

2020 South Dakota Legislature

House Bill 1240**AMENDMENT 1240A FOR THE INTRODUCED BILL**

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.

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

3 For purposes of this section, the term, public swimming pool, does not include a
4 swimming pool in a condominium project established under chapter 43-15A or a swimming
5 pool in an apartment complex.

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

7 **34A-2-128. Public beaches--Water quality--Requirements--Public beach**
8 **defined.**

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

14 (1) Any two consecutive samples submitted under this section exceed three hundred
15 fecal coliform per one hundred milliliters;

16 (2) Any three consecutive samples exceed two hundred fecal coliform per one hundred
17 milliliters; and

18 (3) Any single sample exceeds one thousand fecal coliform per one hundred milliliters.

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

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

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

29 **34A-2-129. Promulgation of rules.**

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

32 (1) Identify the laboratories that are approved to conduct a bacteriological analysis for
33 purposes of testing the water quality of a public swimming pool and a public beach;

- 1 (2) Establish standards for conducting and reporting the results of a bacteriological
2 analysis for purposes of testing the water quality of a public swimming pool and a
3 public beach;
4 (3) Establish the disinfectant levels and total acid-alkalinity balance that is acceptable
5 for a public swimming pool;
6 (4) Prescribe the forms for reporting the water quality testing activities for a public
7 swimming pool and a public beach; and
8 (5) Establish the time and manner in which the water quality testing activities for a
9 public swimming pool and a public beach must be reported.

10 The rules promulgated under this section do not apply to a public swimming pool
11 regulated by the Department of Health, a public swimming pool in a condominium project
12 established under chapter 43-15A, or a public swimming pool in an apartment complex.