AGRICULTURE, TRADE AND CONSUMER PROTECTION

**Chapter ATCP 76**

**SAFETY, MAINTENANCE, AND OPERATION OF PUBLIC POOLS AND WATER ATTRACTIONS**

**Subchapter I - Administration**

[ATCP 76.01](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.01) Authority and purpose.

[ATCP 76.02](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.02) Scope.

[ATCP 76.03](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.03) Definitions.

[ATCP 76.04](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.04) Plans and specifications for pools.

ATCP 76.045 License holder qualifications.

ATCP 76.046 License holder responsibilities.

[ATCP 76.05](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05) License to operate a pool.[ATCP 76.06](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06) Department fees.

[ATCP 76.07](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07) Enforcement.

[ATCP 76.08](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.08) Suspension or revocation of license.

[ATCP 76.09](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) Appeals of actions by the department.

[ATCP 76.10](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.10) Appeals of actions by agent health departments.

**Subchapter II – Standards for Pools**

ATCP 76.105 Qualifications of an authorized representative conducting inspections.

ATCP 76.106 Inspections.

**Subchapter III - Water Treatment Systems and Water Quality**

[ATCP 76.11](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.11) Recirculation system.

[ATCP 76.12](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.12) Labeling, storing, mixing, and handling chemicals.

[ATCP 76.13](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.13) Feeders and filter aid equipment.

[ATCP 76.14](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.14) Disinfectant feeding and residuals.

[ATCP 76.15](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.15) Alternative disinfection systems.

[ATCP 76.16](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.16) Water quality.

[ATCP 76.17](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.17) Water test kits.

[ATCP 76.18](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.18) Water testing frequency.

[ATCP 76.19](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.19) Water supply and temperature.

**Subchapter IV — Staffing Pools**

[ATCP 76.20](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.20) Operator.

[ATCP 76.21](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.21) Responsible supervisor.

[ATCP 76.22](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.22) Lifeguards and attendants.

[ATCP 76.23](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.23) Lifeguard and attendant placement and staffing requirements.

**Subchapter V — Operation and Management**

[ATCP 76.25](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.25) Maximum patron load.

[ATCP 76.26](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.26) Rescue equipment.

[ATCP 76.27](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.27) First aid supplies.

[ATCP 76.28](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.28) Food and drink.

[ATCP 76.29](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.29) Posting pool rules.

[ATCP 76.30](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.30) Pool closing criteria.

[ATCP 76.31](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.31) Fecal accident response.

ATCP 76.315 Waterborne outbreak investigations.

[ATCP 76.32](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.32) Monthly reports and records.

[ATCP 76.33](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.33) Facility maintenance, repair and sanitation.

ATCP 76.335 Dog swims.

**Subchapter VI — Pool Construction and Design.**

[ATCP 76.34](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.34) Pool design.

[ATCP 76.35](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.35) Waterslide and pool slide design.

[ATCP 76.36](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.36) Water attraction, play features, and slide design.

[ATCP 76.37](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.37) Maintenance, repair, and modifications of water attractions.

ATCP 76.38 Virginia Graeme Baker Act

**Note:** Chapter H 72 as it existed on August 31, 1978 was repealed and a new chap- ter H 72 was created effective September 1, 1978. Chapter H 72 was renumbered Chapter HSS 172, effective May 1, 1982. Chapter HSS 172 as it existed on November 30, 1989 was repealed and a new chapter HSS 172 was created effective December 1, 1989. HSS 172 was renumbered Chapter HFS 172 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., [Register, January, 1997,](https://docs.legis.wisconsin.gov/document/register/493/B/toc) [No. 493](https://docs.legis.wisconsin.gov/document/register/493/B/toc); correction made under s. 13.93 (2m) (b) 7., Stats., [Register, August, 1998,](https://docs.legis.wisconsin.gov/document/register/512/B/toc) [No. 512](https://docs.legis.wisconsin.gov/document/register/512/B/toc); [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86): r. and recr. ch. HFS 172, [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc), eff. 2−1−08. Chapter HFS 172 was renumbered chapter DHS 172 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., [Register January 2009](https://docs.legis.wisconsin.gov/document/register/637/B/toc) [No. 637](https://docs.legis.wisconsin.gov/document/register/637/B/toc); chapter DHS 172 was renumbered chapter ATCP 76 made under s. 13.92 (b) 1., Stats., [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc).

# Subchapter I — Administration

**ATCP 76.01 Authority and purpose.** This chapter is promulgated under the authority of s. [97.67](https://docs.legis.wisconsin.gov/document/statutes/97.67), Stats., to regulate the maintenance and operation of public pools and water attractions in order to protect the health and safety of the public.

**History:** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86): cr. [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc), eff. 2−1−08; renum. from DHS 172.01 [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc); correction made under s. [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7), Stats., [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc).

**ATCP 76.02 Scope. (1) APPLICABILITY.** This chapter applies to all public pools and water attractions.

* 1. A pool or water attraction is a public pool or water attraction if it is installed in a “place of employment,” as defined in s. [101.01 (11)](https://docs.legis.wisconsin.gov/document/statutes/101.01(11)), Stats., or in a “public building,” as defined in s.

[101.01 (12)](https://docs.legis.wisconsin.gov/document/statutes/101.01(12)), Stats., or if it serves or is installed for use by the state, a political subdivision of the state, a motel, a hotel, a tourist rooming house, a bed and breakfast establishment, a resort, a camp, a campground, a club, an association, a housing development, such as an apartment complex, condominium complex, or housing complex having a homeowners’ association, a school, a religious, charitable or youth organization, or an educational or rehabilitative facility.

Note: A pool that is available for use in a vacation rental, such as those that are advertised on vacation rental websites, are considered public pools and subject to the requirements in ATCP 76. Other applicable lodging licenses may also apply.

* 1. A pool or water attraction is not a public pool or water attraction if it serves fewer than 3 individual residences, unless it is used on a regular basis by persons other than the residents.
  2. A pool is considered a public pool, if the pool is advertised for use to the general public.

(d)Unless the context clearly indicates otherwise, references to “pool” in these rules means a public pool or water attraction.

**(2)** VARIANCE. (a) 1. The department may approve a variance to a method, practice, material, equipment or design required under this chapter that will not be contrary to public health, safety or welfare if the department is provided with satisfactory proof that the variance will achieve results that are closely equivalent to the results of literal application of the requirement under this chapter.

2. To apply for a variance, the operator shall apply on a form provided by the department. An application for a variance from the requirements of this chapter shall be made in writing to the department, specifying all of the following. The department may require additional information from the operator before acting on the request:

a. The rule from which the variance is requested.

b. The specific alternative action which the operator proposes.

c. The reason for the request.

d. Justification that the variance will not adversely affect the public health, safety, or welfare.

**Note:** To obtain a form for requesting a variance, e-mail datcpdfrsrec@wisconsin.gov or contact the Bureau of Food and Recreational Businesses at (608) 224−4702 or PO Box 8911, Madison, Wisconsin 53708−8911.

(b) The department shall approve or deny a request for a variance in writing within 30 business days after receiving a complete application for a variance and any additional information requested by the department. A variance approved by the department under par. (a) may be made conditional for:

1. A defined period of time.

2. Experimental or trial purposes.

**History:** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86): cr. [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc), eff. 2−1−08; renum. from DHS 172.02 [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc).

[.](mailto:datcpdfrsrec@wisconsin.gov)

**[History:](mailto:datcpdfrsrec@wisconsin.gov)** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](mailto:datcpdfrsrec@wisconsin.gov) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from](mailto:datcpdfrsrec@wisconsin.gov)

[DHS 172.03](mailto:datcpdfrsrec@wisconsin.gov) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](mailto:datcpdfrsrec@wisconsin.gov)

**[ATCP 76.03 Definitions.](mailto:datcpdfrsrec@wisconsin.gov)** [In this chapter:](mailto:datcpdfrsrec@wisconsin.gov)

* + 1. [“Active Managerial Control” means that the risks at the pool are being managed so that the pool is in compliance with provisions in ATCP 76 or conditions are monitored so that corrections necessary for compliance are in progress.](mailto:datcpdfrsrec@wisconsin.gov)
    2. [“Activity pool” means a water attraction with a depth greater than 24 inches (61 centimeters) designed primarily for play activity that uses constructed features and devices including pad walks, flotation devices and similar attractions.“](mailto:datcpdfrsrec@wisconsin.gov)
    3. [“Adult” means a person 18 years of age or older.](mailto:datcpdfrsrec@wisconsin.gov)

**[(3m)](mailto:datcpdfrsrec@wisconsin.gov)** [“AED” means automated external defibrillator.](mailto:datcpdfrsrec@wisconsin.gov)

* + 1. [“Agent” means the city, county or village designated by the department under s.](mailto:datcpdfrsrec@wisconsin.gov) [97.615 (2)](https://docs.legis.wisconsin.gov/document/statutes/97.615(2))[, Stats., and ch.](mailto:datcpdfrsrec@wisconsin.gov) [ATCP 74](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20ATCP%2074) [to issue licenses to and make investigations or inspections of public pools and water attractions.](mailto:datcpdfrsrec@wisconsin.gov)

**[(4m)](mailto:datcpdfrsrec@wisconsin.gov)** [“Analyte” means a substance that a test is used to detect.](mailto:datcpdfrsrec@wisconsin.gov)

* + 1. [“Approved” means acceptable to the department, based on its determination of conformance with this chapter and good public health practices.](mailto:datcpdfrsrec@wisconsin.gov)
    2. [“Attendant” means a person trained to control patrons in a safe and orderly manner.](mailto:datcpdfrsrec@wisconsin.gov)

**[(6g)](mailto:datcpdfrsrec@wisconsin.gov)** [“Barrier” mean a fence, wall or similar structure meeting the requirements under SPS 390.18 (4)](mailto:datcpdfrsrec@wisconsin.gov)

**[(6r)](mailto:datcpdfrsrec@wisconsin.gov)** [“Basin” means any vessel constructed of manmade materials designed to hold water to be used as a public swimming pool or water attraction, the splash zone of an interactive play attraction, or a stand-alone run-out slide.](mailto:datcpdfrsrec@wisconsin.gov)

* + 1. [“Breakpoint chlorination” means establishing a hygienic environment in the pool by raising the free available chlorine level to 10 times the combined chlorine level to achieve the destruction of chloramines.](mailto:datcpdfrsrec@wisconsin.gov)

**[(7g)](mailto:datcpdfrsrec@wisconsin.gov)** [“Certified operator” means an operator who is certified by successful completion of at least one of the following training courses:](mailto:datcpdfrsrec@wisconsin.gov)

* + - 1. [The Pool and Hot Tub Alliance certified pool operator course.](mailto:datcpdfrsrec@wisconsin.gov)
      2. [The National Recreation and Park Association aquatic facility operator course.](mailto:datcpdfrsrec@wisconsin.gov)
      3. [Another, equivalent course approved by the Department](mailto:datcpdfrsrec@wisconsin.gov)

**[(7r)](mailto:datcpdfrsrec@wisconsin.gov)** [“CPR” means cardiopulmonary resuscitation.](mailto:datcpdfrsrec@wisconsin.gov)

* + 1. [“Children’s slide” means a slide that has a maximum height of 4 feet (1.2 meters) as measured vertically from the slide entrance to slide terminus, and located in less than 24 inches (61 centimeters) of water.](mailto:datcpdfrsrec@wisconsin.gov)
    2. [“Cold soak pool” means a pool that uses cold water for therapy.](mailto:datcpdfrsrec@wisconsin.gov)
    3. **[“](mailto:datcpdfrsrec@wisconsin.gov)**[Core item](mailto:datcpdfrsrec@wisconsin.gov)**[”](mailto:datcpdfrsrec@wisconsin.gov)** [means a provision in this Code that is not designated as a priority item or a priority foundation item.](mailto:datcpdfrsrec@wisconsin.gov) **[“](mailto:datcpdfrsrec@wisconsin.gov)**[Core item](mailto:datcpdfrsrec@wisconsin.gov)**[” i](mailto:datcpdfrsrec@wisconsin.gov)**[ncludes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.](mailto:datcpdfrsrec@wisconsin.gov)
    4. [“Current pool” means a pool that creates a current for the purpose of exercise.](mailto:datcpdfrsrec@wisconsin.gov)

**[(11m)](mailto:datcpdfrsrec@wisconsin.gov)** [“Death, injury or illness report” means the written record of all facts regarding an incident resulting in bodily harm that requires assistance from emergency medical personnel, associated with a pool or associated building and structures.](mailto:datcpdfrsrec@wisconsin.gov)

* + 1. [“Deck” means the approved, unobstructed walking surface immediately adjacent to a pool.](mailto:datcpdfrsrec@wisconsin.gov)
    2. [“Deep portion” means a portion of a pool having a design water depth greater than 5 feet.](mailto:datcpdfrsrec@wisconsin.gov)
    3. [“Department” means the Wisconsin department of agriculture, trade and consumer protection.](mailto:datcpdfrsrec@wisconsin.gov)
    4. [“Drop slide” means a slide where the terminus is located 20 inches (50.8 centimeters) or more above the water level.](mailto:datcpdfrsrec@wisconsin.gov)

**[(15m)](mailto:datcpdfrsrec@wisconsin.gov)** [“Enclosure” means the area with the barrier that separates the pool and/or water attraction area from other areas of the building or premises.](mailto:datcpdfrsrec@wisconsin.gov)

* + 1. [“Engineer” means a registered professional engineer licensed in Wisconsin.](mailto:datcpdfrsrec@wisconsin.gov)
    2. [“Entry access point” means the area in which a patron enters a water attraction.](mailto:datcpdfrsrec@wisconsin.gov)
    3. [“Erosion feeder” means a chemical feed device in which powder, tablets, briquettes, or sticks are placed in a container and through which a water stream is passed, eroding and dissolving the chemical.](mailto:datcpdfrsrec@wisconsin.gov)
    4. [“Exercise pool” means a pool of shallow depth that operates with or without a current.](mailto:datcpdfrsrec@wisconsin.gov)
    5. [“Filter aid” means finely powdered diatomaceous earth or similar approved material used to coat a septum type filter.](mailto:datcpdfrsrec@wisconsin.gov)
    6. [“Flume” means that part of a slide within which sliding takes place.](mailto:datcpdfrsrec@wisconsin.gov)
    7. [“Free chlorine residual” means the portion of the total available chlorine that is not “combined chlorine” and is primarily present as hypochlorous acid (HOCl), hypochlorite ion (OCl-) or “Cyanurate-bound available chlorine”](mailto:datcpdfrsrec@wisconsin.gov)

**[(22g)](mailto:datcpdfrsrec@wisconsin.gov)** [“General public” For the purposes of this chapter, means any person choosing to patronize a pool or water attraction. “General public” does not include members of a household or their personal guests.](mailto:datcpdfrsrec@wisconsin.gov)

**[(22r)](mailto:datcpdfrsrec@wisconsin.gov)** [“Imminent health hazard” means a condition that presents a substantial likelihood to cause severe adverse health consequences or death.](mailto:datcpdfrsrec@wisconsin.gov)

**[(23)](mailto:datcpdfrsrec@wisconsin.gov)** [“Instructional Program” means an activity occurring in the water that is led by a person teaching a participant how to do an exercise, movement, skill or similar activity. (Examples include: swimming and exercise classes and water aerobics).](mailto:datcpdfrsrec@wisconsin.gov)

**[(24)](mailto:datcpdfrsrec@wisconsin.gov)** [“Interactive play attraction” means a water attraction, including manufactured devices using sprayed, jetted or other water sources contacting patrons and not incorporating standing or captured water](mailto:datcpdfrsrec@wisconsin.gov)

