



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

September 24, 2018

Dear NH Municipal Building and Health Officials and Administrators:

In order to protect public health and safety, the state has a long-standing program which sets standards for public bathing facilities (PBFs), such as pools, spas and water features. PBFs are often amenities for tourists and residents alike. As such, the NH Department of Environmental Services (NHDES) works closely with health officers across the state to address pool-related issues when they occur. It is known that the improper design, construction, operation and maintenance of a public pool or spa can result in a myriad of significant public health and safety issues. Most recently, the New Hampshire Seacoast area experienced an illness outbreak associated with legionella bacteria, which is believed to be related to an unapproved spa.

NHDES is required to operate a program to ensure the health and safety of the public when using public bathing facilities¹ (see NH RSA 485-A:26 and administrative rules Env-Wq 1100). NHDES reviews applications for new PBFs and also inspects and tests the water in existing PBFs to ensure that applicable requirements are being met.

Each year, NHDES discovers a number of pools and spas that were designed, constructed and operated without NHDES approval. In all of these cases, local permits were obtained prior to construction. To be clear, the burden of obtaining the necessary state approval through this program ultimately falls to the property owner/developer and their contractors, not to the municipality.

This is why we are seeking your assistance. Since most municipalities require their own local permit approvals for pools and spas, the NHDES is asking for your help in notifying owners, general contractors, pool builders and agents about our program and design review process. In addition, we ask that you notify your various town/city boards about the need for state approvals.

If you have any questions or concerns about the Public Bathing Facility program or about any PBF in your community, please contact Tim Wilson at 603-271-7108 or pools@des.nh.gov or visit the program website at <https://www.des.nh.gov/organization/divisions/water/wmb/pools/>.

Thank you for all the work you do to protect the health and safety of the public and for your continued partnership in that effort with NHDES.

Sincerely,

Robert R. Scott
NHDES Commissioner

¹ A PBF is defined as a public bathing place or a common interest bathing place that comprises a water containing structure and associated buildings and equipment, intended or used for bathing, swimming, or diving purposes. The term includes, but is not limited to, swimming pools, spas, special recreation pools, and therapy pools at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes, youth recreation camps, public parks, and recreational campgrounds or camping parks as defined in RSA 216-I:1, VII.