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Reinspection Criteria for Water Recreation Establishments

Due to the amount of time and effort involved in conducting reinspections, the department implemented a reinspection fee on April 1, 2009. This fee will help cover the costs associated with the reinspection as well as provide an incentive for the proper operation of the facility and compliance with the code requirements.

A reinspection and reinspection fees will be required under the following conditions:

Category 1 – Imminent Hazards

Whenever an inspection or complaint investigation reveals the existence of a violation that is potentially hazardous to the health and safety of patrons or employees and the violation is not able to be corrected during the inspection or investigation. This requires the inspector to return to the establishment to verify that the violation has been corrected.

Category 2 – Repeat Violations

Repeat violations, even if they are corrected during the inspection process. Repeat violations that are documented over 3 consecutive routine or complaint inspections will result in a reinspection and reinspection fee.

Category 3 – Excessive Violations

Violations are of such an excessive nature that the potential exists for a hazard to occur. A reinspection and reinspection fee may result after consultation with an immediate supervisor or central office and the decision is made that additional intervention is needed by the inspector to bring the establishment into compliance.

The Following violation(s) will result in a reinspection and reinspection fee under category 1, if the violation(s) is not immediately corrected during the inspection process.

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.
 - a. Hazardous substances and objects warranting a reinspection include, but are not limited to, the following: serious physical dangers such as sharp objects, biological dangers such as a fecal accident or vomit, chemical dangers such as a pesticide spill or chemical release.
 - b. Conditions creating immediate danger to health and safety such as, but not limited to, missing barriers, rails or guards designed to prevent falls or other injury, missing or damaged section in a main drain cover.
2. Failure to comply with the water quality requirements in DHS 172.16.
 - a. Testing through an accredited laboratory confirms the presence of chemical, physical or microbial substances at a quantity capable of creating toxic reactions or skin or membrane irritations warrants closure.
 - b. The main drain is not readily visible from the pool deck.

- c. Bacteriological testing exceeds prescribed standards in DHS 172.16 (3) (b).
- 3. Failure to comply with the disinfectant residual levels established in DHS 172.14 or pH values that are less than 6.8 or equal to or greater than 8.0. Chemical readings must be beyond the degree of error of the test kit used for a reinspection to be performed.
 - a. Approved testing methods indicate no sanitizer residual is present in the pool.
 - b. Approved testing methods indicate the pH of the water is less than 6.8 or greater than 8.0.
- 4. A non-operational circulation pump, filter, or disinfectant feeder.
 - a. Any mechanical failure in the recirculation system resulting in a failure to continuously filter the water.
 - b. Failure of the disinfectant feeder to automatically and continuously disinfect. Broadcasting sanitizer into the pool manually is NOT an acceptable alternative.
- 5. Failure to comply with the number of lifeguards or attendants required in DHS 172.23.
 - a. No lifeguards are present in the facility.
 - i. Unguarded portions of the facility can be closed without full closure and reinspection if partial closures allow for compliance.
- 6. Lifeguards do not have documentation that they hold current approved lifeguard, CPR, first aid course and AED certifications.
- 7. Absence or non-availability of a responsible supervisor as required in DHS 172.21.
 - a. No one is present or available by phone that is designated by the operator to maintain safety and sanitation compliance during hours of operation.
- 8. The temperature of the pool/whirlpool water is greater than 104°F. $\pm 2^{\circ}\text{F}$.
- 9. Failure to provide the necessary rescue equipment as required in DHS 172.26(1).
 - a. Note: If at least one Shepard's crook-type pole is available in the same enclosure with multiple basins, this does not warrant a reinspection or reinspection fee.
- 10. No operational telephone as required in DHS 172.26(2) or as granted through a specific variance to the pool or water attraction facility.

FAQ'S

What is the charge for reinspection work?

The following is a list of reinspection fees depending on the type of license you have. The reinspection fee increases if additional reinspections are required.

	First Reinspection	Subsequent Reinspection
Swimming Pool	\$75	\$50.00
Water Attraction	\$75	\$50.00
Water Attraction /2 Slides	\$125	\$50

If I'm required to have a reinspection on multiple items with different correction dates, is there a charge each time the inspector returns?

No, the reinspection fee covers all the initial correction dates listed on the routine inspection or complaint.

What happens if the inspector returns to reinspect and the violations have not been corrected?

Uncorrected critical violations will result in a subsequent reinspection being performed at an additional cost. If violations remain uncorrected after a second reinspection, the facility may be closed, have their license revoked or suspended, or be referred for legal action.

Do I pay the inspector for the reinspection and what happens if the reinspection fee is not paid?

Your public health sanitarian will not collect your reinspection fee, but they will send the paperwork to central office. Central office will bill you for the reinspection fee.

If the reinspection fee is not paid, your license will not be issued for the following licensing year. Additional fees may be assessed as well as your license being voided.

What happens if I can't get the violations corrected by the compliance date?

If you run into problems and will not be able to correct the violation(s) before your reinspection date, call your public health sanitarian as soon as possible, and request an extension. If an extension is granted a new reinspection date will be given for compliance. Extensions are the exception rather than the rule, so make sure you have a valid reason for the request. Extensions will not be granted on the day the public health sanitarian arrives to do the reinspection.

Is there a charge if I request a public health sanitarian to visit my facility?

Absolutely not, we encourage operators and public health sanitarians to work together to solve problems. We welcome and encourage operators to call if they have questions or problems.