[is part of the patron activity area.](mailto:datcpdfrsrec@wisconsin.gov)

**[Note:](mailto:datcpdfrsrec@wisconsin.gov)** [Splash pads and spray pads are examples of interactive play attractions.](mailto:datcpdfrsrec@wisconsin.gov)

**[(25)](mailto:datcpdfrsrec@wisconsin.gov)** [“Leisure river” means a channeled flow of water of near-constant depth in which the water is moved by pumps or other means of propulsion to provide a river-like flow that transports patrons over a defined path.](mailto:datcpdfrsrec@wisconsin.gov)

**[(26)](mailto:datcpdfrsrec@wisconsin.gov)** [“Lifeguard” means a person holding a certificate from a course or courses that meet(s) the criteria for lifeguarding, first aid and CPR/AED training and certification set forth in the 2018 Model Aquatic Health Code or as approved by the department.](mailto:datcpdfrsrec@wisconsin.gov)

**[Note:](mailto:datcpdfrsrec@wisconsin.gov)** [A listing of approved courses may be obtained by contacting the department. e-mail datcpdfrsrec@wisconsin.gov or contact the Bureau of Food and Recreational Businesses at (608) 224−4702 or PO Box 8911, Madison, Wisconsin 53708−8911.](mailto:datcpdfrsrec@wisconsin.gov)

**[(27)](mailto:datcpdfrsrec@wisconsin.gov)** [“Lifeguard and attendant staffing plan” means a written description about how lifeguards and attendants will be used at pools.](mailto:datcpdfrsrec@wisconsin.gov)

**[(28)](mailto:datcpdfrsrec@wisconsin.gov)** [“Nontethered floatable” means a floatation device added to a pool that is not tethered to the pool basin, allowing movement of the device around the water (examples include: floating pads, carts or trucks). Rubber tubes in Leisure Rivers and swim wings are not considered nontethered floatables.](mailto:datcpdfrsrec@wisconsin.gov)

**[(29)](mailto:datcpdfrsrec@wisconsin.gov)** [“NSF” means National Sanitation Foundation.](mailto:datcpdfrsrec@wisconsin.gov)

**[(30)](mailto:datcpdfrsrec@wisconsin.gov)** [“Operator” means the owner of a pool or the person responsible to the owner for the operation of a pool, including the mechanical systems operations of the pool.](mailto:datcpdfrsrec@wisconsin.gov)

**[(31)](mailto:datcpdfrsrec@wisconsin.gov)** [“Owner” means the state, a political subdivision of the state, corporation, company, association, firm, partnership, or individual owning or controlling any pool.](mailto:datcpdfrsrec@wisconsin.gov)

**[(32)](mailto:datcpdfrsrec@wisconsin.gov)** [“Pad walk” means a tethered floatable under rope and netting in an activity pool that allows a patron to cross the water using his or her hands.](mailto:datcpdfrsrec@wisconsin.gov)

**[(32m)](mailto:datcpdfrsrec@wisconsin.gov)** [“Pathogen” means a microbial organism capable of causing disease.](mailto:datcpdfrsrec@wisconsin.gov)

**[(33)](mailto:datcpdfrsrec@wisconsin.gov)** [“Patron” means a human user of a pool.](mailto:datcpdfrsrec@wisconsin.gov)

**[(34)](mailto:datcpdfrsrec@wisconsin.gov)** [“Patron load” means the number of patrons in a body of water of a pool.](mailto:datcpdfrsrec@wisconsin.gov)

**[(35)](mailto:datcpdfrsrec@wisconsin.gov)** [“Person” means an individual, partnership, association, firm, company, corporation, municipality, county, town or state agency, whether tenant, owner, lessee, or licensee, or the agent, heir, or assignee of any of these.](mailto:datcpdfrsrec@wisconsin.gov)

**[(35m)](mailto:datcpdfrsrec@wisconsin.gov)** [“Play feature” means appurtenances (such as tethered floatables, spray pad features, floatable cars and trucks and basketball hoops) used for play as described in SPS 390.30.](mailto:datcpdfrsrec@wisconsin.gov)

**[(36)](mailto:datcpdfrsrec@wisconsin.gov)** [“Plunge pool” means a pool with a depth of greater than 24 inches (61centimeters), located at the exit end of a waterslide flume and intended and designed to receive a patron emerging from the flume.](mailto:datcpdfrsrec@wisconsin.gov)

**[(37)](mailto:datcpdfrsrec@wisconsin.gov)** [“Pool” means a structure, basin, chamber, or tank, and appurtenant buildings and equipment, used for wading, swimming, diving, water recreation, or therapy. Types of pools include pools used for swimming, diving pools, exercise pools, mobile pools, therapy pools, wading pools, whirlpools, and cold soak pools and water attractions. “Pool” does not include an inflated mobile structure, basin, chamber, or tank; a swim pond; an individual therapeutic pod, tub, or bath; or a fixed or mobile structure, basin, chamber, or tank that serves fewer than 3 individual residences.](mailto:datcpdfrsrec@wisconsin.gov)

**[(38)](mailto:datcpdfrsrec@wisconsin.gov)** [. “Pool and water attraction area” means, in an indoor or outdoor facility, the pool(s) or water attraction(s) and the area within a continuous enclosure.](mailto:datcpdfrsrec@wisconsin.gov)

**[(39)](mailto:datcpdfrsrec@wisconsin.gov)** [“Pool slide” means any slide where the drop from the slide terminus to water is less than 20 inches (50.8 centimeters) into greater than 24 inches of water and the flume carries less than 100 gallons of water per minute](mailto:datcpdfrsrec@wisconsin.gov)

**[(39g)](mailto:datcpdfrsrec@wisconsin.gov)** [“Priority item” means a provision in this Code directly related to health and safety that if not met or is missing could significantly contribute to an increased risk for injury or illness. “Priority item”](mailto:datcpdfrsrec@wisconsin.gov)[is an item that is denoted in this Code with a superscript P−](mailto:datcpdfrsrec@wisconsin.gov)[P](mailto:datcpdfrsrec@wisconsin.gov)[.](mailto:datcpdfrsrec@wisconsin.gov)

**[(39r)](mailto:datcpdfrsrec@wisconsin.gov)** [“Priority foundation item” means a provision in this Code whose application supports, facilitates, or enables one or more priority items. Includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by the operator such as personnel training, infrastructure, documentation or record keeping. “Priority foundation item”](mailto:datcpdfrsrec@wisconsin.gov)[is an item that is denoted in this Code with a superscript Pf−](mailto:datcpdfrsrec@wisconsin.gov)[Pf](mailto:datcpdfrsrec@wisconsin.gov)[.](mailto:datcpdfrsrec@wisconsin.gov)

**[(40)](mailto:datcpdfrsrec@wisconsin.gov)** [“Responsible supervisor” means a person designated by the operator to maintain compliance with regulations governing safety and sanitation of a pool or water attraction, a pool slide, or a waterslide.](mailto:datcpdfrsrec@wisconsin.gov)

**[(41)](mailto:datcpdfrsrec@wisconsin.gov)** [“Run−out slide” means a water slide where the rider does not exit into a plunge pool, but has a deceleration area that permits the patron to stop before exiting the slide flume.](mailto:datcpdfrsrec@wisconsin.gov)

**[(41m)](mailto:datcpdfrsrec@wisconsin.gov)** [“Safety data sheet” means written information that details the hazards associated with a chemical and gives information related to its safe use.](mailto:datcpdfrsrec@wisconsin.gov)

**[(42)](mailto:datcpdfrsrec@wisconsin.gov)** [“Slide terminus” means the last 10 feet (3.05 meters) of a slide flume discharging into a pool or water attraction.](mailto:datcpdfrsrec@wisconsin.gov)

**[(42m)](mailto:datcpdfrsrec@wisconsin.gov)** [“Spectator area” means a designated area for people to observe or watch an activity in a pool.](mailto:datcpdfrsrec@wisconsin.gov)

**[(43)](mailto:datcpdfrsrec@wisconsin.gov)** [“Superchlorination” means the addition of an oxidizing product such as chlorine to pool water to raise the level of oxidizer to at least 10 ppm. “Superchlorination” is sometimes referred to as “superoxidation”.](mailto:datcpdfrsrec@wisconsin.gov)

**[(44)](mailto:datcpdfrsrec@wisconsin.gov)** [“Tethered floatable” means a play item or floatation device that is affixed to the basin of a pool to restrict movement of the item.](mailto:datcpdfrsrec@wisconsin.gov)

**[(45)](mailto:datcpdfrsrec@wisconsin.gov)** [“Unauthorized access” means the entrance of a person into a restricted area without permission of the operator or the operator’s designated representative.](mailto:datcpdfrsrec@wisconsin.gov)

**[(46)](mailto:datcpdfrsrec@wisconsin.gov)** [“Therapy pool” means a pool used for professionally administered physical therapy.](mailto:datcpdfrsrec@wisconsin.gov)

**[(47)](mailto:datcpdfrsrec@wisconsin.gov)** [“Turnover time” means the time for a given volume of water to pass through the recirculation system.](mailto:datcpdfrsrec@wisconsin.gov)

**[(48)](mailto:datcpdfrsrec@wisconsin.gov)** [“Vanishing edge pool” means a pool that has no above− water line wall on one or more sides where water spills over the edge.](mailto:datcpdfrsrec@wisconsin.gov)

**[(49)](mailto:datcpdfrsrec@wisconsin.gov)** [“Vortex pool” means a water attraction that is equipped with a method of transporting water in the basin for the purpose of propelling patrons at speeds dictated by the velocity of the moving stream.](mailto:datcpdfrsrec@wisconsin.gov)

**[(50)](mailto:datcpdfrsrec@wisconsin.gov)** [“Wading pool” means a shallow pool having a maximum depth of 24 inches (61 centimeters) and intended for children’s play.](mailto:datcpdfrsrec@wisconsin.gov)

**[(51)](mailto:datcpdfrsrec@wisconsin.gov)** [“Water attraction” means a pool 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.](mailto:datcpdfrsrec@wisconsin.gov)

**[(52)](mailto:datcpdfrsrec@wisconsin.gov)** [“Waterslide” means a slide where a water flow of 100 gallons of water per minute or more is intended to carry a rider down a flume.](mailto:datcpdfrsrec@wisconsin.gov)

**[(53)](mailto:datcpdfrsrec@wisconsin.gov)** [“Wave pool” means a water attraction designed to simulate breaking or cyclical waves for the purposes of surfing or general play.](mailto:datcpdfrsrec@wisconsin.gov)

**[(54)](mailto:datcpdfrsrec@wisconsin.gov)** [“Whirlpool” means a small pool, sometimes called a “spa”, which uses higher temperature water than other pools and may include a water agitation system.](mailto:datcpdfrsrec@wisconsin.gov)

**[(55)](mailto:datcpdfrsrec@wisconsin.gov)** [“Zero−depth entry pool” means a water attraction having a sloped entrance to where the water depth is zero inches at the shallowest point.](mailto:datcpdfrsrec@wisconsin.gov)

**[History:](mailto:datcpdfrsrec@wisconsin.gov)** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](mailto:datcpdfrsrec@wisconsin.gov) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; corrections in (4) and (14) made under s.](mailto:datcpdfrsrec@wisconsin.gov) [13.92 (4) (b) 6.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)6) [and](mailto:datcpdfrsrec@wisconsin.gov) [7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](mailto:datcpdfrsrec@wisconsin.gov) [Register January 2009 No.](https://docs.legis.wisconsin.gov/document/register/637/B/toc)[637](https://docs.legis.wisconsin.gov/document/register/637/B/toc)[;](mailto:datcpdfrsrec@wisconsin.gov) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (13), (27) (c) 1., (39), (40) and (45)](mailto:datcpdfrsrec@wisconsin.gov) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; correction in (39) made under s.](mailto:datcpdfrsrec@wisconsin.gov) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](mailto:datcpdfrsrec@wisconsin.gov) [Register January](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.04](mailto:datcpdfrsrec@wisconsin.gov) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (4) made under s.](mailto:datcpdfrsrec@wisconsin.gov) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats., and correction in (14) made under s.](mailto:datcpdfrsrec@wisconsin.gov) [13.92](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)6)[(b) 6.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)6)[, Stats.,](mailto:datcpdfrsrec@wisconsin.gov) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[;](mailto:datcpdfrsrec@wisconsin.gov) **[CR 18−019](https://docs.legis.wisconsin.gov/document/cr/2018/19)[: am. (4)](mailto:datcpdfrsrec@wisconsin.gov) [Register January](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[2020 No. 769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[, eff. 2−1−20](mailto:datcpdfrsrec@wisconsin.gov)**[.](mailto:datcpdfrsrec@wisconsin.gov)

**[ATCP 76.04 Plans and specifications for pools.](mailto:datcpdfrsrec@wisconsin.gov)** [(1) APPROVAL REQUIRED. An operator shall submit initial pool plans and obtain approval from the department of safety and professional services (DSPS) as required under s. SPS 390. After the [effective date of the rule], the following documents shall be kept onsite and made available to the department or its agent upon request.](mailto:datcpdfrsrec@wisconsin.gov)

1. [Approved pool plans.](mailto:datcpdfrsrec@wisconsin.gov)
2. [Engineering statements and reports, when applicable.](mailto:datcpdfrsrec@wisconsin.gov)
3. [Compliance declaration, if applicable.](mailto:datcpdfrsrec@wisconsin.gov)
4. [Conditional DSPS approvals, if applicable.](mailto:datcpdfrsrec@wisconsin.gov)
5. [Final DSPS inspection approval.](mailto:datcpdfrsrec@wisconsin.gov)
6. [DSPS or department variances, if applicable.](mailto:datcpdfrsrec@wisconsin.gov)
7. [MODIFICATIONS. An operator shall submit pool modification plans to the department of safety and professional services as required under SPS 390. Documentation shall be made available to the department upon request as required under sub, (1).](mailto:datcpdfrsrec@wisconsin.gov)

**[ATCP 76.045](mailto:datcpdfrsrec@wisconsin.gov)****[License holder qualifications](mailto:datcpdfrsrec@wisconsin.gov)**[. To qualify for a license, an applicant shall do all of the following:](mailto:datcpdfrsrec@wisconsin.gov)

**[(1)](mailto:datcpdfrsrec@wisconsin.gov)** [Be an owner of the pool or an officer of the legal entity owning the pool.](mailto:datcpdfrsrec@wisconsin.gov)

**[(2)](mailto:datcpdfrsrec@wisconsin.gov)** [Comply with the requirements of this chapter.](mailto:datcpdfrsrec@wisconsin.gov)

**[(3)](mailto:datcpdfrsrec@wisconsin.gov)** [Allow authorized representatives of the department or its agent access to the pool and provide required information to those authorized representatives.](mailto:datcpdfrsrec@wisconsin.gov)

**[(4)](mailto:datcpdfrsrec@wisconsin.gov)** [Pay the applicable license fees at the time the application is submitted.](mailto:datcpdfrsrec@wisconsin.gov)

**[ATCP 76.046 License holder responsibilities.](mailto:datcpdfrsrec@wisconsin.gov)** [Upon acceptance of the license issued by the department or its agent, the license holder shall do all of the following in order to retain the license:](mailto:datcpdfrsrec@wisconsin.gov)

**[(1)](mailto:datcpdfrsrec@wisconsin.gov)** [Comply with the provisions of this chapter and ch. ATCP 76.](mailto:datcpdfrsrec@wisconsin.gov)

**[(2)](mailto:datcpdfrsrec@wisconsin.gov)** [Follow reporting requirements to the department or agents, as applicable, as outlined in this chapter.](mailto:datcpdfrsrec@wisconsin.gov)

