



NEW JERSEY DEPARTMENT OF HEALTH

PUBLIC HEALTH & FOOD PROTECTION PROGRAM

Public Recreational Bathing Frequently Asked Questions

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PLEASE EMAIL YOUR QUESTIONS TO njprb@doh.nj.gov

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SPECIALLY EXEMPT FACILITIES

Specially Exempt Facilities – General Requirements

Q: Is a facility that meets the definition of specially exempt allowed to have high-risk equipment and maintain their specially exempt status?

A: Yes. The statutory changes which went into effect January 2019 require that no specially exempt facility be deemed ineligible for an exemption from mandatory compliance with the first aid personnel and lifeguard requirements of N.J.A.C.8:26-5 et seq., as provided in this section, solely on the basis that the facility has a functional diving board, water slide, or similar recreational appurtenance.

Q: In a facility with more than one swimming pool, can one pool be specially exempt and one be a regular guarded pool?

A: No. The specially exempt definition applies to the entire facility not individual pools. If the facility meets the definition of a specially exempt facility the entire facility is exempt from the lifeguard requirements per N.J.A.C. 8:26-5.1 (a).

Q: Is specially exempt facility required to inform the local health authority about their status and what is the process of notification?

A: As per N.J.A.C. 8:26-5.1 (g), *a specially exempt facility shall inform the local health authority whether it is going to comply with the exempted provisions of this section [lifeguard and first aid personnel].*

According to N.J.A.C. 8:26-5.2 (f) the facility is required to complete and submit the aquatics facility plan to the local health authority.

Q: Do specially exempt facilities have to comply with the PRB requirements?

A: Yes. Specially exempt facilities are subject to all Public Recreational Bathing requirements except for the first aid personnel and lifeguard requirements, as stated in § 8:26-5.1 (a).

Q: Do specially exempt facilities have to have a trained pool operator (TPO) and a Pool Director?

A: Yes, as stated in § 8:26-5.1 (a) specially exempt facilities are ONLY exempt from mandatory compliance with the first aid and lifeguard requirements. A TPO is required at every pool as per § 8:26-5.2 (c). A designated adult supervisor at pools larger than 2,000 square feet are also required to have a Pool Director training certificate as stated in § 8:26-5.2 (a)-2.

Q: Do bathroom requirements apply to specially exempt facilities?

A: Yes. Specially exempt facilities are subject to all Public Recreational Bathing requirements except the first aid personnel and lifeguard requirements as stated in § 8:26-5.1 (a)

Q: Is there a depth restriction for pools at specially exempt facilities?

A: There is no depth restriction for pools at specially exempt facilities.

Q: If one location of a chain health club were to lose their “specially exempt” status would that make all of our other locations in the state lose their “specially exempt” status?

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A: No. Each “specially exempt” facility is considered a separate and distinct independent entity.

NEW Q: Can an apartment complex declare itself a specially exempt facility?

A: No. Apartment complexes generally do not meet the requirements for special exemption because they do not involve individual unit ownership.

Specially Exempt Facilities – Lifeguards

Q: If I operate a specially exempt facility and choose to provide a lifeguard, will I be affected by the lifeguard requirements? May a specially exempt facility provide a lifeguard only on days with higher bather loads? What if the pool is larger than 2,000 square feet?

A: No. Under N.J.A.C. 8:26-5.2, specially exempt facilities are exempt from the lifeguard requirements but not prohibited from providing a lifeguard. Specially exempt facilities are required to post the required signage in accordance with N.J.A.C. 8:26-5.1. A facility may choose to provide lifeguard services at its discretion, including only on days with higher bather loads. Providing lifeguard coverage does not subject the facility to the lifeguard requirements under the rule. While NOT REQUIRED, a facility may choose to post additional signage indicating when lifeguard(s) are present. Additionally, specially exempt facilities are required notify the local health authority in writing regarding: whether a lifeguard will be provided AND whether the facility intends to maintain its specially exempt status. The size of the pool, including pools larger than 2,000 square feet, does not alter these requirements.

