



## 2020 South Dakota Legislature

# House Bill 1240

Introduced by: **Representative** McCleerey

1 **An Act to provide for the inspection of certain swimming pools and beaches.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **34A-2-127. Public swimming pools--Water quality--Requirements--**

5 **Exceptions.**

6 The owner of a public swimming pool, during the period the pool is in operation,  
7 shall:

8 (1) At least once each day verify the water clarity by determining whether a black disc,  
9 six inches in diameter and located in the deepest portion of the pool, is visible from  
10 the deck of the pool;

11 (2) At least once each day verify through a colorimetric test kit that the disinfectant  
12 levels and total acid-alkalinity balance of the water are within acceptable limits  
13 established by the Department of Environment and Natural Resources;

14 (3) Upon completing each activity required by subdivisions (1) and (2), record the  
15 activity and the results on a form provided by the department; and

16 (4) At least once every seven days, at the owner's expense, submit a water sample  
17 from the pool to a laboratory approved by the department for a bacteriological  
18 analysis to verify the absence of total coliform bacteria and pseudomonas  
19 aeruginosa.

20 If the water clarity standard provided in subdivision (1) is not satisfied, or if a water  
21 sample provided under subdivision (4) tests positive for either total coliform bacteria or  
22 pseudomonas aeruginosa, the owner shall immediately close the pool to the public. The  
23 owner may reopen the pool after satisfying the clarity standard of subdivision (1) and  
24 having the laboratory that conducted the bacteriological analysis under subdivision (4)  
25 certify the absence of total coliform bacteria and pseudomonas aeruginosa.

This section does not apply to a public swimming pool regulated by the Department of Health.

**Section 2.** That a NEW SECTION be added:

**34A-2-128. Public beaches--Water quality--Requirements--Public beach defined.**

The operator of a public beach, for the months of June through September, shall at least once every seven days submit a water sample from the beach to a laboratory approved by the Department of Environment and Natural Resources for a bacteriological analysis to verify acceptable levels of fecal coliform and report the results on a form provided by the department. Fecal coliform levels are unacceptable if:

- (1) Any two consecutive samples submitted under this section exceed three hundred fecal coliform per one hundred milliliters;
- (2) Any three consecutive samples exceed two hundred fecal coliform per one hundred milliliters; and
- (3) Any single sample exceeds one thousand fecal coliform per one hundred milliliters.

If the fecal coliform levels are unacceptable, then the operator of the beach shall immediately post a sign stating "Beach Closed-Unsafe for Swimming." The operator may remove the sign upon a subsequent bacteriological analysis conducted under this section showing a fecal coliform level not exceeding two hundred fecal coliform per one hundred milliliters.

For purposes of this section, the term public beach means an area of an open body of water, including a lake or river, specifically designated or zoned for public swimming by the department of game, fish and parks, other political subdivision of the state, or a federal agency.

**Section 3.** That a NEW SECTION be added:

**34A-2-129. Promulgation of rules.**

The Department of Environment and Natural Resources shall promulgate rules, pursuant to chapter 1-26, to:

- (1) Identify the laboratories that are approved to conduct a bacteriological analysis for purposes of testing the water quality of a public swimming pool and a public beach;
- (2) Establish standards for conducting and reporting the results of a bacteriological analysis for purposes of testing the water quality of a public swimming pool and a public beach;

- 1       (3) Establish the disinfectant levels and total acid-alkalinity balance that is acceptable  
2       for a public swimming pool;  
3       (4) Prescribe the forms for reporting the water quality testing activities for a public  
4       swimming pool and a public beach; and  
5       (5) Establish the time and manner in which the water quality testing activities for a  
6       public swimming pool and a public beach must be reported.  
7       The rules promulgated under this section do not apply to a public swimming pool  
8       regulated by the Department of Health.