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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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TRANSPORTATION, DEMOCRATIC CHAIRMAN

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ADVISORY COMMITTEE  
PA AVIATION ADVISORY COMMITTEE

November 7, 2002

Robert E. Nyce, E.D.  
IRRC  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

Dear Mr. Nyce:

I am writing to you on behalf of the Palmerton Memorial Park Association (PMPA) regarding their opposition to Department of Health Regulation 10-155 (IRRC No. 2288) pertaining to public swimming and bathing facilities definitions. I have enclosed a copy of Larry Arner, PMPA Pool Manager, correspondences for your review.

Specifically, the PMPA is opposed to the proposed lifeguard requirements for public pools. PMPA believes that lifeguard staffing is best suited to times of the day and attendance at the pool. The proposed regulation would require additional staffing based on a pool's square feet of water surface. Simply stated this requirement would place an undue financial hardship. The PMPA has dimensions of 90 feet wide by 225 feet in length. Therefore, based on the Department of Health's proposed guidelines, PMPA would have to increase scheduled work hours from 1862 to 2793 hours per week. This increase in work hours would cost approximately \$14,000. PMPA cannot absorb the cost administratively, and cannot increase membership fees to offset this cost.

Accordingly, I would like my letter to serve as an official comment for the file. Furthermore, I would appreciate my concerns and objections to be sent to the Department of Health's regulatory staff.

I am hopeful that these concerns will convince the department to revise the rulemaking so that reasonable and common sense approach language dealing with lifeguard staffing will be placed in the final form regulation. With this in mind, I would like to be apprised of any discussions and/or correspondence as this regulation moves through the IRRC process.

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STATE TRANSPORTATION  
COMMISSION

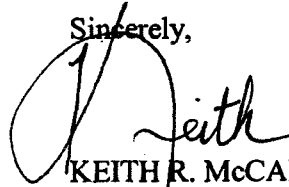
Robert E. Nyce, E.D.

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November 7, 2002

Thank you for your time and consideration of my comments. If you have any questions about my position, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith". The signature is written in a cursive style with a large initial "K" and "M".

KEITH R. McCALL  
State Representative  
122nd Legislative District

KRMc:dsw

Enclosures

cc: Honorable Frank Oliver

Larry Arner

RECEIVED

**Palmerton Memorial Park Association**

Third Street • Palmerton, PA 18071

2004 NOV 17 PM 4: 04

INDEPENDENT REGULATORY  
REVIEW COMMISSION

May 14, 2001

Bureau of Community Health Systems  
Room 628, Health & Welfare Building  
Commonwealth & Forster Streets  
Harrisburg, PA 17120

Public Health and Welfare Committee  
The Honorable Harold F. Mowery, Jr., Chairman  
Senate Box 203031  
Harrisburg, PA 17120-3031

Independent Regulatory Review Commission  
14<sup>th</sup> Floor  
333 Market Street  
Harrisburg, PA 17101

Health and Human Services Committee  
The Honorable Dennis M. O'Brien, Chairman  
100 Main Capitol Building  
Harrisburg, PA 17120-2020

Dear Sir or Madam:

The following comments are in reply to the notice of March 21, 2001, sent to Palmerton Memorial Park Association concerning final regulations that were submitted to the Independent Regulatory Review Commission (IRRC) on March 15, 2001 for approval.

As background information, the Palmerton Memorial Park Association pool was built in 1947 and is a monolithic structure with dimensions of 90 ft. wide by 225 ft. in length. This facility is owned by the Palmerton Borough but leased to the Association for a minimal fee. The financial stability of the operation depends on donations and membership fees, receiving no financial support from any governing organization.

Keeping this in mind, we must strenuously object to this proposed regulation, which would require unnecessary additional lifeguard hours, which translates directly into increased operating costs. It is difficult enough to operate in a break-even mode without new regulations, which have the potential to threaten the existence of PMPA's facility. We presently have certified lifeguards with classes conducted each year by our Pool Manager who is a certified lifeguard instructor among other certifications. Therefore, we are not objecting to lifeguard training but only to the section referring to the required number of lifeguards.

In all of the 53 years of PMPA's existence, we have never been aware of staffing a pool based on the number of square feet of water surface area! We staff our pool according to the operating time of day that relates to the number of people in the pool. Our normal operating day is 12 noon to 8 p.m., 7 days per week.

When the pool opens, four lifeguards are on duty and normally the Pool Manager, or another qualified person acting in this capacity is present, the 2-6 p.m. shift – six lifeguards, 6-7 p.m. – four lifeguards, and 7-8 p.m. – two lifeguards.

The total hours under the present schedule is 1,862 hours per week but under the proposed regulation, would increase to 2,793 hours per week. Based on an average swimming season of 105 days or 15 weeks, this would increase our operating costs approximately \$14,000

May 14, 2001

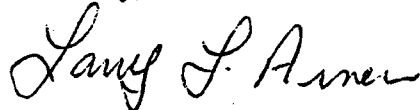
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per season! We cannot afford this increase nor can we expect the membership, many of whom are senior citizens, to be burdened with increased swimming fees for summertime enjoyment.

We believe the Palmerton Pool is operated in a safe and efficient manner with our present staffing and do not agree with the proposed regulation. This unnecessary additional financial liability will be devastating to the continued operation of a fine, well-operated and safe facility.

Please consider these comments when you are arriving at final regulations for pools and consider their fixed incomes and other escalating costs!

Sincerely,



Larry Arner  
PMPA Pool Manager

cc: Representative K. R. McCall  
Senator J. J. Rhoads  
Congressman P. E. Kanjorski  
Palmerton Borough