SUPERVISION REQUIREMENTS

Supervision Requirements – Other Criteria

Q: Can a local health authority require additional lifeguards based on other criteria in addition to the size and depth of the pool?

A: Yes. As per N.J.A.C. 8:26-5.2 (d) *3 Additional lifeguards shall be required depending on bather load, bather activities, size, and configuration of the swimming pool, and amount of surface area for shallow and deep water areas, emergencies, and the lifeguard's ability to see bathers.*

Supervision Requirements – Platforms/Stands

Q: If the pool is greater than 2,000 square feet and requires an additional lifeguard – does it also require an additional platform/stand?

A: Yes, an additional guard stand would be required. Per N.J.A.C. 8:26-5.2 (e), *Lifeguard platforms or stands shall be provided for swimming pools where water surface area is greater than 2,000 square feet, or where there are diving areas, or where the depth of the water is greater than five feet.*

Q: Is there a change to the required height for the lifeguard stands?

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A: There is no specific height requirement for lifeguard stands or platforms. The height of the stand is determined by the ability of the lifeguard to have an unobstructed view of the bottom of the pool while on the stand.

Q: What are the requirements for placement of the lifeguard stands?

A: Swimming pool: Lifeguard platforms or stands shall be provided for swimming pools where water surface area is greater than 2,000 square feet, or where there are diving areas, or where the depth of the water is greater than five feet. Lifeguard platforms or stands shall be elevated and located at the water's edge, so as to provide a clear unobstructed view of the swimming pool's surface and bottom.

Bathing beach: Lifeguard stations shall be located within 30 feet of the shoreline. Lifeguards shall be isolated from the beach crowds on elevated stands. These stands shall be high enough so as to give the lifeguards a complete and unobstructed view of the bathing area.

Supervision Requirements – Pools Over 2,000 Square Feet

Q: Are there any exceptions to lifeguard requirements for pools that are over 2,000 square feet large?

A: The Department does not allow for leniency when it comes to supervision of the pools. However, the size of the swimming area that is open for use rather than the total pool area should be considered when determining the number of lifeguards. Also, the size of the pool is only one of the factors that should be considered when evaluating compliance with the pool supervision requirements.

Q: If there are multiple pools at the facility does each pool require a lifeguard?

A: Each pool is treated separately when evaluating compliance with the swimming pool supervision requirements, except specially exempt facilities that are not required to meet first aid personnel and lifeguard requirements.

Supervision Requirements – Prohibited Activities

Q: What activities are lifeguards allowed to perform while on duty?

A: Pursuant to the January 2019 statutory change, lifeguards may not perform duties that distract from active surveillance or prevent immediate response to a swimmer in distress. Minor administrative tasks and required Department of Health testing may be conducted only if they do not pose an imminent and significant risk to bather safety.

Facilities must list all lifeguard duties in the Supervision section of their Aquatics Facility Plan and establish written procedures to ensure permitted tasks do not interfere with active supervision.

Supervision Requirements – Signage at Wading Pools

Q: Should a wading pool located at a DCA licensed aquatic recreation facility post a sign as per 5.6 regarding parent supervision of children?

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A: YES. In addition, aquatic recreation facilities must comply with all the supervision requirements found at § 8:26-5.2 Swimming Pool Supervision.

Supervision Requirements – Zone of Protection

Q: What is the definition of zone of protection?

A: Zone of Protection is a designated water area that a lifeguard is tasked with monitoring such that: 1) A lifeguard is capable of viewing the entire area of the assigned zone of protection; 2) A lifeguard is able to reach the furthest extent of the assigned zone of protection within 20 seconds. Recognized certification agencies provide training on determining the zone of protection. The local health authority will assess the adequacy of lifeguard supervision according to zone of protection. Zone of protection is deemed adequate when the zones assigned to lifeguards overlap.

Q: Does the zone of protection include the deck area or just the pool?

A: Zone of protection only includes the swimming area.

