

Original: 2288

30TH DISTRICT
JAMES J. RHOADES

PLEASE REPLY TO:

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ONE WEST CENTRE STREET
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61 NORTH THIRD STREET
HAMBURG, PA 18826
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Senate of Pennsylvania

November 12, 2004

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E-MAIL: jrhoades@psen.gov
WEBSITE: www.senatorrhoades.com

Robert E. Nyce, Executive Director
Independent Regulatory
Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Dear Mr. Nyce:

Enclosed please find a copy of correspondence received in my office from Larry Arner, General Manager of the Palmerton Memorial Park Association regarding Regulation #10-155 (IRRC #2288). I believe his letter is self-explanatory.

Mr. Arner has asked me to relay his strong objections to the financial burden that this regulation will require in added manpower, additional work hours and administrative costs. With a total of 21,450 square feet, the Palmerton Memorial Park would require that 6 lifeguards would have to be on duty at all times. The regulation does not take weather conditions, number of people using the pool, or the ability to safely scan the water surface and react to any emergency into consideration.

Your review and response would be greatly appreciated. Thank you in advance for your time and consideration.

Sincerely,

James J. Rhoades
JAMES J. RHOADES
State Senator

JJR/pk

Enclosure

RECEIVED
2004 NOV 12 PM 3:30
INDEPENDENT REGULATORY
REVIEW COMMISSION

Original: 2288

**PALMERTON MEMORIAL PARK
ASSOCIATION**

PO BOX 33

(off season) 610-826-5910

PALMERTON PA 18071

(in season) 610-826-5357

8 November 2004

To Senator James J. Rhoades,

I'm writing concerning a regulation that is before the Independent Regulatory Review Commission. That being Regulation #10-155 (IRRC #2288) concerning the Department of Health, Recreational Swimming Establishment Lifeguard Requirements.

We are concerned with the proposed number of lifeguards needed when the facility is opened. Our public swimming pool totals 21,450 Sq. Ft., which includes both the main pool and wading pool. As per the regulation before the IRRC, you will need 1 lifeguard for every 4000 square feet of water surface, plus 1 additional lifeguard for any fraction thereof, equal to or greater than 1,000 square feet. This means that we would need to have at poolside 6 lifeguards at all times the facility is opened. This does not take into consideration the number of people using the facility, the weather conditions or the location of lifeguard stands and the ability to safely scan the water surface and to react to any emergency if one may occur.

The regulation further states that the operator may reduce the water surface area by closing portions of the swimming area with a rope and float line. This would not be feasible due to the different levels of people using the pool. Our membership consists of a wide variety of swimmers and it would not be in the best interest to close any section of the pool. If we would try to utilize this section of the regulation we would lose memberships because we would not be able to please everyone with our decision of which section to close.

This regulation will put a financial hardship on our operation, more lifeguards needed, additional work hours and administrative costs.

We are concerned with the availability of enough lifeguards to cover this regulation. As stated above we need 6 guards at pool side at all times, this does not take into consideration that the guards need to take breaks, so an additional guard must be scheduled to accommodate this. Also we must look at the Child Labor Law with the number of hours a student can work during the week. We must be concerned with a person calling in sick, our swimming lesson program, family vacations and other things

unseen. As of last year we had 10 lifeguards on staff, in order to give our membership the use of the entire facility. To offer the same programs as we have in the past we are looking at a major increase in lifeguards.

Our facility has been in operation for 58 years without any problems with lifeguard coverage as we provide it. I have been the manager for the past 22 years. You may recall being at our facility for our 50th anniversary celebration. We would appreciate any help your office could provide to stop this regulation as stated.

I have been in contact with the following persons concerning this regulation and have asked for their assistance in this matter.

Keith R. McCall House of Representatives


Robert E. Nyce Executive Director IRRC

A few of our Board of Directors and myself are planning to attend the IRRC meeting, which is to be held on November 18, 2004. We hope that our presence and public comment at this meeting will have the IRRC disapprove this regulation.

If you have any questions or would like to discuss this in further detail please contact me at my home phone 610-826-7515, or you may write to me at the above address.

We at the Palmerton Memorial Park Association wish to thank you for your assistance into this matter.

Sincerely,


Larry L. Armer
General Manager
P.M.P.A.