**Section 820.400 Minimum Sanitary Requirements for Bathing Beaches**

a) Initial Sanitary Survey. Prior to the issuance of a construction permit, the Department shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical, chemical and bacteriological characteristics of the bathing beach area, as well as any potential or actual sources of contamination in the watershed that could affect the beach. The presence of any sources of contamination shall constitute grounds to deny the permit.

1) Physical Quality. The following characteristics shall not be present in the beach area or watershed:

A) Sludge deposits, solid refuse, floating waste solids, oils, grease or scum; or

B) Hazardous substances being discharged into bathing beach water or watershed.

2) Bacteriological Quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:

A) At least two samples shall be collected from the proposed beach area, and additional samples shall be collected from any tributaries as they enter the lake. Fecal coliform bacteria counts of 200 colonies/100 ml or an E. coli density of 126 colonies/100 ml in one or more samples shall require additional investigation, survey, special analysis and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results shall be obtained before a construction permit will be issued.

B) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate watershed.

3) Chemical Quality. There shall be no discharges of chemical substances capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.

b) Design

1) Bather Load. The bather load shall be established at all beaches constructed after May 28, 1997, by the project designer who designed the project.

2) Beach and Swimming Areas. The wading areas at all beaches shall be separated from swimming and diving areas by lines securely anchored and buoyed. The slope of the bottom of any portion of the beach having a water depth of less than 5 feet shall not exceed 1 foot vertical for 10 feet horizontal. The slope shall be uniform. The bottom of the wading and swimming area shall consist of sand or gravel. If disinfection or filtration is provided, it must comply with the requirements in Section 820.210.

3) Diving Facilities

A) Where diving facilities are provided, the following minimum water depth shall be maintained for a distance of at least 12 feet beyond the end and sides of the platform or board:

|  |  |
| --- | --- |
| Height of Platform or Board Above Water | Minimum Water Depth |
| 0 - ½ Meter | 9.5 feet |
| 1 Meter | 10 feet |
| 3 Meters | 12 feet |

B) Handrails, guardrails and steps shall comply with Section 820.200.

4) Safety Boundaries. The wading area shall be separated from swimming and diving areas by a line securely anchored and buoyed at a water depth of 5 feet or less. The limits of the swimming area shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within the limits of safe swimming, there shall be no boating, underwater obstructions, or other hazards that may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing the markers and stating that they indicate the limits of the swimming area.

5) Slides. Slides shall comply with Section 820.250.

c) Electrical Wiring. All electrical wiring shall be in accordance with the National Electrical Code in effect at the time of construction.

d) Bather Preparation Facilities/Toilets

1) Requirements for Beaches Established After May 28, 1997. For all beaches established after May 28, 1997, a bather preparation facility shall be provided within 300 feet of the shoreline unless the beach is intended to serve only a residential development located around the lake, and 50 or fewer bathers are anticipated to be present per day. In those cases, at least one toilet or privy shall be provided within 300 feet of the shoreline. Bather preparation facilities shall be designed in accordance with Section 820.220(b) and (c) and Appendix B, Table E. The bather load to be used to determine the required numbers of fixtures shall be provided by the project designer who designed the project.

2) Requirements for Beaches Established Before May 28, 1997. All beaches established before May 28, 1997 shall comply with the bather preparation facility/toilet facility requirements in effect at the time they were constructed, but at least one toilet or privy shall be provided when the number of bathers present per day is 50 or fewer. Two toilets or privies shall be provided when the number of bathers present per day is 51 to 100. An additional toilet or privy shall be provided for each 100 additional bathers. The maximum number of toilets or privies required is 10. The required toilets or privies shall be located within 300 feet of the shoreline.

e) Bathing Beach Operation

1) The licensee or manager/operator shall collect samples of bathing beach water and submit the samples to the Department. The Department will notify the licensee or owner/manager of the times and points for sample collection within the area used for bathing or swimming purposes. Failure of the bathing beach licensee or manager/operator to submit required water samples within 7 days after notification shall be cause for the Department to order the beach to be closed until samples are analyzed. Additional samples shall also be obtained at any critical point subject to possible pollution as determined by a sanitary survey.

2) During operation, the following bacteriological water quality results shall warrant the actions described:

A) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in each of two samples collected on the same day shall require closing the beach. The beach shall not be reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

B) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in any single sample of a two-sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Department. If either of the two follow-up samples exceeds a fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml, the beach shall be closed and not reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

3) If a survey determines that there are discharges of sanitary or combined sewers, other raw or partially treated sewage, or other hazardous substances to the beach or immediate watershed, or if hazardous materials are found at the beach, the bathing beach shall be closed by written order of the Department.

4) If schistosome dermatitis (swimmers' itch) is known to exist, appropriate measures shall be taken to protect the bathers, including, but not limited to, posting warning signs, chemical treatment of the beach or closing the beach. Any chemical treatment shall comply with all federal, State and local requirements, including prior approval of the Department or its agents.

5) The beach manager/operator shall monitor the water depth around diving facilities and prohibit use of any facilities that do not comply with the minimum water depth requirements of subsection (b)(3).

