision unless such person:
  - (i) Has a minimum age of 16 years; and
  - (ii) Possesses a current A.R.C. Basic Life Support for the Professional Rescuer CPR or equivalent certification; the certification period must not exceed one year; and
  - (iii) Has a minimum of 20 hours (24 hours if first aid skills are included) of training acceptable to the Commissioner covering those items set forth in this subdivision (stated time periods do not include final examination time or conditioning swims). Such training and ocean testing must be satisfactorily completed prior to assignment at ocean front and the certification period of training and testing must not exceed three years.

The training course and recertification program will be determined to be acceptable if, after a review, all the materials submitted by the program sponsor are determined to be complete and substantially meet the requirements of this section. Instructors shall have sufficient experience and knowledge in life guarding to effectively communicate the subject matter required by this section.

(a) Lifeguard Orientation

- (1) Program Goals and Objectives
- (2) Chain of Command
- (3) Introduction to Job of a Lifeguard
- (4) Introduction to Lifesaving Equipment and Facilities

- (b) Preventive Lifeguarding
  - (1) Rules and Regulations
  - (2) Victim Recognition
    - (i) Distressed Situation
    - (ii) Drowning Situation (active vs. passive)
  - (3) Bather Supervision
    - (i) Areas of Responsibility
    - (ii) Visual Surveillance
    - (iii) Lifeguard Stations
    - (iv) Lifeguard Rotation and Relief
  - (4) Causes of Incidents/Injuries
  - (5) Recognition of Hazards
- (c) Environmental Hazards
- (d) Communications
  - (1) Basic Systems
    - (i) Between Guards
    - (ii) Whistle System
    - (iii) Radio/Phone, If Applicable
    - (iv) Flag System For Informing of Water Conditions, If Applicable
  - (2) Emergency Procedures
    - (i) Emergency Action Plans
    - (ii) Emergency Medical Service (EMS) Response
  - (3) Public Communication
    - (i) Warnings
    - (ii) Dangerous Conditions
    - (iii) Lost Person
- (e) Rescue Techniques and Procedures
  - (1) Victim Detection/Recognition
  - (2) Front and Back Escapes (Front Head Hold, Rear Head Hold Escapes, Blocks)
  - (3) Rescues With Equipment (Buoys, Tubes, Rescue Boards)
  - (4) Rescues Without Equipment
  - (5) Multiple Rescues
  - (6) Lost Bather Drill/Plan/Practice (Surface Dive in Nine Feet of Water and Retrieve Object From Bottom)

## (7) Removal From Water

(i) Carries

(ii) Care of Back and Neck Injuries

## (f) \*First Aid and Emergency Care

\*(Possession of a valid American Red Cross Standard First Aid or Equivalent Certification may be substituted for this segment.)

(1) Bleeding and Shock

(2) Choking

(3) Temperature Extremes

(4) Spinal Injuries (Management in Aquatic Environment)

(5) Diabetic Emergencies

(6) Seizures

(7) Heart Attacks and Strokes

(8) Fractures, Dislocation, Sprains and Strains

(9) Burns

(10) Eye and Nose Injuries

(11) Alcohol and Drug Overdoses

## (g) Records and Reports

## (iv) Such person must:

(a) Correctly answer at least 80 percent of the questions in a written and/or oral test on theory and knowledge; and

(b) Successfully perform/demonstrate all skills; this evaluation may be based upon observance of such person throughout the training program, and complete a 50 Yard Crawl in 35 Seconds or Less (unless the individual possesses Level II certification); and

(c) Such person must complete a skills test to be conducted in the ocean, consisting of:

(1) A 300 Yard Crawl endurance swim; and

(2) A 50 yard swim to victim, carrying needed equipment, followed by a carry to shore and removal of victim from water.

## (b) SUPERVISION LEVEL IIb - POOL &amp; BEACH LIFEGUARD

(1) The requirements of this subdivision shall take effect on May 15, 1993

(2) No person shall be qualified under this subdivision unless such person:

(i) Has a minimum age of 16 years (15 years is acceptable if a supervisory lifeguard is present); and

(ii) Has a current A.R.C. Basic Life Support for the Professional Rescuer, CPR or equivalent certification; the certification period shall not exceed one year; and

- (iii) Demonstrates a current ability to swim 300 yards non-stop using various strokes in good form; and surface dive to minimum 9 foot depth and bring a 10 lb. object to surface; and tread water for one minute; and
- (iv) Possesses a current certification from a recognized certifying agency acceptable to the State Health Commissioner or has within not more than a consecutive three year period of time, completed a minimum of 20 hours (24 hours if first aid skills are included) of training acceptable to the Commissioner covering those items outlined below (Time periods do not include final examination time or conditioning swims):

The training course and recertification program will be determined to be acceptable if, after a review, all the materials submitted by the program sponsor are determined to be complete and substantially meet the requirements of this section. Instructors shall have sufficient experience and knowledge in life guarding to effectively communicate the subject matter required by this section.

