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Pool Safety Crackdown Stings Local Swimmers

By MARIE C. BACA

Alameda County is cracking down on public pool owners for not complying with a new state safety law. While county officials say they are just following the rules, some pool owners say the actions don't hold water.

Of nine Bay Area counties, Alameda County appears to be the only one taking a hard line in enforcing the new state law. The law requires owners of public pools and spas—including those in apartment complexes, hotels, schools and private recreation clubs—to provide proof that they use a drain system that prevents swimmers from being trapped underwater by suction. The regulation doesn't apply to pools in private, single-family residences or duplexes.



Pablo Abuliak for The Wall Street Journal

The Piedmont Swim Club was closed by Alameda County authorities for 28 days this summer.

Since the law went into effect July 1, Alameda County officials say that noncompliance has been a major reason behind shutting down 125 pools, or 8% of the total in the area—all amid the prime summer season. Among the casualties: the private Piedmont Swim Club in Piedmont was closed for almost a month. And the Oakland Hills Tennis Club, a private recreation club in the Oakland Hills, was informed two weeks ago they would be shut down in September if it didn't produce the required paperwork.

In contrast, other Bay Area counties have issued warning letters to the pool owners that aren't in compliance. In Santa Clara County, for instance, officials said they have been informing pool owners of the possibility of closure but won't begin executing the shutdowns for a few more weeks.

Alameda County's enforcement approach has raised the ire of local swim clubs and apartment complex owners, who say the county is mishandling the enforcement process and causing them lost revenue. In particular, the pool owners say the county is ignoring a part of the law that provides an extended Sept. 30 deadline for submitting documentation of the new drains if the pool already had them installed.

"I've been in this business for 35 years, and I've never seen such an adversarial attitude," says Jim Thompson, president of the Oakland Hills Tennis Club, which is scrambling to get the paperwork to show the county they are in compliance with the new law.

Ariu Levi, director of Alameda County's Department of Environmental Health, says his agency is simply pursuing the "position of the state" as outlined in the legislation.

The state law interprets 2007 federal legislation known as the Virginia Graeme Baker Pool and Spa Safety Act, named after a 7-year-old girl who died after drain suction trapped her at the bottom of a hot tub. Although many California pool owners have since changed their drainage systems to safer versions in line with the federal code, the new state law also requires them to submit written certification from a licensed contractor who installed the drains in order to be in full compliance.

In Santa Clara County, Heather Forshey, acting director of the Consumer Protection Division, says her department is reaching out to pool owners about the law and is paying attention to the Sept. 30 deadline for pools that have safe drain systems. As a result, it won't begin closing facilities for a few more weeks at least.

"We're also keeping in mind there's a shortage of licensed contractors to make the necessary changes when you

have a deadline like this," says Ms. Forshey.

But in Alameda, the county immediately began closing up to 10 pools a week beginning July 1. That hit facilities like the Piedmont Swim Club. The club's board president, Tim Rood, says the organization likely lost at least \$20,000 in revenue during its 28-day closure.

Mr. Rood says that even though the pool had compliant drain covers installed in 2008, an Alameda County inspector shut down the pool because the drain certification had yet to be filed. When the club pointed out the Sept. 30 deadline, the county said the closure was no longer due to the drain covers but rather with a minor issue involving the pipes below the pool, says Mr. Rood. The pool reopened Aug. 9 after the club spent \$12,000 to changes to the pipes.

Mr. Levi, the Alameda County health official, declined to comment on individual cases but says noncompliant pool owners received several warnings about the possibility of closure before shutdowns were authorized, and the county is following all relevant timelines outlined in the regulation.

For Piedmont Swim Club member Melissa Batavia, 33, who swims laps three to four times a week, there is "no excuse" for the county's actions.

"It's one thing to inconvenience adults, but what about all the kids who missed out this summer?" she says. "This was a colossal failure."

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