STAFF TRAINING REQUIREMENTS

Staff Training Requirements – Lifeguard Training

Q: Can ocean and tidal USLA lifeguards perform lifeguard duties at non-USLA facilities (pools and freshwater bathing beaches) within New Jersey?

A: No. The USLA sets standards for certifying lifeguarding agencies—not individual lifeguards. Certification applies to the agency as a whole (e.g., a beach patrol), which must operate in accordance with the certifying body’s policies and procedures.

In New Jersey, individuals with valid, appropriate credentials may be employed as pool or freshwater lifeguards. However, lifeguards certified solely under a USLA-certified agency may perform lifeguarding duties only under that affiliated agency. This does not prevent an individual from also obtaining and maintaining a separate, individual lifeguard certification.

Q: Does the Public Recreational Bathing Code require ALL lifeguards (including pool lifeguards) to meet the NJ Division of Parks and Forestry physical evaluation for open water lifeguards?

A: No. N.J.A.C. 8:26 (Public Recreational Bathing) requires open water lifeguards to be trained in accordance with USLA standards. Lifeguards serving at swimming pools or freshwater lakes must hold a lifeguarding certificate from an organization recognized by the Department as meeting American Red Cross training standards. A list of approved certification agencies is available at <https://www.nj.gov/health/ceohs/documents/phss/RecCertList.pdf>

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Staff Training Requirements – Pool Director Certificate

Q: What is an acceptable Pool Director training course?

A: List of approved Pool Director Courses is found in New Jersey Department of Health current recognized certification document. The document is available at the following link:

<https://www.nj.gov/health/ceohs/documents/phss/RecCertList.pdf>

Q: Who within the facility should be certified as the pool director?

A: Under N.J.A.C. 8:26-5.2, the designated adult supervisor must hold a pool director certification and be fully knowledgeable of N.J.A.C. 8:26, responsible for all aspects of facility operations. Individuals who only intermittently monitor the facility (e.g., staff overseeing limited tasks such as food service or events) should not serve as the facility's sole pool director.

Q: Should a facility who has reduced the sq. ft. of the pool area, using mechanical means (i.e. ropes) to less than 2,000 sq. ft. in efforts to allow for only one lifeguard to monitor the swimming area, be required to maintain an adult pool supervisor who is a credentialed pool director?

A: Yes. The pool director certification is required for all facilities that maintain pools larger than 2,000 sq. ft.

Q: If there are multiple pools, each less than 2,000 sq. ft., but whose sum of surface area is greater than 2,000 sq. ft., should such a facility be required to provide an adult supervisor with pool director training?

A: Yes. In a setting where there are multiple pools with a total surface area of greater than 2000 sq. ft. our intent is to require a pool director certification. Keep in mind that the certification training is designed to provide awareness and knowledge of the goings on of the **entire** pool facility.

The function of the pool director is essentially a manager who will need to understand and implement appropriate systems within the pool facility to ensure that lifeguard coverage is adequate when required, pool chemistry and analysis is conducted, food activities are adequate, and timely corrective actions are taken when appropriate so that the facility remains in compliance with the provisions of 8:26 and overall public health is protected.

Q: What is the difference between the TPO and Pool Director training? Can the same person hold both certificates?

A: A pool director is expected to have a foundational understanding of pool management and supervision requirements. The TPO course may or may not include the pool director training module. While TPO focuses on the maintenance and mechanical operations of the pool's circulatory systems, the pool director is responsible for overseeing all aspects of facility operations as a manager.

Q: Does the pool director need to be on site at all times?

A: No. The intent of the rule is to have an individual trained in management of the pool but does not necessarily require them to be on site at all times.

Q: Should there be a pool director at a "specially exempt" pool?

A: Yes, if the pool is larger than 2,000 square feet.

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Staff Training Requirements – TPO Training Programs

Q: Who is responsible for approving Trained Pool Operator training programs?

