

Wisconsin Recreational Facilities FACT SHEET



Revisions to ATCP 76

Below are sections of Chapter ATCP 76 where the code is to change from the previous version, with a brief description of the changes. These are the *major* revisions and this is not an exhaustive list of all changes to the code. Please review the [rule for ATCP 76](#).

ATCP 76 Subchapter	ATCP 76 Section	Proposed Change
I. Administration	76.03	Many definitions added, with some obsolete terms removed. Examples of new or changed definitions are listed in Appendix A below.
	76.04	Pool construction plans required for new pools; not required, including at change of owner, for existing pools.
	76.046	Explicit requirement added to allow sanitarian access to facility (pool and pool area, pump room, toilet, and shower rooms), and to comply with sanitarian directives.
	76.06	New licensing structure is based on points to determine complexity of basin, and an add-on 'feature fee' if there are feature(s) in the basin.
	76.07(4)	Action plan will be used in some cases to state how a violation will be addressed if it cannot immediately be corrected.
II. Standards	76.105 & 76.106	Language added regarding inspector qualification and inspection and enforcement process.
III. Water Treatment & Water Quality	76.12(4)(b) 3.	Pool staff must be trained in use of chemical safety data sheets.
	76.13, 76.13(1)(c)2	Operator must be able to describe how interlock is configured, and how it is safely tested; log testing on monthly report.
	76.13 (2) & (4)	Requirements added for restricting patrons during some maintenance activities and in the event of recirculation interruption.
	76.14 (2)(b) & (c)	Restrictions added regarding in which pool types bromine and cyanuric may be used.
	76.14 (5)(a) & (g)	Minimum chemical residuals aligned with model aquatic health code and simplified; bromine minimum <i>lowered</i> . Bromine upper limit <i>lowered</i> to align with federal regulations.
	76.14 (5)(e)	There will no longer be an enforced limit for combined chlorine alone, rather operator must prepare and follow their plan for controlling combined chlorine to be in compliance.
	76.15(4)	'Other technologies' for alternative or supplemental disinfection rolled into code to eliminate need for variances (must be certified and installed per NSF 50).
	76.17 (1) & (3)(b)	Criteria for approval of test kits, other test kit technologies.
IV. Staffing Pools	76.20 (2) (a)2	Certified operator required at a pool with two or more reinspections in three years. Certified operator requirement for <i>water attractions</i> has not changed.

