

ORDER OF AN EXECUTIVE OFFICER

To: Focus Hotels Ltd.

AND

Tania Schmidtke

AND

Hardy Schmidtke
"the Owners"

RE: The "whirlpool" located in Calgary, Alberta and municipally described as:
Wingate by Wyndham Calgary Airport
57 Freepoint Crescent NE Calgary, Alberta T3J 0T4

WHEREAS I, an **Executive Officer of Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the Public Health Act, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. The written policies and plans for pool safety and supervision, patron education and notification, water quality incident response, and general sanitation were not developed or were not available on-site.
- b. The anti-entrapment plan was missing or not available on-site.
- c. A certified pool operator was not operating and maintaining the pool on a day-to-day basis.
- d. There was no flow meter installed on the recirculation system.
- e. There was no information to indicate when the submerged suction outlet covers were installed, and when they need to be replaced.
- f. A microbiological water sample has not been submitted since March 2020.
- g. The combined chlorine test results were not being recorded on a weekly basis.
- h. The clarity of the water was not being recorded.
- i. The time of water chemistry tests was not being recorded.
- j. The pressure reading from the filter was not being recorded.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Public Swimming Pools Regulation, Alberta Regulation 204/2014 and the Pool Standards there under exist in and about the above noted premises, namely:

- a. The written policies and plans for pool safety and supervision, patron education and notification, water quality incident response, and general sanitation were not developed or were not available on-site. This is in contravention of Sections 24(1) and 24(2) of the Public

Swimming Pools Regulation, AR 204/2014, which states: “The owner or the owner’s agent, if any, must develop and maintain written policies and implement plans for those policies in accordance with the Pool Standards respecting (a) safety and supervision of all patrons, (b) education of all patrons regarding use of the pool, including posting of rules regarding use of the pool, (c) response to water quality issues, including fecal contamination, (d) general sanitation, and (e) any other matters required by an executive officer. The written policies and plans [...] must be reviewed with the staff of the pool and be accessible at all times to the staff and to an executive officer.”

- b. The anti-entrapment plan was missing or not available on-site. This is in contravention of Section 9.1 of the Pool Standards, July 2014 (Amended January 2018), which states: “Every owner or owner’s agent, if any, must assess anti-entrapment risks, develop and implement an appropriate anti-entrapment plan to meet the requirements.”
- c. A certified pool operator was not operating and maintaining the pool on a day-to-day basis. This is in contravention of Sections 1(h) and 4(3) of the Public Swimming Pool Regulation, which states: “pool operator means an individual who operates and maintains a pool on a day-to-day basis and meets the qualifications set out in the Pool Standards in order to do so,” and “an owner or the owner’s agent, if any, must ensure the pool is operated and maintained by a pool operator.”
- d. There was no flow meter installed on the recirculation system. This is in contravention of Section 3.1.1(vi), and Section 3.3.1 of the Pool Standards, July 2014 (Amended January 2018), which states: “A recirculation rate shall be maintained so that an amount of water equivalent to 100 percent of the water volume passes through treatment and is recirculated, 15 minutes for a whirlpool with a volume of less than four cubic metres.” and “The maximum rate of filtration for a high rate sand filter must not be greater than 8.5 litres per second per square meter (12.5 US gallons per minute per square foot) for a whirlpool.”
- e. There was no information to indicate when the submerged suction outlet covers were installed, and when they need to be replaced. This is in contravention of Section 5.1(k) and Section 9.2 of the Pool Standards, which states: “Operating records must be maintained to provide information regarding make and model, purchase and expiry date of suction outlet covers, and manufacturers’ recommended flow rate,” and “An anti-entrapment device must be installed in accordance with the manufacturer’s specifications and be maintained in good working order when the public swimming pool is in use.”
- f. A microbiological water sample has not been submitted since March 2020. This is in contravention of Section 7.1.1 and 7.1.2 of the Pool Standards which states that: “a water sample for heterotrophic plate count and total coliforms must be taken weekly from a public swimming pool,” and “a water sample for *Pseudomonas aeruginosa* must be taken weekly for public swimming pools operating at 30 degrees Celsius or greater.”
- g. The combined chlorine test results were not being recorded on a weekly basis. This is in contravention of Section 5.1 and 5.2.1 of the Pool standards, which states: “Operating records must be maintained to provide information regarding time of and observations and readings for pH, and the free, total and combined chlorine residual,” and “The free chlorine, combined chlorine and pH must be tested manually at least once per day.”
- h. The clarity of the water was not being recorded. This is in contravention of Section 5.1(e) of the Pool standards, which states: “Operating records must be maintained to provide information regarding clarity of the water.”
- i. The time of water chemistry tests was not being recorded. This is in contravention of Section 5.1(a) & (b) of the Pool standards, which states: “Operating records must be maintained to provide information regarding time of and observations and readings for pH,

and the free, total and combined chlorine residual,” and “time and results of total alkalinity tests.”

- j. The pressure reading from the filter was not being recorded. This is in contravention of Section 5.1(i) of the Pool standards, which states: “Operating records must be maintained to provide information regarding equipment maintenance, including pump modifications which potentially affect flow rate.”

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Develop and implement written policies and plans regarding the safety and supervision of all patrons, the education of all patrons using the whirlpool, water quality incident response procedures, and the general sanitation of the whirlpool facility. Submit the plan to an Executive Officer with Environmental Public Health for review.
 - b. Reassess the whirlpool for all entrapment risks, and develop, implement, and maintain an anti-entrapment plan. Submit the plan to an Executive Officer with Environmental Public Health for review.
 - c. A certified pool operator must monitor the basin daily. Ensure enough owners, owner’s agents, and/or staff members are certified by an organization that is on the List of Approved Pool Operator Education Organizations approved by the Minister.
 - d. Install a flow meter for the recirculation system. Ensure the flow is maintained to achieve the minimum turnover periods but does not exceed the maximum rates of filtration.
 - e. Locate information detailing when the submerged suction outlet covers were installed, and when they need to be replaced. Provide this information to an Executive Officer. If any submerged suction outlet is expired, replace it immediately.
 - f. Submit a weekly microbiological water sample for the whirlpool to the Provincial Laboratory.
 - g. Test and record the combined chlorine test results for the whirlpool daily.
 - h. Record the clarity of the whirlpool water daily.
 - i. Record the time of the whirlpool water chemistry tests daily.
 - j. Record the pressure readings from the whirlpool filters daily.
2. The work referred to in paragraph ‘a’ through ‘c’ shall be completed by September 20, 2023
The work referred to in paragraph ‘d’ through ‘f’ shall be completed by August 02, 2023.
The work referred to in paragraph ‘g’ through ‘j’ shall be completed immediately.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, July 27, 2023

Confirmation of a verbal order issued to Mel Pamintuan (Operation Manager), on July 26, 2023.

Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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www.albertahealthservices.ca/eph.asp