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State of Wisconsin

Department of Health Services

June 7, 2010

Swimming Pool Engineering & Architectural Community

Re: Virginia Graeme Baker Act (VGBA) Compliance - "Letters of Conformity"

Engineering & Architectural Community:

This letter is written to inform you of the Department of Health Services requirements for the "letter of conformity" option referenced in the December 2, 2009 memo to facility operators, included with this letter. If you are receiving this letter in error or your firm is not working on this type of project, feel free to discard this notice.

Many state and federal requirements arise in the pursuit of compliance with the Virginia Graeme Baker Pool and Spa Safety Act. In virtually all cases in Wisconsin, a licensed public pool facility must obtain compliance documentation in the form of a Department of Commerce VGBA Statement of Completion. This statement can only be obtained after plans are approved for the proposed modification, construction has been completed and an inspection is conducted and the installation is found to be in compliance by Department of Commerce or other authorized staff.

All modifications made to a public swimming pool, beyond routine maintenance, require plan submittal to the Department of Commerce under Comm 90.04. Pool modifications include, but are not limited to: changing of grate models on main drains or equalizers and changing of sump size or configuration. You may run into a number of facilities where the covers were changed illegally. In this case, plan submission and approval is still required so be aware of this when negotiating proposed VGB pool modification contracts. In fact, Commerce plan approval must be obtained prior to making any public swimming pool modifications.

However, there is one type of swimming pool in the state that need no changes, modifications or plan review through the Department of Commerce for the purpose of complying with the Virginia Graeme Baker Pool and Spa Safety Act because it does not have any submerged suction outlets. It is a reverse-flow type pool where the return water comes into the pool through floor inlets and exits through a gutter system and the pool does not have a main drain connected to the recirculation system. If it does have a drain, it must drain to waste via gravity only. The only purpose of the drain would be for emptying the pool. ***This is currently the only known pool type***

in which a "letter of conformity" can be accepted by the Department of Health because it requires no changes or submissions under either the federal requirements or the state requirements. There is no expectation for plan submittals to be made on this type of pool. The Department of Health Services will accept a "letter of conformity" that simply describes the system.

If you have any questions feel free to contact Shane Sanderson at 608-266-8282 or via e-mail at shane.sanderson@wisconsin.gov.

If you have questions on the submittal of plans or inspections conducted by the Department of Commerce, go to their website at <http://www.commerce.state.wi.us/SB/SB-SwimmingPoolsProgram.html>.

Sincerely,



Shane Sanderson, M.S., J.D., R.E.H.S.
Recreational Waters Program Manager
Food Safety and Recreational Licensing

Enclosure: December 2, 2009 Memo

cc: Jim Miller, Department of Commerce
Swimming Pool Engineering & Architectural Community