ATCP 76 Subchapter	ATCP 76 Section	Proposed Change
V. Operation & Maintenance	76.21 (1)(b) & (c)	Responsible supervisor availability clarified, and duties listed: <ul style="list-style-type: none"> • Respond to unsafe or unsanitary condition, in person or by telephone, within 15 minutes. • New duties: <ul style="list-style-type: none"> ○ Ensure chemical safety training ○ Ensure interlock testing and logging ○ Ensure secondary anti-entrapment test (where applicable) ○ Manage the pool cover if present
	76.22(1)(b)	Expanded lifeguard staffing plan requirements: One diagram per use of pool. Example: If a pool is used for PE class on weekdays, for open swim evenings, and for senior exercise on Sundays, three diagrams are needed to show lifeguard and attendant placement, and to describe coverage for each use.
	76.23 Table B	Updated and clarified to address lifeguard and attendant staffing at newer pool types, specifically swim-up bars and therapy pools with current and treadmill.
	76.24(1) & (2)	Addresses patron safety during maintenance.
	76.26(1)(b)1.b.	Length of shepherd’s crook must be long enough to effect rescue anywhere in pool for a non-lifeguarded pool.
	76.26(2)(b) & (c)	Telephone, alternative telecommunication technologies acceptable without variance; criteria provided; must be within 25 feet of pool area.
	76.27(1)(b)	First aid kit contents streamlined.
	76.28 (1) & (2)	Food and drink service facilities ok at swim-up bars; utensils behind swim-up bars need not be shatterproof.
	76.29 (1)(c) & (f)	Rules regarding children under 12, and prolonged breath-holding have been added. For a non-lifeguarded pool, children under 12 must be supervised by an adult. Pools must communicate to patrons they must not engage in prolonged breath-holding.
	76.29(2)(b)	‘Custom’ signs based on how to safely use the attraction or feature allowed to accommodate newer types of attraction that are not specifically covered in other pool rules (variance no longer needed).
	76.30(1)(g-j)	Closing criteria; phone, gates and doors, maintenance, upper limit for cyanuric acid added to list for when pool should be closed if those items do not meet code, or would be closed by sanitarian if in violation.
	76.315	Support for waterborne illness reporting and for outbreak investigations. Pool operators must report complaints of recreational waterborne illness to their sanitarian or the department. Pool operators must follow guidance from their sanitarian and the department in responding to an outbreak, including any testing, and cleaning and decontaminating pools.
	76.32(1)(e)	Anti-entrapment system testing (where applicable) is required to be performed by the operator and must be logged—added to monthly report.
	76.32(3)(a)2 & 9	File retention—plans for new construction required for new construction only; pump curves and drain cover receipts or logbooks for Virginia Graeme Baker Act (VGBA) for all pools.
76.335	Dog swims allowed; requirements added (similar to conditions listed under variances for dog swims—but variance itself is no longer required).	
76.34(4)(a)4, (b)	Gates and doors: any gates and doors staffed with lifeguards and attendants allowed. A variance is no longer required if criteria are met.	
VI. Pool Construction & Design	76.38	VGBA specifically addressed. Requirements for paperwork, including original plans for new construction, and, for all pools, pump curve and drain cover log.

Appendix A. Examples of Definition Changes & Additions
(see ATCP 76.03 definitions to see all changes and additions)

Changes:

“Attendant” means a person trained to control patrons in a safe and orderly manner.

“Certified operator” means an operator who is certified by successful completion of at least one of the following training courses:

- a) The Pool and Hot Tub Alliance certified pool operator course.
- b) The National Recreation and Park Association aquatic facility operator course.
- c) An equivalent course approved by the department.

“Lifeguard” means a person holding a current certificate from a course that meets the criteria for lifeguarding, first aid, CPR, and AED training and certification set forth in the 2018 Model Aquatic Health Code or as approved by the department.

“Public pool” does not include an inflated mobile structure, basin, chamber, or tank; a swim pond; 190 an individual therapeutic pod, tub, or bath; a fixed or mobile structure, basin, chamber, or tank that serves 191 fewer than 3 individual residences; or a fixed or mobile structure, basin, chamber, or tank that is used solely for animal training, therapy, or exercise and the only individuals in the pool are the animal trainer or handler, 193 animal health or wellness professional or the animal’s individual owner.

Additions:

“Electrical interconnection” means, in connection with a pool, where the recirculation pump and the chemical feed unit are interconnected in such a way that when the recirculation pump power is interrupted or lost, the power to the chemical feed unit is also disabled.

“Flow sensing” means an automatic safety mechanism designed to disable chemical delivery equipment in the event of a significant decrease, or lack of, a return flow water flow required for the proper dispersal of a chemical related to water disinfection.”

“Feature” means a pool with a depth greater than 16 feet, a pool with a surface area greater than 20,000 sq. ft., or a physical object permanently installed in a pool that is intended for recreational use including, a pool slide, waterslide, pad walk, basketball hoop, diving board, wave generator, treadmill, vortex pool, climbing wall, current pool, swim-up bar, vanishing edge pool, tethered or nontethered floatable, or a spray feature.

“Peak flow” means the highest flow rate attainable by the pump within the pool’s recirculation system.

“Priority item” means all the following:

- a) A provision in this rule directly related to health and safety that if not met or is missing could significantly contribute to an increased risk for injury or illness.
- b) An item that is denoted in this rule with a superscript “P.”

“Swim-up bar” means an area of a pool that includes barstool type seating, a countertop, and often a serving area where patrons can order a beverage without leaving the pool.