A: New Jersey Department of Health Public Health and Food Protection program only approves Certification Agencies. The list of recognized training agencies is found in Appendix A of the New Jersey Public Recreational Bathing Code. Agencies shall notify the Department at njprb@doh.nj.gov when updating the training curriculum.

Staff Training Requirements – TPO vs CPO

Q: What is the difference between TPO and CPO?

A: Certified Trained Pool Operator (CPO) is a proprietary name, whereas Trained Pool Operator (TPO) is a generic term. CPO is considered a “brand” name and could not be included in the rule. CPO is one example of Trained Pool Operator training certificates recognized by the Department.

The list of recognized certification agencies is found in Appendix A of the New Jersey Public Recreational Bathing Code.

WATER SAMPLING AND TEST REPORTS

Water Sampling – Chemical Sampling

Q: Can a floating water quality monitoring device or similar system be used at the pool facility to measure and track pH, chlorine, and temperature readings?

A: A floating water quality monitoring device may only be used at facilities with on-site staff capable of responding immediately to readings. The primary purpose of routine water quality checks is to prevent recreational water illnesses (RWIs). Unlike a chemical feeder, the device cannot automatically adjust chemical levels when parameters are out of range. Therefore, only facilities with staff able to administer chemicals as needed may use it. Digital records must be maintained and accessible for inspection, and routine calibration in accordance with the manufacturer’s specifications must be documented.

Water Sampling – Microbiological Sampling

Q: What are the changes to microbiological water sampling requirements?

A: The sample holding time has been shortened from 30 hours to 8 hours for the required bacteriological analysis for pools, whirlpools, and aquatic facilities.

For all public recreational bathing facilities, the laboratory must notify the local health authority of a bacterial exceedance within one hour. Specifically, the laboratories are expected to initiate the notification process within one hour. The final report must be sent to the health authority and the client within one business day of the completed analysis.

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In the event of a bacterial exceedance the bathing facility shall have a resample collected within twenty-four hours.

Q: Who collects and transports samples to the lab?

A: Anyone who is trained to collect samples can collect and transport samples to the lab.

Q: Are pool samples required to be placed into an incubator within eight hours or just received at the certified lab within 8 hours?

A: Pool samples are required to be placed in an incubator within 8 hours before the opening.

Water Sampling – Sample Hold Time

Q: Can you please clarify the hold time for micro samples for pools/spas/lakes from time of collection to time of analysis under the new regulation? Some laboratories continue to operate under old requirements.

A: The newly required hold time of 8 hours is enforceable starting from the day the updated NJAC 8:26 Public Recreational rule went in effect. Laboratories that are not compliant with the new requirements will be investigated on case-by-case basis. For more information, please contact the Department at njprb@doh.nj.gov.

Q: Can you provide any background on the changes to sample holding time? There is a concern about feasibility and cost of getting the sample to the lab in 8 hours.

A: The new requirement is consistent with the current Department-sanctioned analytical methods (DSAMs) administered by the New Jersey Department of Environmental Protection. The reduction of sample plating time from 30 hours to 8 hours is based on the Federal laboratory standards for water sampling.

Q: Is it required to submit the results of water sampling prior to the opening of a pool? If so, how far in advance a sample need to be submitted for testing?

A: Yes. According to § 8:26-7.3, a pool sample has to be collected prior to opening for the season. The intent of this requirement is to collect a representative sample within a reasonable time period before the opening. Contact your local health authority for additional guidance.

Water Sampling – Swimming Lake Requirements

Q: What are the new swimming lake water testing requirements?

A: The required analysis for natural lake bathing waters has been changed from Fecal Coliform to *E. coli*.

Water Test Reports

NEW

Q: Do water sampling results need to be sent to the Health Department if they meet standards?

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A: Pursuant N.J.A.C 8:26-7.6, only unsatisfactory results must be reported to the local health department within one hour. Additionally, the certified lab shall submit a written report to the LHD and client within 1 business day. Passing results should be documented and kept in file but do not need to be routinely submitted unless requested.

