

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

AGENCY: Department of Environmental Management
DIVISION: Parks and Recreation
RULE IDENTIFIER: 250-RICR-100-00-2, ERLID #: 615
REGULATION TITLE: Beach and Swimming Area Rules and Regulations
RULEMAKING ACTION: Direct Final

Direct Final: If no formal objection is received on or before Monday, December 4, 2017, Department of Environmental Management will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public Notice: Thursday, November 02, 2017

End of Comment Period Date: Monday, December 4, 2017.

SUMMARY OF PROPOSED RULE: These Rules and Regulations provide general regulations and guidelines for applicable beaches and swimming areas operating under the Drowning Prevention and Lifesaving Act, R.I. Gen. Laws Chapter 23-22.5.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **Monday, December 4, 2017**, to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: John Faltus
Department of Environmental Management
Division of Parks and Recreation
1100 Tower Hill Road
North Kingstown, RI 02852
Email Address: john.faltus@dem.ri.gov

WHERE COMMENTS AND PROPOSED REGULATION MAY BE INSPECTED:

Mailing Address: Department of Environmental Management
Office of Customer and Technical Assistance, 2nd Floor
235 Promenade Street
Providence, RI 02908
(401) 222-6822

FOR FURTHER INFORMATION CONTACT:

John Faltus
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Division of Parks and Recreation
1100 Tower Hill Road
North Kingstown, RI 02852
(401) 667-6200
john.faltus@dem.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation: N/A

Authority for This Rulemaking: R.I. Gen. Laws Chapter 23-22.5 and 1954 R.I. Public Laws 3343

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment: The purpose of this amendment is to reformat the regulation in accordance with the RICR and to clarify the language requiring state lifeguard certification cards for lifeguards employed at pools.

Department of Environmental Management proposes to amend 250-RICR-100-00-2. Electronic copies of the proposed rulemaking are available at the Secretary of State and DEM's website at the following web addresses:

<http://sos.ri.gov/ProposedRules/>

<http://www.dem.ri.gov/documents/regulations/index.php>

250-RICR-100-00-2

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 100 – PARKS AND RECREATION

SUBCHAPTER 00 - N/A

PART 2 – Beach and Swimming Area Rules and Regulations

2.1 Purpose

These Rules and Regulations provide general regulations and guidelines for applicable beaches and swimming areas operating under the Drowning Prevention and Lifesaving Act, R.I. Gen. Laws Chapter 23-22.5.

2.2 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Chapter 23-22.5 and 1954 R.I. Public Laws 3343.

2.3 General Rules and Regulations

- A. All individuals employed as lifeguards ~~after June 30, 1954~~ at bathing areas within the State of Rhode Island shall hold an active state lifeguard certification card as issued by the Division of Parks and Recreation. Lifeguards holding surf cards may be employed at ~~either~~ surf, non-surf bathing areas, or pools. Lifeguards holding non-surf cards shall be employed only at non-surf bathing areas or pools. Lifeguards holding pool certifications shall be employed only at swimming pools. All certification cards are issued annually and valid as dated active during the season of their employment and until the following June 30 unless suspended or revoked by the Division of Parks and Recreation.
- B. All bathing areas shall provide lifeguard equipment and personnel according to the requirements of the Division of Parks and Recreation and shall provide such equipment and personnel whenever the facilities of the area are open for business.
- C. All lifesaving equipment shall be maintained in good operating condition ready for immediate use.
- D. All bathing areas shall post conspicuously the hours of duty of lifeguard personnel.
- E. A telephone for emergency calls shall be readily accessible from every bathing area. Numbers of police, fire and rescue units of the area shall be posted conspicuously beside the telephone.

- F. No power boats shall be allowed within any bathing and swimming area. The management of each bathing area shall maintain his area free from driftwood and other objects which may cause injury.
- G. No bathing area shall operate on any given day unless a state certified lifeguard is present during all hours which the facilities are being used.
- H. During periods of severe surf, undertow and other emergency conditions the Recreational Safety Inspectors of the Division of Parks and Recreation shall have the authority to close any and all bathing areas whenever such action is deemed necessary in the interest of public safety. Whenever a bathing area has been closed because of the aforesaid conditions, lifeguards shall be retained on the beach to caution prospective bathers against entering the water.
- I. The bathing season shall for each year last from Saturday of Memorial Day weekend ~~May 30th~~ until 6:00 p.m. of each Labor Day unless the Division of Parks and Recreation gives notice to the contrary.