6) For all beaches established after May 28, 1997, the beach manager/operator shall enforce the bather load established in subsection (b)(1). For all beaches, the bather density in water less than 5 feet deep shall not exceed one bather per 25 square feet.

7) The beach area shall be kept free of any debris, including wastes from waterfowl or other wildlife.

8) Leakproof covered refuse containers shall be provided at convenient locations in the beach area. They shall be emptied when necessary to avoid odors and insect breeding.

9) At times when the beach is closed seasonally or during normal hours of operation during the operating season, signs proclaiming the closing of the beach shall be prominently posted at the beach unless an effective barrier to prevent access to the beach area is in place.

f) Lifeguards. Lifeguards shall be provided at bathing beaches that allow bathers less than 16 years of age to enter the beach without a responsible person 16 years of age or older present. Lifeguards shall comply with the requirements of Section 820.300(b).

g) Safety Requirements

1) A U.S. Coast Guard approved ring buoy with at least 25 feet of rope shall be available at the beach when bathers are present.

2) A telephone shall be available within 500 feet of the beach when bathers are present. The numbers of the local police, fire department, rescue squad and ambulance, or 911 numbers shall be posted near the telephone. A portable phone may be used to meet this requirement. The phone may be located in a residence within 500 feet of the beach, provided that it will be accessible at all times the beach is in operation. Unless the phone is located in the immediate beach area, a sign shall be posted indicating the location of the phone.

3) All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours after the occurrence. A written report, on forms provided by the Department, shall be completed and submitted within 7 days after the occurrence.

h) Waiver

1) A homeowner's association may apply to the Department for a waiver of the requirements of subsection (d)(2) by making a written request signed by an officer of the association. The request shall contain the following information:

A) The requirements from which the homeowner's association seeks a waiver;

B) Certification that a majority of the members of the homeowner's association or a majority of the board of directors representing the homeowner's association agreed to be exempt from the requirements requested. If the application for waiver is based on a decision of the board of directors rather than a majority vote of the members, the waiver request shall also indicate that all members of the association were notified in writing of the decision to request a waiver and of the requirements from which the association is requesting a waiver. A copy of the notification to members shall be included with the waiver request;

C) Certification that the beach normally serves 50 or fewer bathers per day; and

D) Certification that the use of the beach is intended only for members of the homeowner's association and their guests.

2) Upon submission of the waiver application, a waiver shall be granted only if the following conditions are met:

A) All water samples were submitted during the current or previous year as required by subsection (e)(1); and

B) The closure standards set forth in subsection (e)(2) were not exceeded during the current or previous year or, if the closure standards were exceeded, the Department or local health department determined that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach.

3) A waiver granted by the Department shall be valid indefinitely, except as provided in this subsection:

A) A waiver shall become invalid immediately if the beach is closed due to a violation of the standards set forth in subsection (e)(2), unless the Department or local health department determines that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach;

B) If the applicant or manager/operator fails to comply with a written order of the Department to submit water samples required by subsection (e)(1), the waiver shall become invalid on the date that the samples were specified to be submitted;

C) A waiver shall not apply on any day that the homeowner's association anticipates that the number of bathers will exceed 50 (for example, holiday weekends, special events, or parties).

4) When a waiver becomes invalid, the required toilet facilities shall be provided before the beach is allowed to operate. If a waiver is invalidated due to the conditions described in subsection (h)(3)(A) or (B), a new waiver application shall be filed with the Department.

i) Rules governing the use of the beach and instructions to patrons shall be displayed on placards at the entrance to bather preparation facilities or other conspicuous locations and shall be enforced by the beach manager/operator. The beach management has the authority to implement and enforce rules that are more stringent or that supplement those listed in this subsection (i). Posting of rules and other instructions shall provide that:

1) Admission to the beach shall be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition that has the appearance of being infectious. Persons with excessive sunburn, abrasions that have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind shall also be refused admittance because of the potential for transmittable disease. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the beach area.

2) The beach water is not suitable for drinking. Patrons should avoid swallowing beach water.

3) Littering is prohibited. No food, drink, gum or tobacco is allowed in the water. Glass containers are prohibited throughout the beach area.

4) No one should swim alone.

5) Personal conduct within the beach shall not jeopardize the safety of self and others.

6) Persons less than 16 years of age must be accompanied by a responsible person 16 years of age or older unless a lifeguard is present.

7) Spitting, spouting of water, blowing the nose or otherwise introducing contaminants into the beach water is not permitted.

8) Glass, soap or other material that might create hazardous conditions or interfere with efficient operation of the bathing beach shall not be permitted in the beach area.

9) If present, lifeguards are responsible for enforcing safety rules and responding to emergencies. Parents or guardians should supervise their children.

10) All children who are not toilet trained shall wear tightly fitting disposable swim diapers.

11) Diving in shallow water is not permitted.

12) Caution shall be exercised in the use of diving facilities.

13) Swimming is prohibited after sunset or before sunrise, or when thunder is heard or lightning is seen, including a 15-minute period after the last lightning or thunder is detected.

14) No pets are permitted in the beach area.

15) Feeding of wildlife or other actions that encourage their presence is prohibited.

(Source: Amended at 37 Ill. Reg. 16539, effective October 4, 2013)