**[(3)](mailto:datcpdfrsrec@wisconsin.gov)** [Immediately discontinue operations and notify the department or its agent if an imminent health hazard may exist.](mailto:datcpdfrsrec@wisconsin.gov)

**[(4)](mailto:datcpdfrsrec@wisconsin.gov)** [Replace existing facilities and equipment that no longer comply with the criteria set forth in ch. ATCP 76.](mailto:datcpdfrsrec@wisconsin.gov)

**[(5)](mailto:datcpdfrsrec@wisconsin.gov)** [Comply with directives of the department or its agent including deadlines for taking corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the department or its agent for the license holder’s pool or in response to community emergencies.](mailto:datcpdfrsrec@wisconsin.gov)

**[(6)](mailto:datcpdfrsrec@wisconsin.gov)** [Accept notices issued and served by the department or its agent according to law.](mailto:datcpdfrsrec@wisconsin.gov)

**[(7)](mailto:datcpdfrsrec@wisconsin.gov)** [Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with ch. ATCP 76, and any other directive of the department or its agent, including deadlines for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.](mailto:datcpdfrsrec@wisconsin.gov)

**[ATCP 76.05 License to operate a pool. (1)](mailto:datcpdfrsrec@wisconsin.gov)** [LICENSE REQUIRED.](mailto:datcpdfrsrec@wisconsin.gov)

[(a)](mailto:datcpdfrsrec@wisconsin.gov)  *[Conditions requiring a license.](mailto:datcpdfrsrec@wisconsin.gov)* [No person may operate a pool or water attraction without a license from the department or its agent.](mailto:datcpdfrsrec@wisconsin.gov) [Except as provided under sub (c) 2., a separate license is required for each pool basin.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06)

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06) *[Pool modification.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06)*

[A pool for which a license has been issued is later modified into a different pool type shall require a new license and for any additional features the operator shall pay all applicable fees.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06)

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) *[Transfer of ownership.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))* [1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) [If a license holder sells or otherwise transfers ownership or operation of a pool to another person, a new license is required under s. 97.67 (2) (a), Stats., and the pool may not be opened to the public until the department or its agent has issued a new license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[2. As provided in s. 97.67 (2) (b) and (c), Stats., an individual may transfer a license to an immediate family member, if the individual is transferring operation of the pool. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license to the newly formed business entity or sole proprietorship if the pool remains at the location for which the license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[3. Except as provided in this paragraph, no license issued under this chapter is transferable from one premise to another or from one person or entity to another.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[4. A person who wishes to transfer a license under subd. (c) shall notify the department or its agent prior to operation of the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))** [Under s. 97.605 (4) (a) 2., Stats., “Immediate family member” means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4) (a) 1. and 179.70 (1), Stats., “business entity” means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))** [To notify the department of a transfer of ownership, call (608) 224−4923 or send an e-mail to datcpdfslicensing@wi.gov.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[(d) Preinspection required. Before the department or its agent may issue a license to operate a pool under par. (1), the department or agent shall conduct a preinspection. A preinspection is not required for a transfer of a license under par. (c) 2.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

* 1. [LICENSE DURATION AND RENEWAL. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) *[Expiration.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))* [Each license issued under this chapter expires on June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[(b) Each license shall be renewed annually as provided in sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) [(4) (b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(4)(b))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))



[NEW LICENSE. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) *[Application.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))* [To apply for a new license, the applicant shall apply on an application form provided by the department or its agent. The completed application shall be accompanied by all of the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

1. [The applicable fees specified under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) [ATCP 76.06](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06) [and any fees previously due to the department or its agent.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))
2. [Proof that the department of safety and professional services under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) [SPS 390.04 (1)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.04(1)) [has approved plans and specifications for the pool, including modifications.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))
3. [The completed final inspection report and approval from the department of safety and professional services authorized inspector.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))
4. [A statement from a supervising construction contractor, architect or engineer who worked on the pool indicating that it was completed in accordance with the pool’s construction plan under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) [SPS 390.05 (1) (c)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.05(1)(c))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))
5. [Information, as determined by the department or its agent, indicating that the pool will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the pool that will protect the health, safety, and welfare of the public.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))** [To obtain a copy of the pool operator license application form, or to deter- mine which agent to contact for an application form, call (608) 224−4923 or send an e−mail to](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) [datcpdfslicensing@wi.gov](mailto:datcpdfslicensing@wi.gov)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) *[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))*

*[Requests for preinspection.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))* [The operator shall contact the department or its agent and arrange a time for the preinspection required under s. ATCP 76.05 (1) (c), before operating a pool or water attraction to the general public.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))** [To obtain a copy a copy of the pool license application form, or to arrange for a preinspection, call (608) 224−4923 or send an e−mail to datcpdfslicensing@wi.gov.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

**[(4)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))** [LICENSE RENEWAL. (a) To renew a license, the operator shall pay the department the applicable license fee specified under s. ATCP 76.06 before the license expires. If payment to renew a license fee is not received by the department before the expiration date of the license, the late fee specified under s. ATCP 76.06 (2) (c) shall be paid in addition to the license fee. An application for a renewal license is not required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[(b) 1. The department may refuse to renew a license as provided under sub. (5) (a) 1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[2. The department shall refuse to renew a license as provided under sub. (5) (b).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

**[(5)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))** [DEPARTMENT OR AGENT ACTION ON LICENSE APPLICATION. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3)) *[Department decision on a license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))* [1. The department or its agent may not issue a new license or renew an existing license for a pool unless all of the following conditions are met:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[a. The operator has corrected a condition for which the department or agent has issued a written health or safety−related order.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[b. The operator, applicant, or license holder has provided the department or its agent with the information required under sub. (3) (a) 2., or documentation indicating that the pool is designed and constructed in accordance with the state law and regulations stated in this chapter.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[c. The department or its agent has determined that the operator, applicant or license holder is not in violation of ch. 97, Stats., or has only a minor violation as defined in s. 227.04 (1) (a).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

1. *[License prohibited.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))*

[The department or its agent shall refuse to issue a new license or renew an existing license to operate a pool under any of the following circumstances:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

1. [A fully and accurately completed, signed and dated application has not been received by the department or its agent.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))
2. [The department or its agent has not conducted the preinspection required under s. ATCP 76.05 (1) (d).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))
3. [The department or its agent has not received pool documentation as requested under s. ATCP 76.04.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))
4. [.The operator has not paid all of the applicable fees under s. ATCP 76.06.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(3))

[The operator has modified, repaired, or maintained the pool in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.](https://docs.legis.wisconsin.gov/document/statutes/ch.%2097)

*[(c)](https://docs.legis.wisconsin.gov/document/statutes/ch.%2097) [Conditional license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a license may be conditioned upon the requirement that the license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted under s. 97.615 (2) (g), Stats., within a specified period of time. If the condition is not satisfied within the specified time or after an extension of time approved by the department, the license is void. No person may operate a pool or water attraction after a license has been voided. Any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats., and fees under s. ATCP 76.06 (2) (e). An operator whose license is voided under this paragraph may appeal the decision under s. ATCP 76.09.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(d)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Granting or denial of a license](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)*[. 1. The department or its agent shall issue or deny a new license or shall renew a license for a pool within 30 days after the applicant meets all of the requirements under subs. (3) or (4), as applicable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[2. If the department or its agent denies an application for a license, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights provided under s. ATCP 79.09.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

**[(6)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [VOIDED LICENSE FOR FAILURE TO PAY FEES. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Payment time frame](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)*[. If an applicant or operator fails to pay all applicable fees, late fees and processing charges under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [ATCP 76.06](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06) [within 45 days after the expiration of the license, whichever occurs first, the license is void.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Notice of insufficiency.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [If the department receives a notice of an insufficiency under s. ATCP 76.06 (3), the applicant or operator shall have 15 days after receipt of notice from the department of the insufficiency to pay all applicable fees and processing charges or the license is void.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Appeal rights.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [An operator whose license is voided under this subsection may appeal the decision as provided under s. ATCP 76.09. The burden is on the license applicant or operator to show that all applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the pool is deemed to be operation without a license and is subject to the fees under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [ATCP 76.06 (2) (e)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06(1)(e)) [in addition to the fees otherwise due, unless the applicant or owner meets its burden of proof under this subsection.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (4) (a) 4.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; correction in (4) (a) 4. Made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[; correction in (4) (a) 2. to 4. made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [13.92 (4) (b) 6.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)6)[,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.05](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (a), (3), (4) (a) 1., (b) 1., 2., (5) (b), (c) 3., 6., (d), (6) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register June](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (5) (c) 1., 3. made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register June](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) **[CR 18−019](https://docs.legis.wisconsin.gov/document/cr/2018/19)[: am. (title), (1) to (3), (4) (title), (a) (intro.), (b) (intro.), 1., 2., (5) (title), (a), (b), (c) (intro.), 1., 3., (6), (7)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register January 2020 No. 769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[, eff. 2−1−20; correction in (4) (b) 1., (5) (c) 5., (d) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register January 2020 No. 769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)**

**[ATCP 76.06 Department fees. (1).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [FEE SCHEDULE. Pursuant to s. 97.67 (5), Stats., no license may be issued until all applicable fees have been paid. Table ATCP 76.06 B applies to pool licenses issued by the department or its agent under this chapter for each basin.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [As provided in s. 97.615 (2) (d), Stats., a local health department can establish and collect fees for license. If you were issued a license by a local health department, contact the local health department for its license fee schedule.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(2) LICENSE CATEGORY ASSIGNMENT. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Criteria.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)*  [1. The department or its agent shall assign a Pool to a license category by evaluating the complexity of the Pool based on the criteria specified in ATCP 76.06 Table A in this section.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[2. The department or its agent shall assign a Pool whose point value is 0 to 2, to the simple license category.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[3. The department or its agent shall assign a Pool whose point value is greater than 2, but not more than 3, to the moderate license category.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[4. The department or its agent shall assign a Pool whose point value is greater than 3, to the complex license category.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[5. If the department or its agent orders a pool closed because of a confirmed waterborne illness outbreak or chemical release incident, associated with the operation of the pool, the department or its agent shall immediately assign the pool to the complex category for the current and following licensing year. If no further outbreaks or closures occur, the department or its agent may reduce the license to the appropriate license category assignment.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Point values for determining factors for assigning a Pool license category.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)*

**[ATCP 76.06 Table A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)**

|  |  |
| --- | --- |
| **[Determining Factors for Pool License Category (per Basin)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** | **[Point Value](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** |
| 1. [Pool Basin](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) | [1.0](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |
| 1. [The pool type is a whirlpool or therapy pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) | [1.0](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |
| 1. [Choose the applicable recirculation system](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |
| 1. [Recirculation system is used solely designated to a single pool basin](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) | [1.0](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |
| 1. [Recirculation system is shared with another pool basin(s)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) | [0.5](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |
| 1. [Basin square footage is >1999 square feet in area](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) | [1.0](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |
| 1. [Pool type is considered a water attraction](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) | [1.0](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |

**[ATCP 76.06 Table B](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **[Type of Facility](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** | **[Permit Fee](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** | **[Preinspection Fee](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** | **[1](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)[st](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)[. Reinspection Fee](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** | **[2](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)[nd](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)[. and Subsequent](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)**  **[Reinspection Fee](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** |
| [Simple Pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |
| [Moderate Pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |
| [Complex Pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |
|  |  |  |  |  |
| **[Additional applicable fees based on pool features and design or use](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** |  |  |  |  |
| [Additional recirculation system(s)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |
| [Pool basin is 10,000 to 19,999 square feet](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |
| [Pool basin is 20,000 square feet or more](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |
| [Each waterslide > than 6 feet in height](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |
| [Each sides](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) |  |  |  |  |

**[Fee Schedule — SFY 2012](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)**

**[For permits issued on or after April 1, 2011](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)**

[Recreational or Educational](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[Campground](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[$505 $1200 $540 $720](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(3) TYPES OF FEES. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Preinspection fee.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [The operator shall pay the applicable preinspection fee listed in Table ATCP 76.06 to the department before a new license is issued under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [ATCP 76.05 (3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.05(1))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

1. *[License fee.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [The operator shall pay the applicable license fee listed in Table ATCP 76.06 to the department for each pool for which the operator applies for a new or renewal license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
2. *[Late fee.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [If the license fee for a license renewal is not paid before the expiration date of the license, the operator shall pay to the department a late fee of $85 in addition to the renewal license fee.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
   1. *[Reinspection fee.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [If the department conducts a reinspection or administrative follow-up of a pool under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [ATCP 76.07 (1) (b) 1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)(b)1) [or 4., the operator shall pay to the department the applicable reinspection fee listed in Table ATCP 76.06. The department shall assess an additional fee as listed in Table ATCP 76.06, for any second or subsequent reinspection or administrative follow-up conducted under s. ATCP 76.06 (1) (b) 4.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
   2. *[Fees for operating without a license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [If a pool is found to be operating without a license, the operator shall pay to the department a fee of $749.00, in addition to all applicable fees and any processing charges under s. sub (3)..](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [Anyone operating a pool without a license is also subject to the penalties in ss.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [97.72](https://docs.legis.wisconsin.gov/document/statutes/97.72) [and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [97.73](https://docs.legis.wisconsin.gov/document/statutes/97.73)[, Stats.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

* 1. *[Duplicate license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [The department may charge the operator of a pool $15 for the request of a duplicate license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(g)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Fees for special condition inspections](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)*[. For inspection or consultation activities that are not directly related to the department’s responsibilities for issuing licenses, the department shall charge the operator or the entity requesting the inspection or consultation $175.00.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

**[(4)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [PENALTIES FOR INSUFFICIENCY OF PAYMENT. If the payment for a new or renewal license is by check or other draft drawn upon an account containing insufficient funds, the applicant or operator shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06(1)) [and the financial institution’s processing charges by cashier’s check or other certified draft, money order, or cash.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.06](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (a), (b), (d), (e), Table made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (a), (d) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) **[CR 18−019](https://docs.legis.wisconsin.gov/document/cr/2018/19)[: am. (1) (a), (b), (c), (e), (f) (title), (2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register January 2020 No. 769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[, eff. 2−1−20; correction in (1) (f) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [Register January 2020 No. 769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)**[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

**[ATCP 76.07 Enforcement. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)** [INSPECTIONS AND ACCESS TO THE PREMISES. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Inspections.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [Under ss.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [97.615 (2)](https://docs.legis.wisconsin.gov/document/statutes/97.615(2)) [and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [97.65](https://docs.legis.wisconsin.gov/document/statutes/97.65(1))[(1)](https://docs.legis.wisconsin.gov/document/statutes/97.65(1))[, Stats., an authorized employee or agent of the department, upon presenting proper identification, may enter any pool area and the recirculation equipment and piping area, and any other associated area at any reasonable time, for any of the following purposes:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

1. [To inspect the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
2. [To determine if there has been a violation of this chapter or s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [97.67](https://docs.legis.wisconsin.gov/document/statutes/97.67)[, Stats.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
3. [To determine compliance with previously written violation orders.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
4. [To secure samples or specimens.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
5. [To examine and copy relevant documents and records related to the operation of the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
6. [To obtain photographic or other evidence needed to enforce this chapter.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Reinspections.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [1. The department or its agent may reinspect a pool whenever an inspection or the investigation of a complaint reveals the existence of a violation that is potentially hazardous to the health and welfare of patrons or employees of the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