OPERATIONAL REQUIREMENTS

Operational Requirements – Bonding and Grounding

Q: Do we need a full bonding inspection done every year?

A: All seasonal pools must submit a bonding and grounding certification to the local health authority **annually** prior to opening. The certification for all pools must comply with the requirements of the New Jersey Uniform Construction Code (NJUCC). The inspection schedule is determined by the New Jersey Department of Community Affairs, which administers the NJUCC. The NJUCC requirements regarding Bonding and Grounding Certificates for swimming pools, spas, and hot tubs are available at the following link: https://www.nj.gov/dca/codes/publications/pdf_bulletins/b_99_1.pdf.

Operational Requirements – Fencing and Barrier

NEW **Q:** Does fencing and barrier apply only when a facility undergoes an alteration?

A: Yes. Under N.J.A.C. 8:26-3.24(a), location and construction requirements apply only to pools constructed on or after September 7, 2010, or to existing pools that undergo alterations.

Operational Requirements – Pool Filtration & Sight Glasses

NEW **Q:** Do pressure filters require sight glasses if the backwash water clarity can be observed at discharge?

A: Per NJAC § 8:26-3.15(c): *Pressure filters shall have sight glasses, or the equivalent, installed on the wastewater discharge line to allow determination of the filter washing progress. The sight glasses shall be readily removable for cleaning purposes.* The term "or equivalent" can be interpreted as "the ability to visually confirm the progress of the filter washing process." In cases where discharge into a pit allows clear observation of wastewater clarity, this may be considered an equivalent method for determining filter washing effectiveness.

Operational Requirements – Shower

NEW **Q:** Are showers required at pool facilities under the health code?

A: Yes. Showers are required under N.J.A.C. 8:26-6.3, 6.16, and 5.4, as patrons must shower before entering a pool, hot tub, or spa. This requirement supports proper hygiene and water quality.

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Operational Requirements – Turnover Rates

NEW

Q: Is installing a new water feature considered an alteration, and would it require changing the pool's turnover rate?

A: An installation is not considered an alteration **if it does not change the pool's structure or water flow patterns**. Under N.J.A.C. 8:26-1.3, an alteration involves a modification or relocation of any structure or equipment or change of water flow patterns in an existing public recreational bathing facility, such that the design, configuration, or operating characteristics are different from the original design, configuration, or operating characteristics.

Q: Are all existing pools expected to meet the new construction/operational requirements as soon as the new rule became effective?

A: Seasonal and year-round swimming pools in existence on January 1, 2018, are not required to comply with new Department of Health regulations concerning pool circulation systems until alterations are made. An "alteration" is any modification, relocation of equipment, or change in water flow that affects the design, configuration, or operation of the circulation system. Normal maintenance, repair, or replacement with the same or upgraded equipment is **not** considered an alteration.

Although the Department of Health references these requirements, the circulation system standards are established by the Department of Community Affairs under the Uniform Construction Code, not by the Department of Health.

These provisions do **not** affect compliance with the Federal Virginia Graeme Baker Pool and Spa Safety Act (VGBA), enacted December 19, 2007.

EMERGENCY EQUIPMENT

Emergency Equipment – AED requirements

Q: What are the new automated external defibrillator (AED) requirements?

A: AED is now a requirement at the public recreational bathing facilities that provide a lifeguard and at bathing beaches where there are 500 or more swimmers.

Q: Where AED has to be located?

A: AED shall be located in plain sight and be easily accessible to provide rescue within 90 seconds as per current EMS recommendations.

Q: In a situation where there are two or more pools in the same facility, is each of them required to have an AED?

A: It depends on the configuration, number and distance between the pools. AED unit shall be readily accessible in case of an emergency. It should be located so as the assistance is provided in under 3 minutes. In addition, AED has to be located near an acceptable communication device.

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Q: Is an AED required at a special exempt facility that provides a lifeguard(s)?

A: No, an AED is not mandatory/required at special exempt facility, however, the Department recommends that an AED is provided at ALL public recreational bathing facilities. Whether or not AED is present at a special exempt facility is not a violation of the rule.