- (a) Program Goals and Objectives
- (b) Preventive Lifeguarding
- (c) Victim Recognition
- (d) Equipment
  - (1) Rescue (buoys, tubes, reach pole, surf board, backboard, boat, mask, fins, snorkel)
  - (2) Safety/Lifeguarding (Lifelines, Lifeguards stands)
  - (3) Personal (Uniform/clothing, whistle, sunglasses, binoculars, sunscreen)
- (e) Orientation
- (f) In-service Training
- (g) Types of Emergencies
  - (1) Life Threatening
  - (2) Non-Life-threatening
- (h) Spinal Injury Management
- (i) Special Situations
  - (1) Hypothermia
  - (2) Heat Emergencies
  - (3) Seizures
- (j) Communication Systems
- (k) Emergency Action Plans
- (l) Waterfront Areas
- (m) Search & Recovery Equipment & Operations
- (n) Physical Fitness Concepts

- (o) Weather & Environmental Conditions
- (p) Records & Reports
- (q) \*First Aid and Emergency Care
  - \*(Possession of a valid American Red Cross Standard First Aid or equivalent certification may be substituted for this segment):
  - (1) Bleeding and Shock
  - (2) Choking
  - (3) Temperature Extremes
  - (4) Spinal Injuries
  - (5) Diabetic Emergencies
  - (6) Seizures
  - (7) Heart Attacks and Strokes
  - (8) Fractures, Dislocations, Sprains and Strains
  - (9) Burns
  - (10) Eye and Nose Injuries
  - (11) Alcohol and Drug Overdoses
- (r) Skills Practice
  - (1) Water Entry
  - (2) Moving Victim to Safety
  - (3) Equipment Use (buoys, tubes, poles, rescue board, back board, boat, mask, fins, snorkel)
  - (4) Surface Dive and underwater swimming
  - (5) Underwater Search
  - (6) Search & Recovery
  - (7) Lifts & Assists
  - (8) Throwing Assists
  - (9) Reaching Assists
  - (10) Equipment Extension
  - (11) Rescue Breathing with Flotation
  - (12) Rescue Breathing without Flotation
  - (13) Defense
  - (14) Escapes
  - (15) Multiple Victim Rescues
  - (16) Spinal Injury, Shallow Water
  - (17) Spinal Injury, Deep Water



- (v) Such person must:
    - (a) Correctly answer at least 80 percent of the questions on a written and/or oral test on theory and knowledge; and
    - (b) Successfully perform/demonstrate all skills; and
    - (c) Successfully:
      - (1) Complete a 25 yard freestyle swim in 20 seconds; and
      - (2) Perform a shallow dive, sprint 25 yards, recover 10 pound object from pool edge or gutter, then return 25 yards supporting 10 pound object; and
      - (3) Demonstrate knowledge of:
        - (i) Approaches
        - (ii) Escapes
        - (iii) Carries/Tows
        - (iv) Spinal (Shallow Water) Entry, approach, turn and support victim
        - (v) Spinal (Deep Water) Entry, approach, turn and move victim to poolside or shallow end
        - (vi) Rescue Tube Swim/Use
        - (vii) Surface Dive and Underwater Swim
        - (viii) Tread water for one minute holding a diving brick with both hands.
- (c) SUPERVISION LEVEL III
- (1) The requirements of this subdivision shall take effect on May 15, 1993.
  - (2) No person shall be qualified under this subdivision unless such person:
    - (i) Has a minimum age of 18 years; and
    - (ii) Possesses a current A.R.C. Community CPR or equivalent certification; the certification period must not exceed one year; and
    - (iii) Is competent to:
      - (a) Understand and apply the Rules and Regulations of this part and implement the safety plan, and
      - (b) Evaluate Environmental Hazards; and
      - (c) Use Lifesaving Equipment and Facility; and
      - (d) Undertake Bather/Crowd Control.
- (d) SUPERVISION LEVEL IV
- (1) The requirements of this subdivision shall take effect on May 15, 1993.

(2) No person shall be qualified under this subdivision unless such person:

- (i) Is at least 18 years of age; and
- (ii) Possesses a current A.R.C. Community CPR or equivalent certification.

(e) Lifeguard Supervision and Management

(1) No person shall be qualified under this subdivision unless such person:

- (i) Possesses current certification issued by a certifying agency determined by the State Department of Health to provide an adequate level of training in lifeguard supervision and management covering those items set forth below. Certification shall be valid for the time period specified by the certifying agency, but may not exceed a consecutive three-year period from course completion.

The training course will be determined to be acceptable if, after a review, all the materials submitted by the program sponsor are determined to be complete and meet the requirements of this section. Instructors shall have sufficient experience and knowledge in lifeguard supervision and management to effectively communicate the subject matter required by this section:

- (a) Program Goals and Objectives
- (b) Lifeguard and Lifeguard Supervisor Duties and Responsibilities
- (c) Injury Prevention and Preventative Lifeguarding
  - (1) Communication Systems
  - (2) Patron Surveillance
    - (i) Victim Recognition
    - (ii) Effective Scanning
    - (iii) Lifeguard Positioning and Rotation
    - (iv) Lifeguard Breaks
  - (3) Surveillance for Groups
    - (i) Instruction Programs
    - (ii) Large Groups and Children's Camps
      - (a) Coordinating Large Groups and Pre-arrangements
      - (b) Buddy and Board Systems
      - (c) Swimming Ability Assessment
      - (d) Swimming Area Selection
    - (iii) Competitive Events

- (4) Facility Operation and Management
    - (i) Safety Equipment
    - (ii) Hazards
    - (iii) Weather Conditions
  - (d) Types of Emergencies and Emergency Action Plans (EAP)
  - (e) Lifeguard Preparedness
    - (1) Staff Orientation and Training
    - (2) In-service Training
  - (f) Risk Management
- (ii) Such person must correctly answer at least 80 percent of the questions on a written and/or oral test on theory and knowledge.



State of New York  
Department of Health