1. [A reinspection shall be scheduled to allow the operator a reasonably sufficient amount of time to correct the deficiencies.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
2. [A reinspection fee shall be charged for the reinspection based on Table ATCP 76.06 or applicable charges as determined by an agent of the department.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
3. [If an additional reinspection is required because a violation has not been corrected in the scheduled period of time, the department shall assess a second or subsequent reinspection fee based on Table ATCP 76.06 as authorized under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [ATCP 76.06 (3) (d)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.06(1)(d))[, and the department may order the operator to show just cause why the license should not be suspended or revoked under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [ATCP 76.08](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.08)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
4. [GENERAL ORDERS TO CORRECT VIOLATIONS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) *[Written orders.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)*  [If upon inspection of a pool, the department or agent finds that the pool is not designed, constructed, equipped, or operated as required under ch.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [SPS 390](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20SPS%20390) [and this chapter, the department or agent shall issue a written order to correct the violation. The order shall specify the correction needed for compliance and the time period within which the correction should be made. The time period specified in the order may be extended at the discretion of the department or agent as specified in par. (c).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)
5. *[Failure to correct a violation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [If a violation is not corrected by the expiration of the time period stated in the order given under par. (a), or any extension of time granted under par. (c), the department or agent may issue an order under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [ATCP 76.08](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.08) [to suspend or revoke the license to operate the pool. An order for suspension or revocation shall take effect as provided under s. ATCP 76.08.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[2. Under s. 97.12 (5), any person who fails to comply with an order of the department shall forfeit $10 for each day of noncompliance after the order is served upon or directed to him or her. A person may appeal a forfeiture under s. ATCP 76.09.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[(c) Requests for an extension to correct a violation. 1. The department or its agent may extend the time period to correct a violation based on a determination of the seriousness of the violation, the operator’s progress towards correcting the violation, and the operator’s previous history of compliance.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

[2. To request an extension to correct a violation, the operator shall submit a written request to the department or agent before the date specified in the written order to correct the violation. The operator shall provide information that demonstrates to the department or its agent that corrective action has been initiated, but additional time is needed to fully correct the violation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)

1. [TEMPORARY ORDERS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)*[. Conditions for a temporary order](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)* [As provided in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [97.65](https://docs.legis.wisconsin.gov/document/statutes/97.65) [(2) (a), Stats., whenever, as a result of an inspection under sub. (1), the department or agent has reasonable cause to believe that an immediate danger to health or safety exists,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [the department or agent may issue a temporary order without advance notice or hearing to do any of the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [Prohibit the continued operation or method of operation of specific equipment.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [Require the premises or affected areas within the premises to cease operations and close until remedies are applied which eliminate the immediate danger to health or safety.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
4. *[Duration of a temporary order; actions prohibited.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. A temporary order shall take effect upon delivery to the operator or responsible supervisor. Except as provided in par.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(3)(c))[, the temporary order shall remain in effect for 14 days from the date of its delivery, but a temporary order may be reissued for one additional 14−day period if necessary to complete any analysis or examination of samples, specimens, or other evidence.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. No operation or method of operation prohibited by the temporary order may be resumed without the approval of the department or agent until the order has terminated or the time period specified in subd.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(3)(b)1) [has expired, whichever occurs first, unless as provided under par. (c), the department or its agent provides notices that an immediate danger to health or safety is present. If, upon completed analysis or examination, the department or agent determines that construction, sanitary condition, operation, or method of operation of the premises or equipment does not constitute an immediate danger to health or safety, the department or agent shall immediately notify the owner, operator, or responsible supervisor in writing and the temporary order shall terminate upon receipt of the written notice.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Notice of findings upon analysis or examination.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [If the analysis or examination under sub. (1), shows that the construction, sanitary condition, operation, or method of operation of the premises or equipment constitutes an immediate danger to health or safety, the department or agent, within the effective period of the temporary order specified in par.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(b) 1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(3)(b)1)[, shall provide written notice of the findings to the owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.09](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09(2)) [. The notice shall include a statement that the facility has a right to request a hearing under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.09](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09) [within 15 days after issuance of the notice.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Failure to comply with a temporary order; forfeitures and penalties.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Any person who fails to comply with a temporary order issued by the department shall forfeit $10 for each day of noncompliance after the order is served upon or directed to him or her and, under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [97.65 (5) (a)](https://docs.legis.wisconsin.gov/document/statutes/97.65(5)(a))[, Stats., may be fined not more than $10,000 or imprisoned not more than one year in the county jail, or both. A person may appeal a forfeiture under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.09](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(4)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [ACTION PLANS. (a) When required by the department or its agent, the operator shall develop, on a form provided by the department, an action plan for compliance. The action plan shall include all of the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[1. A description of the violation and code citation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The steps the operator will take to correct the violation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. The date compliance will be achieved.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) The pool is placed on a conditional license. The department or its agent shall void the pool license under s. ATCP 76.05 (5) (c), if the operator continues to be out of compliance or fails to meet the objectives outlined in the action plan past the date provided in the action plan.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; correction in (2) (a) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.07](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (a) (intro.), 2., (b) 3., 4., (2) (b), (c), (3) (a) (intro.), (c), (d) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (b) 1. to 3. made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) **[CR 18−019](https://docs.legis.wisconsin.gov/document/cr/2018/19)[: am. (1) (b) 4., (2) (b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2020 No.](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[, eff. 2−1−20](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.08 Suspension or revocation of license.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [The department may, after a hearing under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.09](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09)[, suspend or revoke a license for violation of s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [97.67](https://docs.legis.wisconsin.gov/document/statutes/97.67)[, Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.09 (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.09(1))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.08](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) **[CR 18−019](https://docs.legis.wisconsin.gov/document/cr/2018/19)[: am.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2020 No.](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[, eff. 2−1−20](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [ATCP 76.09 Appeals of actions by the department.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[If requested in writing within 10−days after date of the service of an order, a hearing shall be conducted as specified in Wis Admin Code Ch. ATCP 1. Enforcement of the order shall not be stayed pending action on the hearing.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [A request for hearing shall be submitted to the DATCP Secretary via e-mail at](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [datcpappeals@wisconsin.gov](mailto:datcpappeals@wisconsin.gov)[, faxed to (608) 224−5034, mailed to PO Box 8911, Madison, Wisconsin 53708−8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718. The hearing may be conducted by the department secretary or designee.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.09](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (a), (2) (intro.), (3) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) **[CR 18−019](https://docs.legis.wisconsin.gov/document/cr/2018/19)[: am. (1) (a), (e), (3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2020 No. 769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[, eff. 2−1−20.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

**[ATCP 76.10 Appeals of actions by agent health departments.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [If an agent issues a license under this chapter, the operator shall appeal enforcement action to the agent health department.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.10](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) **[CR 18−019](https://docs.legis.wisconsin.gov/document/cr/2018/19)[: am.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2020 No.](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[769](https://docs.legis.wisconsin.gov/document/register/769/B/toc)[, eff. 2−1−20.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

**[Subchapter II – Standards for Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

**[ATCP 76.105 Qualifications of an authorized representative conducting inspections](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[An authorized representative of the department or its agent who inspects a pool or conducts a plan review for compliance with ch. ATCP 76 shall meet the staffing qualification requirements set forth in s. ATCP 74.08.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.106 Inspections](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[REFUSED INSPECTION; PROCESS. If a person denies access to the department or its agent, the department or its agent shall inform the person of all the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(a) The license holder is required to allow access to the department or its agent as specified under s. 97.12, Stats.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Access is a condition of the acceptance and retention of a pool license to operate as specified under s. ATCP 76.045 (3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) If the pool license holder denies access to an authorized representative of the department or its agent, the department or its agent may apply for an inspection warrant to allow access as provided in law under s. 66.0119, Stats.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [REPORTING OF REFUSED ACCESS. If the person in charge continues to refuse access after the department or its agent presents credentials, provides the explanation in sub. (1), and makes a final request for access, the department or its agent shall document details of the denial of access on an inspection report form.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [FREQUENCY OF INSPECTION. The department or its agent shall inspect a pool at least once during the licensing period.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(4)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [INSPECTION DOCUMENTATION. The department or its agent shall document all of the following on an inspection report form:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(a) Administrative information about the pool’s legal identity, street and mailing addresses, type of establishment and operation, inspection date, and other information such as type of water supply and sewage disposal, status of the license, and personnel certificates that may be required at the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) The conditions or other violations from this chapter that require corrective action by the license holder. An accompanying narrative shall contain all of the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[1. A factual description of the violation observed, including location of the observed violation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Citation and a brief description of the statute, administrative rule, or local ordinance for the observed violation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. A statement indicating what corrective action the license holder has taken, or shall take, to regain compliance with the administrative rule, statute, or local ordinance.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. Unless otherwise indicated on the inspection report, each violation shall have a corrective action deadline. The corrective action deadline shall be based on the following criteria:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[a. The nature of the potential hazard involved and the complexity of the corrective action needed. The department or its agent may agree to or specify additional time, not to exceed 72 hours after the inspection, for the license holder to correct violations of a priority item as defined in ATCP 76.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. The license holder has a maximum time of 10 calendar days after the inspection for the license holder to correct violations of a priority foundation item.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[c. The license holder shall correct core items, as defined in ch. ATCP 76, by a deadline agreed to or specified by the department or its agent, but no later than 90 calendar days after the inspection. The department or its agent may approve a written compliance schedule that extends beyond 90 calendar days, if the license holder submits a written schedule of compliance and no health hazard exists, or will result, from allowing an extended schedule for compliance.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(5)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [ISSUING A REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT. At the conclusion of the inspection, an authorized representative of the department shall sign the completed inspection report. The department or its agent shall then perform an exit interview and obtain a signature on the inspection report from the license holder’s designated person in charge. A copy of the inspection report shall be left with the person in charge at the completion of the inspection or emailed or otherwise presented within 2 business days after completion of the inspection.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(6)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [REFUSAL TO SIGN INSPECTION REPORT. If the license holder’s designated person in charge refuses to sign the inspection report, the department or its agent shall do all of the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(a) Inform the person who declines to sign the inspection report that a written acknowledgment of receipt is not an agreement with findings.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Inform the person that refusal to sign the inspection report will not affect the license holder’s obligation to correct the violations noted in the inspection report by the deadlines specified.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Document the refusal to sign in the inspection report.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

# [(7) POSTING OF INSPECTION REPORTS. The department and its agents shall make inspection reports available to the public on the internet.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

# [Subchapter III — Water Treatment Systems and Water Quality](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.11 Recirculation system. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [GENERAL. Each pool shall have a water recirculation system with disinfection treatment and filtration equipment consisting of overflow gutters or skimmers, main drains, inlets, pumps, piping, holding tanks and filters. The system shall be operated continuously except for seasonal closing or during periods of necessary maintenance.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [See s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.14](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.14) [for design requirements for the recirculation system.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [SKIMMERS AND RECIRCULATION FLOW. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Skimmer flow.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action at each skimmer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The pool water level shall be maintained at an elevation so that continuous effective surface skimming is accomplished through skimmers or over the gutter lip.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[a. For gutter pools, approximately 75% of the required recirculation flow shall be through the gutter and 25% through the main drain during normal operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. For pools with skimmers, approximately 80% of the recirculation flow shall be through skimmers and 20% through the main drain.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[c. For reverse flow pools, 100% of the required circulation shall be through the gutter or skimmer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Skimmers maintained.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Skimmers, skimmer weirs, and overflow gutters and drains shall be maintained so that they are clean and shall be repaired or replaced as needed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Skimmer covers shall be securely seated on deck.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Inlets.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Inlets shall be checked and adjusted to ensure that the rate of flow through each inlet is such that a uniform distribution pattern is established. Inlets in pools with surface skimmers shall be directed as necessary to ensure that there is effective skimming in all areas.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Strainer baskets or screens.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Strainer baskets or screens shall be continuously in use and maintained.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Clean spare strainer baskets or screens shall be available.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Strainer baskets for skimmers and pump strainers shall be cleaned at least daily.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [SURGE TANKS. Surge tanks shall be operated within designed water levels.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [PUMPS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Operational specification.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The pump manufacturer’s maintenance and operating instructions shall be followed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Continuous operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Recirculation pumps shall continuously achieve the designed pool water recirculation rate except during maintenance operations.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Turnover rate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The turnover time for pools shall be as specified in Table ATCP 76.11 A and B.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [Table ATCP 76.11 A Maximum Turnover Time By Pool Type](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

|  |  |
| --- | --- |
| **[Pool Type](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Turnover Time (in hours)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |
| [Swimming](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Diving](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Lap Lanes](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Activity](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [a](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Interactive play attraction](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Leisure river](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Plunge](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Runout slide](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Vortex](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Wading pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Whirlpool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Therapy and Exercise pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Cold soak](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [6](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [6](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [6](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [2](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [0.5](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [2](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [1](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [1](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [1](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [1](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [0.5](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [See Table ATCP 76.11 B](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [4](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
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[Note: If a pool is used as an alternate type of pool (ex. whirlpool used as a pool), the recirculation should follow the stricter turnover time.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [Table ATCP 76.11 B Maximum Turnover Time for Therapy and Exercise Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

|  |  |  |
| --- | --- | --- |
| **[Temperature](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**  **[in](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [°](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[F. (](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[°](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[C.)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Load (gals/person a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Maximum](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**  **[Turnover Time (hours)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |
| [<72−93 (22−33 °C.)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [> 2,500](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [<72−93 (22−33 °C.)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [> 450](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [<72−93 (22−33 °C.)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [< 450](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [>93−104 (33−40 °C.)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [0.5](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |

[N/A = not applicable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[Note: If a pool is used as an alternate type of pool (ex. whirlpool used as a pool), the recirculation should follow the stricter turnover time.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [FLOWMETERS, VALVES, AND GAUGES. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Maintained.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Flowmeters, valves and gauges shall be maintained in operating condition and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Installed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Installed per manufacturer instructions or as verified by pump curve.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(5m)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [PIPING. Water treatment system piping shall have permanent labels, numbered tags or a color coding system that identifies valves, piping, and the direction of water flow. Labels, tags, or color coding shall correspond to a conspicuously posted, easily−read chart that explains the system.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [FILTERS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[General.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. The manufacturer’s data plate shall be visible on all filters.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Filter shells and appurtenances shall be maintained in operating condition](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Sand filters.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Rapid–rate sand filters shall be backwashed as recommended by the manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [High–rate sand filters shall be backwashed as recommended by the manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [a. Vacuum sand filters shall be backwashed as recommended by the manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
4. [The backwash procedure shall follow the filter manufacturer’s written directions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
5. [Backwash procedures shall be conspicuously posted in the filter area on an easily read chart.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
6. [Filter media shall be inspected annually and cleaned or replaced when necessary.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
7. *[Diatomaceous earth filters.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Pressure–type diatomaceous earth filters shall be backwashed as recommended by the manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
8. [Vacuum–type diatomaceous earth filters shall be back-washed as recommended by the manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
9. [Septum covers shall be removed, cleaned or replaced when they no longer provide effective filtration or create a friction loss preventing maintenance of the required recirculation rate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
10. [Diatomaceous earth wastewater separation tanks, where installed, shall be cleaned according to manufacturer instructions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
11. [Positive displacement feeder suction intake shall be a. suspended at least 6 inches above any sludge layer in the solution tank.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Tanks for mixing and distribution of slurry shall be appropriately labeled.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[c. A cover with a screened vent shall be provided on all mixing and distribution tanks.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[d. The installation shall be maintained to prevent backflow of water into the tanks and to prevent the slurry from being siphoned out of the tanks into the pool recirculation system.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [Diatomaceous earth slurry feeders. a. The lowest effective concentration of solution shall be used in a diatomaceous earth slurry feeder.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [The concentration of solution may not exceed 5% by weight.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[c. The diatomite slurry feeder head and lines shall be flushed as recommended by the manufacturer, to assure proper and continuous operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[d. Water from the discharge side of the recirculation pump may be used.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[e. If connection is to a potable water supply line, the supply line shall be equipped with an approved backflow or backsiphonage prevention device.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[f. Diatomite slurry tank agitators shall run continuously.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Cartridge filters.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Cartridge–type filters shall be removed and cleaned as recommended by the manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [Cartridges shall be a. replaced when plugged or damaged.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. A duplicate set of replacement cartridges shall be available on−site and used when removing a dirty cartridge from the filter for cleaning.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e) Activated filter media. Activated filter media shall be maintained and backwashed according to the manufacturers’ specifications.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(f) Filter ball media. Filter ball media shall be maintained and backwashed according to the manufacturers’ specifications.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(g) Glass filter media. Glass filter media shall be maintained and backwashed according to the manufacturers’ specifications.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(h) Other media types as approved by the department shall be maintained and backwashed according to the manufacturers’ specifications.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (1), r. and recr. Table B](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; renum. from DHS 172.11](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (4) (b), (e), Table A, B made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.12 Labeling, storing, mixing, and handling chemicals, including gaseous chlorine.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**  [All labeling, storing, mixing and handling of chemicals must be in compliance with applicable local, state and federal regulations.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) **[(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [LABELING. Except for erosion feeders, which require only the name of the chemical, all chemicals used in the operation and maintenance of pools, and bulk storage tanks containing the chemicals, shall be conspicuously labeled with the following information:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [Name of the product.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [The manufacturer’s name and address.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [Active ingredients.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
4. [Directions for use.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
5. [Hazardous ingredient warning.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
6. [For chemicals used for the primary purpose of controlling microbial or algal growth, the U.S. environmental protection agency registration number.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
7. [STORAGE. Chemicals shall be: a. Stored in the original or a properly labeled container.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
8. [Covered and kept in a clean, dry, well ventilated and locked area away from flammables, incompatible chemicals, and heat sources.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
9. [Oxidizers shall be stored separately from acids.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
10. [Only authorized personnel shall have access to the storage area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[e. Chemicals may not be stored in chlorine gas storage areas.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[f. Food may not be stored in the chemical storage area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[g. Smoking is prohibited in the chemicals storage area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[h. Ventilation shall comply with SPS 364, as enforced by the department of safety and professional services.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[i. Doors shall be locked and marked to indicate entry is for authorized personnel only.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[j. A list of emergency telephone numbers must be readily accessible, and conspicuously posted outside of any chemical storage area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[k. For new pools constructed after the effective date of the rule, secondary containment is required for liquid disinfectant and acid.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[Note: A separate room is not required under this rule, unless required by the department of safety and professional services.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [MIXING. A chemical solution shall be a. Added to water, not by adding water to the chemical.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Each chemical or chemical solution shall be separately added to the water.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[c. Patrons shall not be in the pool, when chemicals are added directly into the pool basin.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [HANDLING. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Smoking.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Smoking by anyone handling chemicals or by anyone within the immediate vicinity of chemicals being mixed is prohibited.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Safety data sheet.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. a. Safety data sheets for each chemical used shall be readily accessible to staff, the department or its Agent. For example, the operator may keep the safety data sheets in a binder or on a computer as long as the operator or designated representative has immediate access to the information without leaving pool area,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. When needed, a back-up is available for rapid access to the safety data sheet in the case of a power outage or other emergency.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Staff shall be trained in the use of the safety data sheets and where they are located.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.12](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.13 Chemical feeders and filter aid equipment. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [GENERAL. (a) All disinfectant/sanitizer chemical (including disinfectant/sanitizer and acid) feeders shall be installed according to the manufacturer’s directions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Used only with the disinfectant/sanitizer recommended by the manufacturer and meet all of the following requirements:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[1. Feeders shall be:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[a. automatic.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Easily adjustable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[c. Capable of providing the required chemical residuals.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. All chemical feed pumps shall be electrically connected to the recirculation pump control circuit so that when power to the recirculation pump is interrupted power to the chemical feed pumps is also interrupted and chemical feed stops.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[a. Electrical interlock shall be tested monthly.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. A log of the test results shall be kept.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. All chemical feed pumps shall be subject to system flow interlock so that when the flow of water through recirculation stops, chemical feed stops.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[a. The system flow interlock shall be tested monthly.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [b. A log of test results shall be kept. EQUIPMENT MAINTENANCE. (a) All maintenance that presents a danger to the patrons, including changing the gas tanks, shall be performed when the pool is not in use or is closed to public use.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. When access to a pool or pool area cannot be restricted, signage shall be in place indicating that the pool is closed and the area shall be monitored to ensure the pool is not in use. This would include if the pool area contains more than one pool, but only one is closed and for hotels with pools built before February 1, 2017, with access to the pool area through the guest room.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [REPAIRS. Only personnel trained and licensed in handling gas chlorine by a certifying agency such as the Federal occupational health and safety administration may repair gas chlorinators.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (1) (intro.) and (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; renum. from DHS 172.13](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [ATCP 76.14 Disinfectant/Sanitizer feeding and residuals.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [GENERAL. Each pool in use shall be automatically and continuously disinfected by means of disinfectant/sanitizer and feeding equipment that is in compliance with this section and s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.13](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.13)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [CHEMICAL USE REQUIREMENTS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Disinfectant/Sanitizer−producing chlorine and bromine and other chemicals.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Disinfectant/Sanitizer−producing chlorine or bromine and any supplemental or alternative chemical used shall meet all the following requirements:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [a. The disinfectant/sanitizer or supplemental chemical is registered with the U.S. environmental protection agency as a disinfectant/sanitizer, except algaecides shall be registered as algaecide](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
4. [The product label is registered with the Wisconsin department of agriculture, trade and consumer protection.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
5. [The disinfectant/sanitizer has an effective residual that can be measured easily and accurately by an approved field test procedure.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
6. [The disinfectant/sanitizer is compatible for use with other chemicals normally used in the water treatment or is clearly identified as having a use limitation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
7. [The disinfectant/sanitizer does not impart toxic properties to the patrons in the water when used according to the manufacturer’s directions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
8. [The disinfectant/sanitizer does not create an undue safety hazard when handled, stored, or used according to the manufacturer’s directions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
9. *[Bromine.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Bromine may not be used in a waterslide, pool slide, plunge pool or wave pool without the department’s approval.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Cyanuric acid.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Cyanuric acid-containing Disinfectant/Sanitizers may not be used at an indoor pool, therapy pool or whirlpool, beginning 2 years after the effective date of the new rule.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [GAS CHLORINATION.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[(a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[Cylinders shall be in an upright position, other container types shall be placed per manufacturers instructions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Cylinders shall be chained or strapped to a rigid support.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Cylinders may not be moved unless the protection cap is secured over the valve.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d)Empty cylinders shall be tagged to indicate they are empty.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e) Cylinder valves shall be closed when in storage or empty.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) **[(4)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [FEEDING. Disinfectant/Sanitizer and filter aid feeding shall be conducted as follows, as applicable respectively:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

* 1. *[Positive displacement disinfectant/sanitizer feeding.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Liquid chemicals shall be fed into water circulation piping or a surge tank or vacuum filter by means of a positive displacement feeder either at full strength or diluted. If calcium hypochlorite or another chemical that forms a residue is used, a 2– tank system shall be used. One tank shall be used for mixing the solution and settling the precipitate. The clear liquid shall be decanted or siphoned into the second tank for distribution.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  2. *[Flow–through feeders.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The chemical used, the manner of usage, and the quantity used in a flow–through feeder shall be as recommended by the feeder manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  3. *[Dry feeders.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Feeders used for feeding dry chemicals into water circulation piping, a surge tank, or vacuum filter shall be maintained for proper operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(5)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CHEMICAL CONCENTRATIONS AND RESIDUALS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Minimum disinfectant/sanitizer residuals.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Except as provided in par.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.14(4)(b))[, feeding shall result in the minimum disinfectant/sanitizer residuals in Table ATCP 76.14.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Cyanurates.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The water cyanuric acid concentration may not exceed 30 ppm.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [A cyanuric acid level above 300 ppm is considered a hazardous substance in the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[pH control.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The water’s pH shall be maintained within a range of 7.2 to 7.8.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. *[Alkalinity.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The total alkalinity of pool water shall be maintained between 60 and 180 ppm as calcium carbonate unless it can be shown by the operator that another level of total alkalinity produces chemically balanced water based on calculations approved by the department.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Combined chlorine.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. The operator shall develop and implement a plan to minimize combined chlorine in the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The plan shall contain the following components: a. Action level (it is recommended that 0.4 ppm be used for combined chlorine for either breakpoint chlorination or water replacement or a combination of both to occur.)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Source water – take into account monochloramine.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[c. Volume of pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[d. Range of volume of fresh source water added to pool each day.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[e. Description of showering requirements and how communicated to patrons.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[f. A record shall be maintained documenting combine chlorine test results, date and times of breakpoint chlorination and any complaints of eye or respiratory irritation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Maximum chlorine residual.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The maximum chlorine residual in any pool shall not exceed 10 ppm.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Maximum total bromine.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The maximum total bromine in a pool shall not exceed 10 ppm.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [Table ATCP 76.14](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Minimum Disinfectant/Sanitizer Residuals](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

|  |  |  |
| --- | --- | --- |
| **[Swimming and Activity Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Minimum Free](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**  **[Chlorine Residual](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Total Bromine](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |
| [Swimming and Activity Pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Swimming and Activity Pool With Stabilizer](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Swimming and Activity Pool With Electronic Monitoring Devices Present And Properly Functioning](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm (with or without stabilizer)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  |  |  |
| **[Wading Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |  |  |
| [Wading Pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Wading Pool With Stabilizer](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Wading Pool With Electronic Monitoring Devices Present and Properly Functioning](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm (with or without stabilizer)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  |  |  |
| **[Whirlpool, Exercise, Therapy Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |  |  |
| [Whirlpool, Exercise, or Therapy Pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Whirlpool With Stabilizer](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [6.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Whirlpool Pool With Electronic Monitoring Devices Present and Properly Functioning](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm (with or without stabilizer)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| **[Water Attractions Other Than Those Specified](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |  |  |
|  |  |  |
| [Water Attraction Other Than Those Specified](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Water Attraction Other Than Those Specified With Stabilizer](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Water Attraction With Electronic Monitoring Devices Present and Properly Functioning](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm (with or without stabilizer)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  |  |  |
| **[Plunge Pools and Wave Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |  |  |
| [Plunge and Wave Pool](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Plunge and Wave Pool With Stabilizer](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Plunge and Wave Pool With Electronic Monitoring Devices Present and Properly Functioning](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm (with or without stabilizer)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  |  |  |
| **[Interactive Play Attractions](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |  |  |
| [Interactive Play Attraction](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Interactive Play Attraction With Stabilizer](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Interactive Play Attraction With Electronic Monitoring Devices Present and Properly Functioning](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm (with or without stabilizer)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  |  |  |
| **[Waterslides and Pool Slides](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |  |  |
| [Waterslides and Pool Slides](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Waterslides and Pool slides With Stabilizer](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [N/A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Waterslides and Pool Slides With Electronic Monitoring Devices Present and Properly Functioning](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1.0 ppm (with or without stabilizer)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3.0 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |

**[(6)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [ELECTRONIC MONITORING DEVICES. (a) When oxidation potential controllers are used the water potential shall be kept between 650−900 mV. In addition, to the requirements specified under ATCP 76.18 (3), if the water potential reads below 650 mV or above 900 mV, the operator shall manually test the pool water with an approved test kit.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) a pool is equipped with an approved and properly maintained electronic monitoring device to control the chlorine residual and pH level, the free available chlorine residual shall meet the minimum requirements in Table ATCP 76.14 and manually test as required under ATCP 76.18 (3).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. Table](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; renum. from DHS 172.14](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (4) (a), Table made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.15 Alternative or supplemental disinfection systems.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Any one of the following alternative or supplemental systems may be added to a pool if an automated disinfection system is in place and on line to maintain the disinfectant/sanitizer residuals under Table ATCP 76.14:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CHLORINE GENERATORS. (a) Chlorine generators (such as salt systems) shall be certified to NSF 50 and installed according to NSF 50 and manufacturer instructions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) An additional disinfection system shall remain on line and able to automatically provide the capacity to superchlorinate the water and maintain the required sanitizer residual.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [OZONE GENERATORS. (a) Ozone generators shall provide a concentration of ozone in the return line to the pool not to exceed 0.1 mg/L.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [The generator shall be electrically interlocked with the recirculation pump to prevent the feeding of ozone when the recirculation pump is not operating. A flow sensor controller may also be used to turn off the feeder when flow is interrupted.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [Off−gassing of ozone shall not result in ozone levels in the equipment room or pool area exceeding 0.1 ppm.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [ULTRA VIOLET LIGHT. Ultraviolet light units shall be certified to NSF 50 and tested and approved for use in water disinfection systems and installed pursuant to NSF 50 requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(4)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [OTHER TECHNOLOGIES](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Other technologies that inactivate or kill pathogens shall be certified to NSF 50 and installed according to NSF 50, manufacturer instructions and have an EPA registration number, if applicable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; renum. from DHS 172.15](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (intro.) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.16 Water quality. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [GENERAL REQUIREMENT. Pool water shall be free of chemical, physical and microbial substances known to be, or suspected of being, capable of creating toxic reactions or skin or membrane irritations.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [WATER CLARITY. Water containing 0.5 or less Nephelometric Turbidity Units is considered clear. The main drain shall be readily visible from the pool deck.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [WATER SAMPLING. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Sample collection and analysis.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The department or its agent may collect samples of pool water for microbiological analysis in evaluating water quality. The analysis of water samples shall be performed by a laboratory accredited by the Wisconsin department of agriculture, trade, and consumer protection, and comply with the procedures established in the 23rd edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation. These monitoring activities may be supplemented with additional microbiological analysis, which shall be performed by an accredited laboratory certified in those methods.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Primary protection from the risk of microbiological disease acquired from pools is achieved through monitoring and maintaining pH levels and disinfection residuals in the recommended ranges. A list of accredited laboratories may be obtained by calling the Wisconsin department of agriculture, trade, and consumer protection at 608−224−4712 or by email at](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [www.datcp.state.wi.us](http://www.datcp.state.wi.us/)[. The 23rd edition of](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Standard Methods for the Examination of Water and Wastewater](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [may be consulted at the offices of the legislative reference bureau at 1 East Main St., Madison, WI 53701,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) <http://www.legis.wi.gov/lrb> [and may be purchased from the American Public Health Association, 800 I Street, N.W., Washington, D.C. 20001−3710.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Bacteriological standards.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Water quality shall be maintained to meet the following standards:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [When bacteriological analysis of total coliforms Staphylococcus aureus, Pseudomonas aeruginosa or Legionella pneumophila is performed, no colony forming units are present in a 100 mL sample.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [When bacteriological analysis is performed for the heterotrophic plate count, the total count may not exceed 200 colonies in a 1 mL sample.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [ALGAE CONTROL. An algaecide may be used in a pool if the algaecide complies with s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.14 (2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.14(2)) [and is used according to the manufacturer’s directions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.16](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.17 Water test kits. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [APPROVED. A test kit of a type approved by the department shall be maintained for testing the pool water pH; the disinfectant/sanitizer residual; the combined chlorine level, when chlorine is used; the total alkalinity; and the cyanuric acid concentration. The test kits shall meet the following specifications, as described in ATCP 76.17 Table A. Required Test Kit Accuracy and Increment.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.17. Table A Required Test Kit Accuracy and Increment](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

|  |  |  |
| --- | --- | --- |
|  | **[Minimum Accuracy](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | **[Maximum Increment](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| **[Chlorine and combined chlorine](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | [+/- 0.2 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [0.2 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| **[pH](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | [+/- 0.2 pH unit\*](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [0.2 units](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| **[Alkalinity](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | [+/- 25%](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [10 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| **[Cyanuric](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | [+/- 20%](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [20 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| **[Bromine](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | [+/- 10 %](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [0.5 ppm](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |

[\*Note: Due to a common degree of error in many available test kits for pH, it is strongly encouraged to use a pH meter to determine the PH reading on the higher and lower end. If the Taylor test kit is used, the Taylor light box shall be used as instructed in the manufacturer’s directions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [TEST REAGENTS USE AND STORAGE. Test kit reagents shall be: (a) Stored in the original container.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Replaced as recommended by the manufacturer.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Stored within the temperature range specified by the manufacturer for storage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) Used and properly disposed of before the expiration date.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [TESTING REAGENT TECHNOLOGIES. The disinfectant/sanitizer testing reagent shall use one of the following technologies: (a) Diethyl–p–phenylene diamine (DPD) in powder or liquid form. A test kit using the titrimetric method (FAS−DPD) for chlorine and bromine testing and colorimetric comparators used for additional water testing shall be approved by the department and shall provide for accurate comparison in the required range for each test as stated in s. ATCP 76.14 (4).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Other photometric, electronic or other technology that achieves the accuracy as described in ATCP Table 76.17 A. and measures analytes within the range applicable to swimming pools.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; renum. from DHS 172.17](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (3) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.18 Water testing frequency. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [ALL POOLS, EXCEPT WHIRLPOOLS, THERAPY AND EXCERICE POOLS.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) **[(a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Except as provided under sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.18(2)) [or](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.18(3))[, water shall be tested for pH and disinfectant/sanitizer residual: 1. Daily before the pool is open to the public or before the pool is in use,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. At least one other time during the day’s peak patron load.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) When chlorine is used, the water shall also be tested at least twice a week for the combined chlorine level.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)Water shall also be tested at least once a week for total alkalinity.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) When cyanuric acid is used in the water basin, the cyanuric acid concentration in the water shall be tested at least once a week.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [WHIRPOOL, THERAPY AND EXERCISE POOLS. Except as specified under sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.18(3)) [water in a whirlpool, therapy pool, or exercise pool shall be tested for pH and disinfectant/sanitizer residual: 1. Before the pool is open to the public or before the pool is in use and at least 4 times daily.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. For at least 2 of these times, the testing shall be done when the pool is in use.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Water shall be tested at least once daily for combined chlorine, when chlorine is used, and at least weekly for total alkalinity.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [ELECTRONIC MONITORING DEVICE. (a) Water in a pool that has a properly maintained electronic monitoring device installed to control pH and disinfectant/sanitizer residual shall be manually tested at least once a day for pH and disinfectant/sanitizer residual with an approved test kit as specified in](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.17)[76.17](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.17) [Table A.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) The operator shall continually monitor the device to determine if it meets operating criteria specified in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.14 (5)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.14(5))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [INCREASED TESTING FRECENCY. The department or its agent may require more frequent testing, if water quality violations are continually noted on inspection reports for free chlorine residual, combine chlorine, bromine, pH, or cyanuric acid, indicating a lack of active managerial control.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.18](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (3) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4)](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7) [(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [ATCP 76.19 Water supply and temperature.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [WATER SUPPLY PROTECTION. A minimum air gap of 2 pipe diameters or 6 inches, whichever is less, shall exist between the potable water supply inlet and the overflow point of any pool, makeup tank, surge tank, solution tank, or slurry tank unless another department approved backflow and backsiphonage prevention device is provided.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [WATER SOURCE. The water supplied to a pool shall be from a source approved by the department of natural resources under ch.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [NR 108](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20NR%20108)[,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [811](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20NR%20811)[, or](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [812](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20NR%20812)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [WATER LEVEL. Proper water level shall be maintained at all times when the pool is open. (a) Water levels in pools with skimmers shall be maintained at a level such that the weir is half submerged or , in the case of a floating weir, use according to manufacturer’s directions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Pools designed with gutters shall have a continuous water supply over the gutter to provide effective skimming.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [WATER TEMPERATURE. (a) 1. An accurate thermometer shall be located in the pool water return line.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Shall be accessible for observation by the operator.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

* 1. [1. Except as provided in par.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(d)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.19(4)(d))[, the water temperature of an indoor pool shall be between 70°F. (21°C.) and 90°F. (32°C.).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The minimum water temperature for an outdoor pool shall be 65°F. (18°C.).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

* 1. [The water temperature in a whirlpool shall be greater than 90°F (32°C.) and shall not exceed 104°F. (40°C.)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  2. [1. Cold soak pools may be operated at a lower temperature than specified under par.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.19(4)(b))[. 2. The pool shall post the water temperature on signage as required under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.29 (5)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.29(5))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (4) (b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; renum. from DHS 172.19](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (4) (d) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

# [Subchapter IV — Staffing Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.20 Operator. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [POOLS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[General requirement.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Each pool shall be under the supervision of at least one operator, except that contiguous multiple pools operated under the same owner may be supervised by one operator.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Operator responsibilities.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Each operator shall be responsible for pool operation and maintenance including equipment shut- down, backwashing, daily maintenance and vacuuming, and maintenance of water quality pursuant to s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.11](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.11)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [POOL OPERATOR CERTIFICATION. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Pool operator certification required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*

[1. Each water attraction shall be staffed by at least one certified operator.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. An owner of a pool that demonstrates a lack of managerial control over the pool operation by having two or more reinspections in a 3-year period..](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[a. A pool that required to have a certified operator under Sub. (2), may contract with a certified operator.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. The certified operator shall be able to respond within 3-hours.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Pool operator certification shall be obtained within 90-days of receiving a new license or meeting the conditions under par. (2) (a) 1. a.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. The owner of a pool shall replace a certified operator within 90 days after a certified operator’s departure.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Certified operator – duties.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. The certified operator will perform service related to water quality parameters specified under ATCP 76.14, 76.16 and 76.19.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The certified operator shall ensure that equipment is properly functioning as specified under ATCP 76.11, 76.13, 76.15, and 76.17.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Documentation of certification.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Current copy of the certified operator’s certification staff shall be maintained at the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.20](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (b), (2) (a) 1. made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.21 Responsible supervisor. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [RESONSIBILITIES](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [(a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Supervision.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Each pool shall be under the supervision of at least one responsible supervisor at all times when the pool is in use or is open to the public.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[Availability.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The responsible supervisor shall be on the premises or immediately available via a phone number posted by the emergency phone and shall respond to an unsafe or unsanitary condition within 15 minutes, at any time the pool is open for use.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Duties.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The responsible supervisor shall: 1. Maintain order,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Ensure that safety and rescue equipment is in place,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Enforce pool use regulations,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. Ensure sanitation and water testing,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[5. Ensure monthly interlock testing, monthly SVRS testing (if applicable),](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[6. Records maintenance,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[7. Staff chemical safety training,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[8. The responsible supervisor shall ensure the rope separating the shallow and deep portions of the pool is in place during required times,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[9. Close the pool as necessary under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.30](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.30)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.21](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (2) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4)](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7) [(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.22 Lifeguards and attendants. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [LIFEGUARD AND ATTENDANT STAFFING PLANS. A pool that is not required to have an attendant or lifeguard is not required to have a lifeguard or attendant staffing plan. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Staffing plan requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The owner or operator of a pool, including a whirlpool over 4 feet deep and a pool with a visual obstruction, shall have a written, lifeguard and attendant staffing plan.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Plan criteria.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The owner or operator shall keep a copy of the plan at the pool and make available to the department or its agent upon request. The department or its agent shall review, verify and approve the plan according to the following criteria:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

* 1. [The square footage of the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  2. [The maximum and average patron load.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  3. [The hours of operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  4. [The location of each lifeguard station or lifeguard roaming zone and each first aid station shall take into account](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[elements such as, glare, distance to scan and rescue and obstructions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  5. [The number of lifeguards or attendants on duty pursuant to s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.23](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.23)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  6. [A diagram of the facility that indicates the placement of attendants, lifeguards, roaming zones, chairs, and stations for both average and maximum patron capacity. The diagram shall include each obstruction.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  7. [A method of communication when 2 or more attendants or lifeguards are required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Lifeguard signage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A pool that is not required under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.23](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.23) [to have a lifeguard shall post a sign that states, in letters that are a minimum of 4 inches high, “No Lifeguard on Duty”.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [A plan required under par. (a), to address coverage or periodic supervision within a pool enclosure that contains lifeguarded and non-lifeguarded pools, If a pool is not supervised by an attendant at all times, a sign shall be posted that states in letters at least 4 inches high: “Non−guarded area.”](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [QUALIFICATIONS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Certification requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A copy of each certification held by lifeguard staff shall be maintained at the pool and shall be made available for inspection by the department.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Certifications required include: 1. Lifeguarding certification,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. First aid certification,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. CPR with AED certification.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Water attraction lifeguard requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [At least one of the lifeguards required under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.23](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.23(1)) [(1) to supervise a water attraction shall have one or more of the following additional certifications:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   1. [American Red Cross Park Lifeguard Training certificate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   2. [National Aquatic Safety Company Lifeguard Training certificate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   3. [National Pool and Water park International Lifeguard Training Program certificate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   4. [Other water park certification approved by the department.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Attendants.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Attendants may staff water attractions, waterslides, or pool slides to assist patrons, as provided for under ATCP 76.23. Attendants may not be used in place of lifeguards.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [LIFEGUARD IDENTIFICATION AND ASSIGNMENT. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Identification and equipment.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [At all times when on duty a lifeguard shall: 1, Wear clothing that is conspicuously marked “Lifeguard” or “Guard”,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Have a rescue tube with a harness as instructed in national certification courses.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Have a whistle.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Assigned duties.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A lifeguard who is assigned to supervise a pool or water attraction may not be assigned duties that may distract the lifeguard’s attention from observing a patron in the pool or water attraction area or that may hinder the lifeguard’s ability to provide immediate assistance to a patron.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (2) (b) 1. and 3.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; renum. from DHS 172.22](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (a) 5., (c), (2) (b) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.23 Lifeguard and attendant placement and staffing requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

1. [GENERAL. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Staffing requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Each pool having a surface area of 2,000 square feet or more shall be staffed pursuant to Table ATCP 76.23 A and Table ATCP 76.23 B when the pool is in use or is open to the public. If the requirements in Table ATCP 76.23 A and Table ATCP 76.23 B conflict, the pool shall comply with the strictest requirements of Table ATCP 76.23 A or Table ATCP 76.23 B.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [An operator may close a portion of a pool to patrons in order to meet the lifeguard staffing requirements for square footage in Table ATCP 76.23 A, except that least one lifeguard shall be provided.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [An operator may limit the number of patrons in order to meet Table ATCP 76.23 A, for lifeguard staffing.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
4. [When the patron load of a pool exceeds 336 patrons, one lifeguard shall be provided for each additional 100 patrons or fraction thereof.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
5. *[Department evaluation required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A pool type that is not addressed in Table ATCP 76.23 A or ATCP 76.23 B shall request evaluation by the department and follow the requirements specified by the department following the evaluation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
6. *[Slide flumes.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [An additional lifeguard shall be provided for every 2 slide flumes installed at a pool other than a separate waterslide plunge pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
7. [Waterslide attendant. An attendant responsible for enforcing waterslide usage rules shall be stationed at the entrance to the waterslide flume.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**[) SIGNAGE. Each pool that is not required to have a lifeguard shall post a sign with letters at least 4 inches high stating: “Warning: No Lifeguard on Duty.”](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [Table ATCP 76.23 A](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Required Number of Lifeguards Based on Square Footage](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

|  |  |  |  |
| --- | --- | --- | --- |
| **[Actual Patron Load\*](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Lifeguards for a Pool or Water Attraction](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**  **[with a Surface Area of 2,000 to 4,999 sq. ft.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Lifeguards for a Pool or Water Attraction of 5,000 to 9,999 sq. ft.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Lifeguards for a Pool or Water Attraction of 10,000 or More sq. ft.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |
| [1 – 60](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [1](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [61 – 136](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [2](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [137 – 136](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [3](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [5](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [237 – 336](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [4](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [5](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [6](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |

[\* When the patron load exceeds 336 patrons, one lifeguard shall be provided for each additional 100 patrons or fraction thereof.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Table ATCP 76.23 B](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

**[Required Number of Lifeguards and Attendants Based on Pool Type](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **[Pool Type](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | | **[Pool or Slide Details](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Lifeguard and Attendant Staffing Requirements](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | |
| [Activity Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [Pool contains one of the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))   1. [A pad walk.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) 2. [A tethered floatable more than 18 inches long in 2 directions. Appendages such as alligator feet should not be included in determining the length.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) 3. [A nontethered floatable. Nontethered floatables do not include tire inner tubes used in Leisure Rivers or waterslides.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))   [Any feature that is to be climbed on or across.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one lifeguard is required](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Leisure Rivers or any feature that convey riders seated or standing.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |  | 1. [At least one Lifeguard, more based on square footage (Table A), and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) 2. [At least one attendant is required for the leisure river. The attendant shall have a clear line of sight for all areas of the river, or additional attendants are required so that all areas of the river are in view of at least one attendant.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Vortex Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |  | [At least one lifeguard is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Current Pools; Pools with Treadmill](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [Whenever the pool is occupied by a patron and the current or treadmill is operating.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one lifeguard is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Exercise Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [Less than 5-feet](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [Do not require a lifeguard or attendant.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Vanishing Edge Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [Unless the water attraction is limited to adult use only.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one lifeguard regardless of the square footage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Wave Pools, any pool that involves patron interacting with moving water or is designed to allow patron to fall into water](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |  | [At least one lifeguard is required regardless of the square footage of the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [Additional lifeguard staffing shall be based on the patron load requirements in Table ATCP 76.23 A.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Pools with a Visual Obstruction](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [The pool has a visual obstruction larger than 10 feet in length by 6 feet in height by 5 feet in width or if the visual obstruction covers more than 20 percent of the pool’s basin.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one attendant is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
|  | | [In a wading pool with a visual obstruction, unless a variance is obtained from the department for an alternate method of coverage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one attendant is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Medical, Rehabilitation or Training Facility Therapy Pools, including those with current or treadmill.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [If medical, rehabilitation or training staff are trained in CPR/AED, first aid and receive training that covers safely extricating a patient from the water in case a rescue is needed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [The operator must provide a risk control plan that explains how rescues and training shall be accomplished.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [No lifeguard or attendant is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Pools with Diving Boards or Platforms](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [For every 2 diving boards or platforms in the same pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one lifeguard.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Wading Pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |  | [Do not require a lifeguard or attendant.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |
| [Whirlpools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | | [If a whirlpool is located within a water attraction complex,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one attendant shall provide periodic supervision of the whirlpool. If a whirlpool is not guarded or attended with an attendant assigned at all times, a sign shall be posted that states in letters that are at least 4 inches high: Non−guarded area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | |

