



# Variance Request Form

## *Virginia Graeme Baker Pool and Spa Safety Act*

---

To aid pool owners and local health jurisdictions with processing a variance of portions of Chapter 246-260 WAC related to compliance with the Virginia Graeme Baker Pool and Spa Safety Act.

Over 3500 public pools and spas in Washington State are expected to comply with the federal *Virginia Graeme Baker Pool and Spa Safety Act*. For all of these pools, this will require replacing existing main drain covers with new covers that meet the *ASME A112.19.8-2007* standard. For many of these pools, this will also require design and installation of additional entrapment prevention equipment.

Throughout all of the work associated with complying with the Act, both federal law and state rule applies. Three requirements of the state rule have been identified that may be difficult to meet when complying with the federal law. These are:

1. **Limit of 1.5 feet/second on the velocity of water through drain cover openings.** It may be difficult to meet this requirement with the generally smaller open area on the new drain covers meeting the federally-required *ASME A112.19.8 -2007* standard. A variance is needed to install a drain cover that has a flow velocity exceeding 1.5 feet/second.  
Reference: [WAC 246-260-031 \(Subsection \(8\)\(e\)\(iii\)\)](#)
2. **Converting from a single to a dual drain system when modifications are made.** Unlike state rule, the federal law **does not** require converting single drain systems to dual drain systems. However, it does require that single main drain pools be upgraded with one of a variety of entrapment prevention systems. If the drain area of your pool is being modified in order to meet the federal law, and you want to retain a single main drain, a variance from the state requirement to install dual drains must be obtained.  
Reference: [WAC 246-260-171 \(Subsection \(5\)\)](#)
3. **Equalizer lines and the pump protection requirement.** If equalizer lines are removed or permanently plugged to eliminate their suction entrapment potential, state rule requires some other means to prevent air lock in the recirculation system. If pump protection is not provided, such as by the installation of an auto-fill device, a variance is needed.  
Reference: [WAC 246-260-031 \(Subsection \(8\)\(d\)\(iii\)\)](#)

The state rule allows the owner of a water recreation facility to apply for a variance (WAC 246-260-201). If your pool is in **Clark, King, Pierce, Snohomish, or Spokane counties**, contact your local health jurisdiction to request a variance relating to compliance with the *Virginia Graeme Baker Pool and Spa Safety Act*. For all other counties, use this form to submit your request to the state Department of Health. State and county contacts are available at [www.doh.wa.gov/ehp/wr/contactlist.htm](http://www.doh.wa.gov/ehp/wr/contactlist.htm).

**Instructions:** If your pool is in **Clark, King, Pierce, Snohomish, or Spokane** counties, contact your local health jurisdiction to request a variance relating to compliance with the *Virginia Graeme Baker Pool and Spa Safety Act*. For all other counties, submit this form request to the state Department of Health. For county and state contacts, see [www.doh.wa.gov/ehp/wr/contactlist.htm](http://www.doh.wa.gov/ehp/wr/contactlist.htm).

**Facility Information**

Name: \_\_\_\_\_ County: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: Washington Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Pool Types** (Check all that apply).

Pool #1	Pool #2	Pool #3	Pool #4	Pool #5
<input type="checkbox"/> Swimming	<input type="checkbox"/> Swimming	<input type="checkbox"/> Swimming	<input type="checkbox"/> Swimming	<input type="checkbox"/> Swimming
<input type="checkbox"/> Wading	<input type="checkbox"/> Wading	<input type="checkbox"/> Wading	<input type="checkbox"/> Wading	<input type="checkbox"/> Wading
<input type="checkbox"/> Spa / Hot Tub	<input type="checkbox"/> Spa / Hot Tub	<input type="checkbox"/> Spa / Hot Tub	<input type="checkbox"/> Spa / Hot Tub	<input type="checkbox"/> Spa / Hot Tub
<input type="checkbox"/> Spray	<input type="checkbox"/> Spray	<input type="checkbox"/> Spray	<input type="checkbox"/> Spray	<input type="checkbox"/> Spray
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

