

---

HOUSE BILL 2959

---

State of Washington

65th Legislature

2018 Regular Session

By Representatives Chandler and Taylor

1 AN ACT Relating to surf pools; amending RCW 70.90.110, 70.90.120,  
2 and 70.90.160; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that new  
5 technologies for surf pools are available that are not reflected in  
6 rules for water recreation facilities. The legislature finds that  
7 surf pools generate waves solely for surfing on a surfboard or  
8 surfing device used in the ocean and intended for sport as opposed to  
9 general play found in wave pools. With more than thirty-five million  
10 surfers worldwide, and growing at a rate of about a million new  
11 surfers per year, the legislature finds the need to update water  
12 recreation facilities to include surf pools in order to promote the  
13 public health, safety, and welfare. The legislature further finds it  
14 necessary to update the rules for surf pools to adopt the most recent  
15 version of the United States centers for disease control and  
16 prevention model aquatic health code and adopt a definition for surf  
17 pools.

18 **Sec. 2.** RCW 70.90.110 and 1991 c 3 s 352 are each amended to  
19 read as follows:

1 Unless the context clearly requires otherwise the definitions in  
2 this section apply throughout this chapter.

3 (1) "Water recreation facility" means any artificial basin or  
4 other structure containing water used or intended to be used for  
5 recreation, bathing, relaxation, or swimming, where body contact with  
6 the water occurs or is intended to occur and includes auxiliary  
7 buildings and appurtenances. The term includes, but is not limited  
8 to:

9 (a) Conventional swimming pools, wading pools, and spray pools;

10 (b) Recreational water contact facilities as defined in this  
11 chapter;

12 (c) Spa pools and tubs using hot water, cold water, mineral  
13 water, air induction, or hydrojets; (~~and~~)

14 (d) Surf pools designed to generate waves dedicated to the  
15 activity of surfing on a surfboard or analogous surfing device  
16 commonly used in the ocean and intended for sport as opposed to  
17 general play intent for wave pools; and

18 (e) Any area designated for swimming in natural waters with  
19 artificial boundaries within the waters.

20 (2) "Recreational water contact facility" means an artificial  
21 water associated facility with design and operational features that  
22 provide patron recreational activity which is different from that  
23 associated with a conventional swimming pool and purposefully  
24 involves immersion of the body partially or totally in the water, and  
25 that includes but is not limited to, water slides, wave pools, and  
26 water lagoons. A wave pool is not the same as a surf pool.

27 (3) "Local health officer" means the health officer of the city,  
28 county, or city-county department or district or a representative  
29 authorized by the local health officer.

30 (4) "Secretary" means the secretary of health.

31 (5) "Person" means an individual, firm, partnership, co-  
32 partnership, corporation, company, association, club, government  
33 entity, or organization of any kind.

34 (6) "Department" means the department of health.

35 (7) "Board" means the state board of health.

36 **Sec. 3.** RCW 70.90.120 and 2017 c 102 s 1 are each amended to  
37 read as follows:

38 (1) The board shall adopt rules under the administrative  
39 procedure act, chapter 34.05 RCW, governing safety, sanitation, and

1 water quality for water recreation facilities. The rules shall  
2 include but not be limited to requirements for design; operation;  
3 injury and illness reporting; biological and chemical contamination  
4 standards; water quality monitoring; inspection; permit application  
5 and issuance; and enforcement procedures. However, a water recreation  
6 facility intended for the exclusive use of residents of any apartment  
7 house complex or of a group of rental housing units of less than  
8 fifteen living units, or of a mobile home park, or of a condominium  
9 complex or any group or association of less than fifteen homeowners  
10 shall not be subject to preconstruction design review, routine  
11 inspection, or permit or fee requirements; and water treatment of  
12 hydroelectric reservoirs or natural streams, creeks, lakes, or  
13 irrigation canals shall not be required.

14 (2) In adopting rules under subsection (1) of this section  
15 regarding the operation or design of a recreational water contact  
16 facility, the board shall review and consider the most recent version  
17 of the United States centers for disease control and prevention's  
18 model aquatic health code.

19 (3) In adopting rules under subsection (1) of this section  
20 regarding the operation or design of water recreation facilities  
21 containing a surf pool, the board shall review and consider the most  
22 recent version of the United States centers for disease control and  
23 prevention model aquatic health code and adopt a definition for surf  
24 pools.

25 **Sec. 4.** RCW 70.90.160 and 1987 c 222 s 7 are each amended to  
26 read as follows:

27 A permit is required for any modification to or construction of  
28 any recreational water contact facility after June 11, 1986, and for  
29 any other water recreation facility after July 26, 1987. Water  
30 recreation facilities existing on July 26, 1987, which do not comply  
31 with the design and construction requirements established by the  
32 state board of health under this chapter may continue to operate  
33 without modification to or replacement of the existing physical  
34 plant, provided the water quality, sanitation, and lifesaving  
35 equipment are in compliance with the requirements established under  
36 this chapter. However, if any modifications are made to the physical  
37 plant of an existing water recreation facility the modifications  
38 shall comply with the requirements established under this chapter.  
39 The plans and specifications for the modification or construction

1 shall be submitted to the applicable local authority or the  
2 department as applicable, but a person shall not be required to  
3 submit plans at both the state and local levels or apply for both a  
4 state and local permit. The plans shall be reviewed and may be  
5 approved or rejected or modifications or conditions imposed  
6 consistent with this chapter as the public health or safety may  
7 require, and a permit shall be issued or denied within thirty days of  
8 submittal. For water recreation facilities containing a surf pool,  
9 the department of health must establish design and construction  
10 requirements in accordance with the most recent version of the United  
11 States centers for disease control and prevention model aquatic  
12 health code.

--- END ---