

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: **Garry & Krystyna Popp**
 "the Owner"

RE: The "pool" located in County of Wetaskiwin, Alberta and municipally described as:
 Kramer Pond & Spa – Gathering Tent – Hot Tub #8
 SW-25-45-06-W5M
 454039 A,B,C Range Road 61

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. Operator has not been taking and submitting water samples from the hot tub, for microbiological analysis, on a consistent weekly basis (during his Summer operating season).
- b. The hot tub water chemistry, has not been tested, monitored and recorded on a consistent, daily basis (during his Summer operating season).
- c. The hot tub water is not kept continuously circulating, on a continuous 24 hours basis, while there is water in the hot tub.
- d. There is no automated controller for this hot tub for chlorine and pH control.
- e. The flow meter has not been installed, for the hot tub.
- f. Written policies and plans for emergency situations, that are specific to this hot tub, are not available.
- g. Maximum bather load is not clearly stated on the hot tub signage.

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. Operator has not been taking and submitting water samples from the hot tub, for microbiological analysis, at all, as this hot tub is consistently not available for inspection. This condition is contrary to the requirements of section 19(1) of the Public Swimming Pool Regulations, which states, "A sample of the water in a public swimming pool must be taken and submitted to the Provincial Laboratory of Public Health for microbiological testing in accordance with the Pool Standards (a) every week."
- b. The hot tub water chemistry, has not been tested, monitored and recorded on a consistent, daily basis. This condition is contrary to the requirements of section 17(1) & (2) of the Public Swimming Pool Regulations, which states, "An owner, the owner's agent, if any, or the pool operator must monitor the quality of water in the public swimming pool routinely

and keep proper records of testing results and readings. Tests and results for free chlorine, combined chlorine and pH must be conducted in accordance with the Pool Standards during the normal operating hours of a public swimming pool as often as necessary to enable the owner, owner's agent, if any, or the pool operator to demonstrate water quality. This is also contrary to section 5.2.1 and 5.2.2 of the Pool Standards which states, "The free chlorine, combined chlorine and pH must be tested manually at least once per day. The automated readings and associated set points shall be monitored and recorded at least once per day."

- c. The hot tub water is not kept continuously circulating, on a continuous 24 hours basis, while there is water in the hot tub. This condition is contrary to the requirements of section 12(2) of the Public Swimming Pool Regulations, which states, "The filtration and circulation systems must always be in operation."
- d. The automated controller for this hot tub for chlorine and pH control is not always operating and/or being maintained. This condition is contrary to the requirements of section 15(1) & (2) of the Public Swimming Pool Regulations, which states, "A public swimming pool must be equipped with automated chemical feeding and monitoring equipment for pH and chlorine. The equipment referred to in subsection (1), must be (a) maintained in good working order, and (b) calibrated and manually tested in accordance with the Pool Standards to ensure that it is working properly."
- e. The flow meter has not been confirmed if it is installed and/or functioning. This condition is contrary to the requirements of section 3.1.1(vi) of the Pool Standards, 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 within 15 minutes for a whirlpool with a volume of less than four cubic metres."
- f. Written policies and plans for emergency situations, that are specific to this hot tub, are not available. This condition is contrary to the requirements of section 24(1)(c) of the Public Swimming Pool Regulations, 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, response to water quality issues, including fecal contamination."
- g. Maximum bather load is not clearly stated on the hot tub signage. This condition is contrary to the requirements of section 21(2) of the Public Swimming Pool Regulations, which states, "Where the maximum design bather load for a public swimming pool is not known, a maximum bather load may be calculated and applied by an executive officer in accordance with the Pool Standards."

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed**.

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

1. That the Owner immediately close the above noted premises.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Collect and submit water samples from the hot tub, for microbiological analysis, on a consistent weekly basis, during his Summer operating season, if and when this hot tub is approved to operate.

- b. The hot tub water chemistry, must be tested, monitored and recorded on a consistent, daily basis (during his Summer operating season), when approved to operate.
 - c. The hot tub water is must be kept continuously circulating, on a continuous 24 hours basis, while there is water in the hot tub.
 - d. The automated controller for this hot tub for chlorine and pH control must be operating and/or being maintained.
 - e. The flow meter must be installed in accordance to manufacturer instructions, turnover rated must be calculated and flow rate is not to exceed the capacity of the water filter.
 - f. Written policies and plans for emergency situations, that are specific to this hot tub must be created and reviewed with your executive officer. Emergency plans should include, but not limited to situations like fecal/vomit/blood contamination events, failed microbiological reports, power outage, lightning strikes, etc.
 - g. Maximum bather load is to be calculated and clearly posted on your signage, please see Schedule B of the Pool Standards for this calculation. Also, see sections 10 and 11 of the Pool Standards for additional wording for patron safety and education.
 - h. Start planning now, to ensure compliance with the Public Swimming Pool Regulations section 23 and the Pool Standards section 9 in regards to anti-entrapment and anti-entanglement requirements that will come into full force as of November 30, 2019.
 - i. As operator has requested that this hot tub #8 is for only personal and private use of Mr. and Mrs. Popp. This shall be clearly posted as not for public use and only for private use of operator.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

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 Wetaskiwin, Alberta, July 20, 2018.

Confirmation of a verbal order issued to Garry Popp on July 20, 2018.

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: <http://www.health.alberta.ca/about/PHAB.html>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: www.health.alberta.ca/about/health-legislation.html

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