**Main Drain Types** (Check the one that apply.)

Pool #1	Pool #2	Pool #3	Pool #4	Pool #5
<input type="checkbox"/> Single Drain	<input type="checkbox"/> Single Drain	<input type="checkbox"/> Single Drain	<input type="checkbox"/> Single Drain	<input type="checkbox"/> Single Drain
<input type="checkbox"/> Multiple Drains	<input type="checkbox"/> Multiple Drains	<input type="checkbox"/> Multiple Drains	<input type="checkbox"/> Multiple Drains	<input type="checkbox"/> Multiple Drains

**Variance Request** (Check each requirement that relates to your request and identify which pool.)

#1 VARIANCE	#2 VARIANCE	#3 VARIANCE
<input type="checkbox"/> Water flow velocity no greater than 1.5 fps required. <i>(WAC 246-260-031, Subsection (8)(e)(iii))</i>	<input type="checkbox"/> Converting single main drain system to dual-drain system. <i>(WAC 246-260-171, Subsection (5))</i>	<input type="checkbox"/> Pump protection required. <i>(WAC 246-260-031, Subsection (8)(d)(iii))</i>
<b>Which Pool?</b> <input type="checkbox"/> Pool #1 <input type="checkbox"/> Pool #4 <input type="checkbox"/> Pool #2 <input type="checkbox"/> Pool #5 <input type="checkbox"/> Pool #3	<b>Which Pool?</b> <input type="checkbox"/> Pool #1 <input type="checkbox"/> Pool #4 <input type="checkbox"/> Pool #2 <input type="checkbox"/> Pool #5 <input type="checkbox"/> Pool #3	<b>Which Pool?</b> <input type="checkbox"/> Pool #1 <input type="checkbox"/> Pool #4 <input type="checkbox"/> Pool #2 <input type="checkbox"/> Pool #5 <input type="checkbox"/> Pool #3



**Proposed Mitigation to Provide Equal Protection** (Check the proposed mitigation measure.)

**#1 VARIANCE - Water Flow Velocity**

- I propose to install new main drain covers or sumps, or both, that are certified to meet the *ASME A112.19.8-2007* standard. The maximum water flow velocity of 1.5 fps required by state rule is intended to reduce the potential for entrapment. The new federal standard, *ASME A112.19.8-2007*, establishes a new and more comprehensive approach to improving entrapment prevention than does the state rule, through standards for design, testing, and product certification.
- These new parts will be selected in consultation with a pool professional or a licensed professional engineer or architect, and installed according to the product manufacturer's instructions. Plan review and approval will be obtained when required by the local or state health department.

Other: \_\_\_\_\_  
\_\_\_\_\_

**#2 VARIANCE – Retain Single Main Drain**

- I propose to install (fill in the blank) \_\_\_\_\_, one of the options approved by both the federal law and Washington State (as per the *Guidance for Single Main Drains*). Upgrading a single drain recirculation system to a dual drain system is required by state rule when planning construction in the area of the main drain. The federal law carries this concept of upgrading existing facilities to new standards by requiring that existing single main drain facilities install additional entrapment prevention equipment systems. Installing dual drains is not included among the options provided in the federal law. Plan review and approval will be obtained when required by the local or state health department.

Other: \_\_\_\_\_  
\_\_\_\_\_

**#3 VARIANCE – Pump Protection**

- I propose to remove or permanently plug the equalizer lines on the recirculation system. This will disable the air lock prevention / pump protection that exists on the system. I acknowledge the risk to the pump should an air lock occur and cause pump failure. To mitigate this risk, I agree to:
- Maintain the water level in the pool above the lower edge of the skimmer to ensure proper system function.
  - Close the facility in the event of pump failure.
  - Not open the facility until the pump is functioning properly and water quality is restored to meet the requirements of WAC 246-260-111(3) Disinfection.
  - Post a copy of this variance in the mechanical room or in the water quality testing area for reference.

Other: \_\_\_\_\_  
\_\_\_\_\_

**Owner's Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**For Local Health Jurisdiction or Department of Health Use Only**

Reviewed by (signature): \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Recommendation:  Approve  Deny

Reasoning: \_\_\_\_\_

Action:  Approve  Deny

Action by (signature): \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_