## [Table ATCP 76.23 B](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Required Number of Lifeguards and Attendants Based on Pool Type (Continued)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))**

|  |  |  |
| --- | --- | --- |
| **[Pool Type](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Pool or slide Details](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** | **[Lifeguard and Attendant Staffing Requirements](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** |
| [Pools with Slides](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [Children’s Slide](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [No attendant is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Poolslide: Less than 4 feet in height, which drops into water 24 inches or more, but less than 4 feet or less in depth.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [No lifeguard or attendant is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Poolslide: 4 feet or more, but less than 6 feet in height that drops into water less than 4 feet deep.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one attendant](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Poolslide: Less than 6 feet in height, with an obstructed view of slide terminus at 43 inches at entry point.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one lifeguard.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Poolslide: That drops into water greater than 4 feet deep.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one lifeguard.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Run−out slide: 6 feet or greater in height clear view of the terminus end.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one attendant on top platform.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Run−out slide: 6 feet or greater in height with an obstructed view of the slide terminus.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one attendant on top and bottom of run−out.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Run−out slide: Less than 6 feet with a clear view of slide terminus.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [No attendant or lifeguard required](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Run−out slide: Less than 6 feet with an obstructed view of slide terminus.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one attendant.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | 1. [Waterslide or Drop slide: 6 feet or greater in height.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [Attendant on top of the slide, lifeguard on bottom and means of 2−way communication between attendants and lifeguards.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
|  | [Waterslide or Drop slide: Less than 6 feet with a clear view of terminus end and no obstructions around slide.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [At least one lifeguard.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Interactive Play Attraction (Splash Pads)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [An interactive play attraction not restricted by an enclosure.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [Shall have at least one attendant on the premises. The attendant shall provide periodic supervision of the water attraction as specified in the staffing plan.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Swim-up bars](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [When open](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [Shall have an attendant and follow a written plan that addresses patrons:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [1. Who are ill,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [2. Adversely affecting sanitation,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [3. Engaging in dangerous behavior, or](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [4. Who are injured.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |
| [Any pool or water attraction with instructional program](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [A pool that is used for an activity occurring in the water that is led by a person teaching a participant how to do an exercise, movement, skill or similar activity.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) | [Shall be staffed by a lifeguard when the instructional program is in session.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))  [If the coach or instructor that provides instruction during the program is a lifeguard, the requirement of this subsection is met provided the coach or instructor can supervise the entire group. A pool that normally requires a lifeguard and that is open to the public during an instructional program session shall be supervised by an additional lifeguard or attendant pursuant to s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.23](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.23)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) |

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. Table B](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; correction in Table B made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.23](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (a) 1., 2., (b), Table A, B made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in Table B made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

# [Subchapter V — Operation and Management](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.25 Maximum patron load. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [WATER ATTRACTIONS. The maximum number of patrons permitted to be in an individual water attraction at any one time shall be calculated on the basis of allowing one patron for every 15 square feet of water surface area. The splash zone of any water attraction shall be included in the calculation of the water surface.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [POOLS. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Pools used for swimming.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The maximum number of patrons permitted to be in the water of a pool used for swimming at any one time shall be computed on the basis of allowing one patron for every 15 square feet of the shallow portion of the pool and one patron for every 25 square feet of the deep portion of the pool. Three hundred square feet of pool water surface around each diving board and platform may be excluded in computing the maximum patron load. An additional 10 patrons for each diving board shall be included in the computation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Whirlpools.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The maximum number of patrons permitted to be in the water of a whirlpool at any one time shall be computed on the basis of allowing one patron for every 10 square feet of whirlpool surface area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Wading pools.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The maximum number of patrons permitted to be in the water of a wading pool at any one time shall be computed on the basis of allowing one patron for every 15 square feet of wading pool surface area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. *[Therapy and exercise pools.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The maximum number of patrons permitted to be in the water of a therapy or exercise pool at any one time shall be computed on the basis of allowing one patron every 15 square feet of the shallow portion of the pool and one patron for every 25 square feet of the deep portion of the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.25](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.26 Rescue equipment. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [REQUIRED EQUIPMENT. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Good repair and accessible.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*

[1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[All rescue equipment shall be maintained in good repair.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Rescue equipment shall be mounted in a conspicuous place and shall be readily accessible.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Shepherd’s crook, ring buoy, and rescue tube.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [For each basin of water over 4 feet in length and over 2 feet deep, a shepherd’s crook−type pole shall be provided.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [In addition, for each lifeguard chair, or for a pool 30 feet or more in width that does not have lifeguard chairs, at least one of the following shall be provided: 1. A ring buoy having a minimum outside diameter of 20 inches. Each ring buoy shall be attached to a 1/4 inch rope having a length not less than 1-1/2 times the maximum width of the pool or 50 feet, whichever is less.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. A rescue tube.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Safety rope.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. If applicable, a safety rope shall be provided as required in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.18 (1)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.18(1))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The safety rope shall remain in place except during a lifeguarded activity or adult-only lap swim.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. The safety rope and floats shall be maintained in good repair and working order.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(d) Spine board. A spine board with straps and head immobilizer in good condition shall be available at a pool where a lifeguard is required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [TELEPHONE. (a) C](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[onnection to emergency services.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A telephone capable of connecting with 911 or emergency dispatch services is accessible at all times during pool operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Other technologies.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Other technology may be used that has permanent continuous power backup and reliable service connection at the phone in the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Location](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[. The installation and location of the telephone shall be within 25 feet of the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Emergency numbers and address](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[. A current list of emergency numbers and the facility’s location shall be attached to or posted near the telephone.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (1) (b) and (c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; correction in (1) (c) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.26](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.27 First aid supplies. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [AVAILABILITY. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A first aid kit shall be available at each pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[Contents.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The first aid kit shall contain all of the following items:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[1. Gauze pads](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Adhesive bandages.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) Triangular bandages.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e) Gauze roller bandage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(f) Adhesive tape.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(g) Eye wash.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(h) Elastic bandage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(i) Disposable surgical gloves.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(j) Resuscitation pocket face mask.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(k) Instant cold packs.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [BIOHAZARD KIT. Biohazard safety equipment, including a blood and biohazard disposal kit shall be located at the first aid station or another location on the premises.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(3) EMERGENCY BLANKETS. 2 conventional or emergency blankets in good condition shall be available in the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.27](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.28 Food and drink. 1.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [LOCATION.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[Food or drink service facilities may not be located within 12 feet of the water’s edge of a pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[2.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [UTENSILS. Only shatter-proof utensils for food and drink shall be used in the pool area, except for approved swim-up bars.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.28](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [ATCP 76.29 Posting pool rules.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [GENERAL. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Posting of rules; pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[. 1. The operator shall post pool use rules governing safety and sanitation and shall enforce those rules.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Rules shall be conveyed using words with letters at least 1-inch high, or symbols that are at least 4- inches in height and clearly visible to patrons.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Posting of rules; water attractions, therapy and specialized pools](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[. 1. A legible sign showing pool use rules shall be posted in a conspicuous place. Pool rules in connection with water attractions, therapy pools or other specialized pools shall contain the minimum statement:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[a. Do not enter the pool if you have a communicable disease or an open cut.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Do not bring food, drink, gum or tobacco into the pool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[c. Shower immediately before entering the pool and after use of a steam room, sauna or toilet facilities.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[d. Do not run or engage in rough play in the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[e. Do not bring animals into the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[Note: This statement does not apply to a dog swim event or dog therapy pool under ATCP 76.35](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[f. Diaper changing on the pool deck is prohibited.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[g. Glass and shatterable items are prohibited in the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[h. Children under the age of 12 shall be supervised by an adult.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. If applicable, the operator shall ensure that the patron is instructed (verbal, pictures, or symbols) on how to position themselves and safely ride or otherwise participate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[“No Diving”; signage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A pool that is 200 square feet in area or greater that does not have an approved diving well configuration shall have “NO DIVING” signs in at least 4 inch high letters included with the rules listed under par.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.29(1)(b))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Maximum patron load; signage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A sign showing the maximum patron load shall be conspicuously displayed near each pool. The maximum patron load as stated in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.25](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.25) [may not be exceeded.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. *[Swim diapers.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [If non−toilet−trained children are permitted in the pool, the children shall be required to wear swim diapers.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [POOL SLIDES AND WATERSLIDES AND OTHER WATERRIDES. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Posting of rules; pool slides and waterslides.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [For the plunge section of a pool, the pool use rules signage required under sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.29(1)) [shall also be conspicuously posted at the entrance to the slide tower and additionally include all of the following rules in at least 1 inch lettering:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[1. Do not use the slide while under the influence of alcohol or drugs.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Follow the instructions of the attendant.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Leave the plunge area immediately after using the slide.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. WARNING: Water depth is feet.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Special instruction.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The operator shall ensure that the patron is instructed (verbal, pictures, or symbols) on how to position themselves and safely ride or otherwise participate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [WHIRLPOOLS. For whirlpools, the signage required under sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.29(1)) [shall also be conspicuously posted in the whirlpool area and include all of the following rules preceded by the word WARNING conspicuously printed in at least 1 inch letters:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

* 1. [Elderly persons and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the whirlpool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  2. [Persons under the influence of alcohol or drugs may not use the whirlpool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  3. [Pregnant women should consult their physician regarding whirlpool usage.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  4. [Lengthy exposure may be hazardous to your health and may result in nausea, dizziness or fainting.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  5. [Minors under the age of 6 are not permitted in the whirlpool.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [VORTEX POOL, CURRENT POOL AND OTHER RIDES THAT RAPIDLY MOVE OR CHANGE POSITION OF THE PATRON. For these pools, the signage required in sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.29(1)) [shall also be conspicuously posted and include “Artificial Current; Strong Swimmers Only.” in 4 inch or larger letters.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [COLD SOAK POOLS. For cold soak pools, the signage required under sub.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.29(1)) [shall also be conspicuously posted in the cold soak area and include a sign that states the water temperature in Fahrenheit in at least 4 inch high letters.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [INTERACTIVE PLAY ATTRACTIONS. The signage required under sub (1) shall also be conspicuously posted on the periphery of the interactive play water attraction.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (3) (f)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; correction in (1) (b) made under](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.29](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (d) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (c) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.30 Pool closing criteria.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Any of the following conditions or situations shall constitute sufficient reason for the operator or responsible supervisor to close a pool or for the department or its agent under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.07 (3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(3)) [to order that the pool be closed and posted with signage indicating closure:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

* 1. [The presence of a hazardous substance or object in the pool or the existence of any condition creating an immediate danger to health or safety, including fecal accident events.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  2. [Failure to comply with the water quality requirements in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.16](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.16)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  3. [Failure to comply with the disinfectant/sanitizer residual levels established in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.14](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.14)[, or pH values that are less than 6.8 or equal to or greater than 8.0.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  4. [A nonoperational circulation pump, filter, or disinfectant/sanitizer feeder.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  5. [Failure to comply with the number of lifeguards or attendants required in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.23](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.23)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  6. [Absence or non−availability of a responsible supervisor.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  7. [Nonfunctional emergency phone.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  8. [The pool is undergoing maintenance or repair.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(9)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [The pool gate or door is not equipped with a self-closing and latching mechanism.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.30](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (intro.), (2), (3), (5) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (4) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.31 Fecal accident response. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [In responding to a fecal accident, the operator shall follow the guidelines for fecal accidents in pools used for swimming published by the federal centers for disease control and prevention.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Centers for Disease Control guidelines for responding to fecal accidents and blood and vomit spills maybe viewed at:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [https://www.cdc.gov/healthywater/swimming/aquatics-professionals/fecalresponse.html#fecal-incident](https://www.cdc.gov/healthywater/swimming/aquatics-professionals/fecalresponse.html" \l "fecal-incident)

