

# Interactive Water Features and Fountains



# Senate Bill 968

- Amends Health and Safety Code 341
- Adds Section 341.0695
- Titled Interactive Water Features and Fountains

# Section 1

## HSC 341.0695(a)

Defines an interactive water feature or fountain as an installation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons and that is maintained for public recreation.



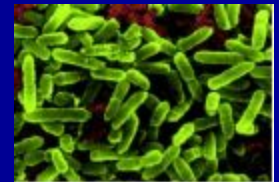
# HSC 341.0695(b)

Requires that the owner, manager, operator, or other attendant in charge of an interactive water feature or fountain maintain the water feature or fountain in a sanitary condition.

# HSC 341.0695(c)



Requires that the bacterial content of the water in an interactive water feature or fountain may not exceed the safe limits prescribed by the standards adopted under this chapter.



# HSC 341.0695(d)

Except as provided by Subsection (f), a minimum free residual chlorine of 1.0 part for each one million units of water used in an interactive water feature or fountain must be maintained.

# HSC 341.0695(e)

Requires that water in an interactive water feature or fountain may not show an acid reaction to a standard pH test.



# HSC 341.0695(f)

Allows the department by rule to adopt methods other than chlorination for the purpose of disinfecting interactive water features and fountains.



# HSC 341.0695(g)

Allows an interactive water feature or fountain that is supplied entirely by drinking water that is not recirculated to not be subject to Subsections (d), referring to the minimum chlorine residual, and (e), referring to not showing an acid reaction to pH.

# HSC 341.0695(h)

Excludes any person known to be or suspected of being infected with a transmissible condition of a communicable disease from an interactive water feature or fountain.



# **HSC 341.0695(i) – The County, a municipality or the department may:**

- require that the owner or operator of an interactive water feature or fountain obtain a permit for operation;
- inspect an interactive water feature or fountain for compliance with this section;
- and impose and collect a reasonable fee in connection with a permit or inspection required under this subsection.

# HSC 341.0695(j)

A county, a municipality, or the department may by order close, for the period specified in the order, an interactive water feature or fountain if the operation of the fountain or water feature violates this section or a permitting or inspection requirement imposed under Subsection (i).

# HSC 341.0695(k)

This section does not apply to a recreational water park that uses freshwater originating from a natural watercourse for recreational purposes and releases the freshwater back into the same natural watercourse.

# S.B. 968

## Section 2 (a)

Not later than the 30th day after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt emergency rules in accordance with Section 2001.034, Government Code, as necessary to implement Section 341.0695, Health and Safety Code, as added by this Act.

Emergency rules went into effect July 8, 2009, and, following an extension were effective until December 29, 2009.

# S.B. 968

## Section 2(b)

An owner, manager, operator, or other attendant in charge of an interactive water feature or fountain is not required to comply with Section 341.0695, Health and Safety Code, as added by this Act, before the fifth day after the date rules are adopted under Subsection (a) of this section.

Compliance with the emergency rules was required by July 12, 2009.

# S.B. 968

## Section 3

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.





# Implementation of SB 968

## Writing Permanent Rules



# 25 TAC §265.302.

## Definitions

*Interactive water feature or fountain*--An installation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the spray streams. An interactive water feature or fountain may include devices or activities such as slides, climbing and crawling structures, visual effects, user-actuated mechanical devices, and other user-controlled play elements.

# Definitions

Public interactive water feature or fountain (PIWF)--Any indoor or outdoor interactive water feature or fountain that is maintained for public recreation and that is operated by an owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for use. The term includes, but is not limited to, an interactive water feature or fountain that is open exclusively to members of an organization and their guests, residents of a multi-unit apartment building or apartment complex, residential real estate development, or other multifamily residential area, schools, day care facilities, youth camp, or hotel or other public accommodations facility. A PIWF may be publicly or privately owned. A PIWF does not include an interactive water feature or fountain located on private property under the control of the property owner or the owner's tenant serving a single-family residence or duplex and that is intended for use by not more than two resident families and their guests.

# 25 TAC §265.303. Operation and Maintenance

- PIWF must be operated and maintained under the supervision of a trained and credentialed operator
- The treatment tank must be drained and cleaned to keep the PIWF clean & sanitary
- The surface of zero depth PIWF must be kept clear of debris and trash
- The surface of a zero depth PIWF must be cleaned and sanitized as needed

# Required Signage

- pets prohibited, in letters at least 1 inch in height;
- changing diapers in the public interactive water feature or fountain is prohibited
- use of the public interactive water feature or fountain if a person is infected with a contagious disease or condition is prohibited
- do not drink the water
- use of the public interactive water feature or fountain if ill with diarrhea is prohibited

# PIWFs Without an On-Site Owner/Operator

At PIWFs without an on-site owner/operator a sign shall be posted that provides a contact number to be used in the event of a malfunction, unsanitary condition, or any other non-emergency problem requiring correction at the PIWF.

# 25 TAC §265.306(c)

## Disinfectant and Cyanuric Acid Levels

Free Available Chlorine: Min. 1.0 ppm; Ideal 3.0 – 5.0 ppm; Max 8.0 ppm

Bromine: Min. 2.5 ppm; Ideal 5.5 – 7.5 ppm; Max 12.0 ppm

Combined Chlorine: Min. 0.0 ppm; Ideal 0.0 ppm; Max. 0.2 ppm

Cyanuric Acid (Stabilizer)

Out-of-Door Facilities Only: Min. 0.0 ppm; Ideal 20 ppm; Max. 60 ppm

Forms of chlorine containing stabilizer (cyanuric acid) shall not be used in indoor PIWFs.

# 25 TAC §265.306(d) pH

- Minimum: not less than 7.0
- Ideal: 7.4 – 7.6
- Maximum: 7.8





25 TAC §265.306(g)

## Secondary Disinfection

In addition to maintaining sanitizer, cyanuric acid, and pH levels as required all PIWFs shall be equipped with a secondary disinfection system that will protect the public against infection by the parasite, *Cryptosporidium*.



# Secondary Disinfection

- Ultraviolet Light (UV)
- Ozone
- EPA Approved Product
- Equivalent product, process, or system approved by the department.

# §265.308(a)

## Closure of a PIWF

A county, a municipality, or the department may by order close, for the period specified in the order, a public interactive water feature or fountain (PIWF), if the operation of the PIWF:

- Violates this subchapter; or
- Violates a permitting or inspection requirement imposed under the Act, this subchapter, or as authorized by the Act or this subchapter.

# §265.308(e)

## Closure of a PIWF



A PIWF shall be considered closed when the following conditions are met:

(1) a notice is posted at the public entrance of the PIWF notifying the public that the PIWF is closed; and

(2) water is shut off to all features of the PIWF.

# Public Comments

The public comment period has been extended. Written public comments will be accepted until Close of Business *January 17, 2010.*

# Contact Information

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