Emergency Equipment – First Aid Kits

Q: Do first aid kits requirements apply per facility or per each swimming pool?

A: First aid kits requirements apply to an entire facility. As per 5.3 (a), *The owner or operator shall provide the swimming pool with the following readily accessible emergency equipment: (...) 3. A first aid kit approved by the Department of Health (See required contents in N.J.A.C. 8:26 Appendix B). The kit shall be available at all times during bathing periods and shall be fully restocked within 24 hours of use.*

Q: What are the changes to First Aid kits contents?

A: The First Aid supplies requirements are found in NJAC 8:26 - Appendix B. The changes to the First Aid kits are based on the current First Aid kit requirements found in the NJAC 8:25 Youth Camp Standards. First aid kit quantities are based on the size of the bathing/swimming area instead of number of bathers.

ADMINISTRATION & ENFORCEMENT

Administration – Approvals by The Local Health Authority

Q: What is the approval process for the newly constructed pools?

A: All newly constructed public recreational bathing facilities have to provide application and supporting documents as per NJUCC to BOTH local code officials and local health authority AT THE SAME TIME. The intent of the rule was to ensure simultaneous review of plans and applications prior to approval to construct. Please note that the approval should not be issued until BOTH the local code officials AND local health authority complete their review.

Enforcement Procedures – Inspections

Q: Is it mandatory to submit the Checklist for Public Recreational Bathing Facilities 21 days prior to opening of a seasonal pool?

A: A seasonal swimming pool has the option to submit to the local health authority the Checklist for Public Recreational Bathing Facilities prior to opening, which the health authority may review in lieu of an onsite inspection. However, any new swimming pool will be required to complete an onsite inspection prior to opening for the first time.

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Q: Are there any changes to routine inspection frequency?

A: Seasonal swimming pools must be inspected by the municipal, county, or regional board of health **before opening** and at least once **during the season**. Year-round pools are inspected **twice per year**.

Q: Where can I find the Checklist for Public Recreational Bathing Facilities?

NEW

A: The Checklist for Public Recreational Bathing Facilities is available online. A direct link can be found here : [Checklist for Public Recreational Bathing Facilities](#).

Enforcement Procedures – Penalties

Q: What types and amounts of fines are associated with violations of the N.J.A.C. 8:26 Public Recreational Bathing regulation?

A: The enforcement of the regulation and the associated fines/penalties assessed are the direct responsibility of the local health authority (LHA) where the public recreational bathing facility is physically located. The local health authority may enforce fines pursuant to N.J.S.A. 26:1A-10 whereby each violation of any provision of the State Sanitary Code shall constitute a separate offense and shall be punishable by a penalty of not less than \$50 nor more than \$1,000.00.

Enforcement Procedures – Reporting

Q: When should the Fatal/Serious Accident Report (CB-2) form be submitted?

A: The local health authority must submit the CB-2 form within **five days** of being notified of the incident by the facility, even if all details are not yet available. An updated report should be submitted once additional information is obtained.

FACILITIES NOT REGULATED UNDER THE PRB RULES

NEW

Q: Are splash pads regulated by the Health Department?

A: Yes, splash pads having a circulatory system are regulated pursuant N.J.A.C 8:26. Splash pads that lack a water recirculation element are not regulated by these regulations.

NEW

Q: Are fill-and-dump cold plunge pools regulated under the Public Recreational Bathing (PRB) Rules?

A: No. Fill-and-dump cold plunges are **not regulated under N.J.A.C. 8:26** if they do not have a circulation system.

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NEW

Q: A private residential home is applying for a short-term rental permit under a local ordinance and has an in-ground pool. Does use of the pool by short-term renters fall under N.J.A.C. 8:26?

A: No. Private residential homes are not subject to the PRB regulations N.J.A.C. 8:26, even when rented on a short-term basis. We recommend that any related concerns be addressed through local zoning enforcement or other applicable municipal processes.