1. [The operator shall document each fecal contamination as follows:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   1. [The date and time of the event and the free available chlorine, cyanuric acid concentration and pH of the pool water at the time of the event and after the event, before reopening the pool to the public.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   2. [Whether the stool is formed or loose.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   3. [The procedures followed in responding to the fecal contamination.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   4. [The number of patrons in the pool and the length of time between the occurrence, detection, and resolution of the incident.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.31](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (2) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.315 Waterborne outbreak investigations. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [HEALTH DEPARTMENT NOTIFICATION. The operator shall contact the department or its agent for operational and testing guidance when notified by a patron that they have a confirmed waterborne illness.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CONFIRMED WATERBORNE ILLNESS OUTBREAK. In the event of a confirmed waterborne illness outbreak, the operator shall close the pool to use and contact the department or its agent for instructions regarding sampling, corrective actions and reopening procedures.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [FILTER MEDIA. When pseudomonas aeruginosa, staphylococcus aureus or legionella pneumophila is detected in any sample from a pool, the pool must be cleaned and sanitized and filter media must be changed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.32 Monthly reports and records. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [OPERATING REPORTS. The pool operator or responsible supervisor shall complete monthly reports of daily pool operation on forms provided by the department or agent. (ex. chemical testing and backwashing) The monthly reports shall be submitted, as requested, to the department or to the agent as appropriate, no later than the tenth day of the following month.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [To obtain copies of the form for monthly reporting of daily public pool operations, or to determine which agent to contact to obtain copies, contact the Bureau of Food and Recreational Businesses at (608) 224−4682 or PO Box 8911, Madison, Wisconsin 53708−8911.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [DEATH, INJURY, OR ILLNESS REPORTS. The operator shall report incidents resulting in death, or serious injury or illness that requires assistance from emergency medical personnel, by the end of the next working day following the incident by phone, email or fax to the department or agent.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Report deaths, injuries, or illnesses to the Bureau of Food and Recreational Businesses by calling (608) 224−4682 or faxing to (608) 224−4710.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [FILES. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Files maintained on the premises.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The operator shall maintain on the premises, at all times, the following:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [A copy of the most current version of s. ATCP 76.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [The pool construction plans after the effective date of the rule.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
4. [The manufacturer’s pump performance curve.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
5. [The manual of operations for any secondary anti-entrapment device or system.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
6. [The manual of instruction on filter operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[6. Instructions for operation and maintenance of all equipment,7. Instructions and other pertinent information on pool operation and maintenance.8. The most recent federal Centers for Disease (CDC) control recommendations for fecal accidents or another plan in response to fecal accidents that is consistent with CDC’s fecal accident response recommendations.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[File retention period.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The following operational tests and reports shall be kept for a minimum of 2 years. 1. Anti-entrapment device or system test results as required by manufacturer and corrective actions taken, if needed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Any laboratory bacteriological report.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Any fecal accident report made under s. ATCP 76.31.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. Any other reports required by the department or agent.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[5. Daily inspections and operational tests.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [All of the documents under par.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [(a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.32(3)(a)) [and (b) shall be accessible to the department or agent upon request.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; renum. from DHS 172.32](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (3) (a) 3., 5., 9. made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.33 Facility maintenance, repair and sanitation. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [POOL AREA. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Basin.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Each pool shall be routinely brushed or vacuumed to keep the basin and surrounding appurtenances free of sediment, lint, hair, debris, algae and slime growth and discoloration.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Cracks or other defects shall be repaired and the pool interior shall be refinished as necessary to maintain it in a cleanable condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. The pool and water area shall be maintained in a clean and sanitary condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. Glass and shatterable plastic items shall be prohibited in the pool area, except for pool test kit contents while in use to test pool water according to manufacturer’s instructions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Deck maintenance and cleaning.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Deck areas and appurtenances, including safety pads, a. Shall be maintained in good repair, and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Shall be rinsed as needed to prevent microbial growth.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. a. Indoor pool decks shall be disinfected at least weekly.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Outdoor pool decks shall be cleaned as needed](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[Note: It is recommended to avoid the use of an ammonia based disinfectant as this can contribute to an increased level of chloramines in the pool water.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Depth markings along the edge of the pool shall be maintained to be clearly visible and readable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. The deck shall be kept unobstructed except for easily portable furniture and equipment.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Walls, ceilings and floors.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The walls, ceilings and floors in the pool area shall be maintained in a clean and sanitary condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Hosing.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Hosing shall be provided in adequate lengths to flush the entire pool deck.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. All hose bibbs shall be protected against backsiphonage by the proper installation of an approved backflow prevention device as required under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.16 (4)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.16(4))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Equipment.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Pool equipment, including equipment on the deck, shall be properly: 1. Located.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Installed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Maintained.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. Repaired, as necessary.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Spectator areas.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. The spectator area shall be maintained in a clean condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Spectator areas with tables, chairs and other obstructions may not block the deck.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Drinking fountain.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. A drinking fountain is provided as required under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.19](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.19)[P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The drinking fountain shall be maintained in clean and sanitary condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [SHOWER, TOILET AND DRESSING FACILITIES. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Walls and floors.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The walls, partitions and floors of showers, toilet rooms and dressing areas shall be 1. Maintained in good repair, and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Cleaned and disinfected daily and more often if necessary to provide clean and sanitary conditions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [See s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.19](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.19) [for additional information.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Showers.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Showers shall be: 1. Maintained in an operable condition](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Each shower shall provide 3 to 5 gallons of water per minute.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[Note: To minimize the risk of](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Legionella](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [growth and other diseases associated with water, adequate provisions should be made to ensure that all water systems (e.g., sink faucets, drinking fountains, and showers) are safe, any water aged over three weeks is potentially viable for growing](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[legionella](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [colonies. It is strongly advised that each camp develop and implement a water management program as recommended by the CDC Water Management Program Toolkit.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Toilet rooms and diaper changing areas.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Toilet room fixtures and diaper changing stations shall be: 1. Kept clean, and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Maintained in good repair.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Lockers and furniture.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Lockers and furniture shall be: 1. Cleaned as needed, and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Maintained in good repair.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Soap and soap dispensers.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Soap shall be continually provided at each hand washing sink and shower in permanently installed dispensing devices.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The dispensers shall be maintained in operating condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Hand drying devices.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Individual towels in dispensers or hot air dryers shall be provided at hand washing sinks.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Toilet tissue.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A continuous supply of toilet tissue shall be provided in permanently installed dispensing devices.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [Bathing suits provided. If bathing suits or towels or caps are furnished to patrons: 1. They shall be thoroughly laundered with detergent and machine dried after each use.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Clean suits, towels and caps shall be stored separately from unlaundered articles.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Hose bibbs.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Hose bibbs shall be conveniently located to adequately rinse and sanitize floors in shower, dressing, and toilet facilities.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [GARBAGE AND REFUSE. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Approved storage container.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [All garbage and refuse shall be stored in metal or rigid plastic containers having tight–fitting lids.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Sufficient in number.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A sufficient number of containers shall be provided for all garbage and refuse generated.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Stored to prevent harborage conditions.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Filled containers of garbage or refuse shall be covered and stored in a manner to prevent: 1. Harborage for rodents, insect attraction and breeding areas,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Odors,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Environmental pollution,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [and](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. Accidents.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Disposal as needed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [The contents of the containers shall be disposed of as needed and in a sanitary manner.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Clean Condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [All containers shall be kept clean.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(f)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Good repair.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Containers shall be maintained in good repair.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [WATER HEATERS, VENTILATION, ELECTRICAL. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Operating condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Water heaters and heat exchangers shall be maintained in operating condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Air movement.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Heating, ventilation, and exhaust equipment shall be maintained and operated to provide air movement as required by chs.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 361](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20SPS%20361) [to](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [365](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20SPS%20365) [to prevent any excessive condensation and air quality problems in indoor enclosures.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. *[Maintained in good repair.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Electrical equipment and lighting shall be maintained in good repair and in operating condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[Carbon monoxide alarms.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))*[The operator shall install functioning CO alarms, as applicable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [1. A pool equipment room that has a fuel burning appliance shall install and maintain a CO alarm.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. For indoor pools, a CO alarm shall be installed and maintained in the pool area, if there is a fuel burning appliance in the equipment room that is also located within the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Refer to s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.16](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.16) [for department of safety and professional services installation requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (1) (d) and (g)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; corrections in (1) (d) and (g), (4) (b) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.33](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[76.335 Dog swims. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [OPERATION. (a) Before the event, the water level shall be adjusted so that the pool water in the basin does not enter the recirculation system.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Initial disinfectant residual must be 4 ppm free chlorine (8 ppm if cyanuric acid present).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Registration of the dog and caretaker are required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) Proof of current rabies vaccination required.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e) Splash pads, spray features, play structures, whirlpools, diving boards and slides are prohibited from operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))[Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(f) Spray features must be turned off and any activity feature must be restricted.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(g) Grass or an alternate area shall be provided and accessible to patrons with their dogs with adequate space and trash receptacles.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(h) Pool water shall be drained by bypassing the filtration system, and in compliance with WI-DNR wastewater regulations.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(i) 1. Pool shall be scrubbed and cleaned after draining.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The pool shall be superchlorinated before startup occurs during the following season.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(j) Locker rooms may be closed but restrooms with handwashing facilities, and showers must be conveniently located.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(k) The responsible supervisor or designee shall be present at the pool before, during and after the dog swim event.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(l) Event shall be limited to 3 hours total from time when first dogs enter water.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [RULES. The following rules must be conveyed to patrons: (a) Only dogs are allowed in the pool, except in the event of an emergency.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Dogs must be capable of swimming unassisted by a human in the depth and type of pool used for the dog swim.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Dogs must be willing and comfortable participating in the swim.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) Dogs exhibiting aggression must be removed immediately.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e) Dogs with an open cut or sore may not enter the water.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(f) Dogs with loose stools may not enter the water.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(g) Patron bringing dog must supervise the dog at all times.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(h) Patrons must clean up any feces immediately and dispose of waste properly.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Dog swims shall comply with all applicable sections in ATCP 76.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

# [Subchapter VI — Pool Construction and Design](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.34 Pool design. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [HAZARDOUS CONDITIONS. Any object or material not specifically approved under this chapter or ch.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20SPS%20390) [that may cause hazardous conditions or interfere with efficient operation of a pool, pool slide, waterslide, and deck may not be permitted in the pool area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [GATES AND DOORS MAINTAINED. (a) All gates and doors into the pool area shall be maintained and checked for proper operation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) A self-closing latching and lockable mechanism shall install at least 54 inches from the bottom of the gate.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Gates and doors shall be locked when the pool is not open to the public or is not in use.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [POOL ENCLOSURE HEIGHT. All pool enclosures shall be at least 5 feet high.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [ENCLOSURES AND ENTRANCES. All pool areas shall be enclosed](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [and have gates and doors that are:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(a) Self−closing.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Latching.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Lockable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) Gates and doors shall not require a key, code or other electronic method to exit a pool enclosure.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e) 1. For a lifeguarded pool area, if gates and doors are not self-closing and latching, the gates and doors shall be locked unless the entrance to the pool is staffed with an attendant and at least one lifeguard is present.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Documentation for staffing shall be included in the lifeguard staffing plan.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(f) This section does not apply to emergency doors that cannot be opened from the outside of the pool enclosure.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [A primary entrance to a pool enclosure in which multiple doors must be passed through is considered to have a self-closing, latching and lockable gate or door, if any of doors in the sequence are self-closing, latching or lockable.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [SIGNAGE. During closed hours, a sign shall be conspicuously posted stating that the pool, pool slide, water slide, and deck are closed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [See s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.18 (4)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.18(4)) [for additional rules relating to the outdoor pool enclosure.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [LANDSCAPING. (a) Landscaping planters, pots or other plant containers may not be placed on the required deck area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) Landscaping features such as bark, gravel, shrubs, or flowers may be located within the pool enclosure but shall be separated from the pool by an additional 5 feet of impervious area or maintained lawn, or the landscaping features must be installed in a 4 inch depression and the depressed area must be surrounded by a 42 inch high barrier.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) Landscaped areas within a pool enclosure shall be continually maintained to prevent debris from entering the water.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) Trees used as landscaping features may not overhang the required deck area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(e) Sand may not be located within a pool enclosure unless the sand area is made inaccessible from the pool area by the location of a security−type barrier that is at least 42 inches high.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; correction in (1) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.34](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (6) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

## [ATCP 76.35 Waterslide and pool slide design.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [All waterslides and pool slides shall be designed and installed as required in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.31](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.31)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [a.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Waterslide and pool slide lubrication.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Waterslide and pool slide lubrication shall be in accordance with s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.31 (4)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.31(4))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[b. Run-out slide lubrication. Run−out slide flume lubrication systems shall comply with the requirements in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 390.31 (4) (a)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20390.31(4)(a))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [The portion of the pool water surface that is used as a plunge area for a drop slide or waterslide shall be continuously separated from other areas of the pool in a manner approved by the department or its agent, as long as the slide is in use.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (1) and (2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; corrections in (1) and (2) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.35](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.36 Water attraction, play features, and slide design. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [GENERAL. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Design and construction.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Water attractions and play features shall be designed, assembled, constructed and maintained in accordance with recognized safe practices as defined in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20334.01(15))[334.01 (15)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20334.01(15))[, and so that maximum patron loads do not stress any part of the water attraction beyond recognized safe practices.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Free from hazardous projections.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Interior and exterior parts of all water attractions a patron may come into contact with shall be free of abrasives and splinters, sharp edges and corners, protruding studs, bolts, screws, and other hazardous projections.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. *[Padding.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Padding or other means to minimize injury due to patron impact resulting from the action of the water attraction shall be provided in accordance with recognized safe practice, as defined in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 334.01 (15)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20334.01(15))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. *[Enclosure of hazardous parts.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [All hazardous parts, including but not limited to pinch points, and shear points of water attractions and play features, shall be enclosed, barricaded or otherwise arranged to effectively prevent injury in accordance with recognized safe practice, as defined in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 334.01 (15)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20334.01(15))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
4. *[Guards.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Guards removed for any purpose shall be replaced before normal operation of the water attraction is resumed.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
5. *[Wheels and levers.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Wheels and levers used by patrons in the control of the action of the water attraction shall be designed and maintained to prevent pinches, strains, abrasions, and body actions that could result in injuries. Wheels and levers shall be padded. Wheels shall have a solid center in lieu of spokes.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
6. *[Fences and barriers.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Water attractions shall be fenced, barricaded or otherwise arranged in accordance with recognized safe practice, as defined in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 334.01 (15)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20334.01(15))[, so that the public is effectively prevented from entering hazardous areas.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
7. *[Fence design and construction.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Fences shall be constructed to meet all of the following requirements: 1. Fences shall be at least 42 inches above the surface on which the spectators or patrons stand.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
8. [Fences shall be constructed to reject a 4 inch ball at all openings, including between the bottom of the fence and the surface upon which it rests.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
9. [Fences shall be designed, constructed and erected to inhibit overturning by spectators or patrons.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
10. [Where used, gates shall open away from the water attraction unless equipped with a positive latching device.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
11. *[Gate opening.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Gates shall be designed such that, if opened during the water attraction’s operation, the gate will not contact the water attraction or cause a hazard to patrons.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
12. [Separation. Fences and gates shall be constructed to inhibit spectator contact with the water attraction and patron contact with fences or gates.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Horizontal members in a fence or gate may be used to improve construction or efficiency, but should be minimized to reduce the ease of climbing.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Loading and unloading areas.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Loading and unloading areas which are an integral part of the water attraction shall be separated from moving parts by barriers or guardrails.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(l)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Preventing access.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [A flexible barrier, such as a rope or chain, may be used to prevent access to the passenger–carrying devices, provided the barrier is no longer than necessary and is controlled by an authorized attendant.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [Moving sweeps. Water attractions with moving sweeps shall be guarded by a standard guardrail or a center cover designed and maintained to safely support a minimum load of 200 pounds.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [Spectator area. Where a spectator area is provided, it shall be separated by a railing or other barrier from the water area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [INTERACTIVE PLAY ATTRACTIONS. All interactive play attractions shall comply with all of the following requirements:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   1. *[Attendant requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [If access to the interactive play attraction is not restricted by an enclosure, an attendant shall be present to provide periodic supervision.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   2. *[Water drains.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Water drains shall be in good working condition.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   3. [Tree and vegetation prohibited. Trees and vegetation may not be allowed in the interactive play attraction area.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
   4. [Daily opening procedures. Water spray features shall be activated for 30 minutes before the daily opening of the interactive play attraction.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[Note:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [A ring buoy and shepherd’s crook are not required to be present for an interactive play attraction.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08;](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [CR 09−115](https://docs.legis.wisconsin.gov/document/cr/2009/115)[: am. (2) (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register May 2010 No. 653](https://docs.legis.wisconsin.gov/document/register/653/B/toc)[, eff. 6−1−10; corrections in (1) (a), (c), (d), made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.36](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[ATCP 76.37 Maintenance, repair, and modifications of water attractions. (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [GENERAL. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Maintained safe.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Water attractions shall be maintained, repaired and modified in accordance with recognized safe practice, as defined in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [SPS 334.01 (15)](https://docs.legis.wisconsin.gov/document/administrativecode/SPS%20334.01(15))[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

* 1. *[Closure.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Improperly maintained, repaired or modified water attractions may not be opened to the public.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
  2. [Maintenance. 1. Defective, improper, worn, or missing parts shall be replaced or repaired. Maintenance, repair, and replacement parts shall be of a quality equal to or better than the original parts.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. [All work shall be performed by a competent qualified mechanic capable of understanding the function of the parts and the proper installation.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
2. [Nongraded bolts, nails, fasteners, and wire shall be used only for their intended purposes.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))
3. [Rotted, split, or otherwise structurally unsound material shall be replaced.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [INSPECTIONS AND TESTING. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[General.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. The owner shall arrange for all water attractions to be periodically inspected and for operational tests to be performed as specified in this subsection.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Such inspections and tests shall be documented by written records and the records shall be kept as specified in s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.32](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.32(3))[(3)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.32(3)) [(b).](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Daily inspection and operational testing.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. Water attractions shall be inspected and their operation tested each day before use by patrons.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. The inspection and operational test shall include the operation of all control devices and safety equipment.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

1. *[Waterslide inspection.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [Every five years all waterslides shall be evaluated by an engineer for the structural stability and integrity of the slide and platform. A copy of a report signed by the engineer shall be kept on site as pursuant to s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [ATCP 76.32](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.32)[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[History:](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [CR 06−086](https://docs.legis.wisconsin.gov/document/cr/2006/86)[: cr.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register August 2007 No. 620](https://docs.legis.wisconsin.gov/document/register/620/B/toc)[, eff. 2−1−08; correction in (1) (a) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 6.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)6)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register January 2012 No. 673](https://docs.legis.wisconsin.gov/document/register/673/B/toc)[; renum. from DHS 172.37](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (2) (a), (c) made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [13.92 (4) (b) 7.](https://docs.legis.wisconsin.gov/document/statutes/13.92(4)(b)7)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)[; correction in (1) (c) 3. made under s.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [35.17](https://docs.legis.wisconsin.gov/document/statutes/35.17)[, Stats.,](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Register June 2016 No. 726](https://docs.legis.wisconsin.gov/document/register/726/B/toc)

**[76.38 Virginia Graeme Baker Act (VGBA) (1)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [GENERAL. (a)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) *[Requirements.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))* [1. New pool construction. For a newly constructed pool, the operator shall have approved plans from DSPS and shall maintain the pool plans onsite.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Existing pools. For a pool constructed before the effective date of this rule, the operator shall provide at a minimum, the pump curve and the DSPS approved drain cover specifications.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [P](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

**[(2)](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))** [Documentation. (a) The operator shall maintain a log that can be used to evaluate the drain covers.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(b) The log shall include the following components related to the drain cover: 1. Make.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[2. Model.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[3. Gallons per minute rating.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[4. Life span.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[5. Installation date.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(c) In lieu of a log, receipts or affidavits from a pool service company shall be acceptable documentation as long the information required in par. (2) (b) is provided.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1)) [Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[(d) Documents shall be provided to the department or agent upon request.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[Pf](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))

[.](https://docs.legis.wisconsin.gov/document/administrativecode/ATCP%2076.07(1))