

## **ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE**

**To:** Christi Bustard, Brad Bustard  
“the Owner”

**RE:** The “pool” located in the MD of Pincher Creek, Alberta and municipally described as:  
Thanksgiving Ranch Ltd. at SE-26-4-1-W5.

**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 facility was open to the public and actively advertises on the facility’s webpage “Access to the swimming pool”. The operator has not received approval to operate as a public pool and was operating without a valid and subsisting Pool Permit issued by AHS.
- b. There was no history of bacteriological water samples submitted to the Provincial Laboratory for analysis, apart from the water sample collected on July 9, 2024, by AHS.
- c. There was no mechanical chlorination system. The operator reports that they manually add stabilized chlorine sticks to the basin to treat the pool water.
- d. There was no automated chlorination system to control chlorination, pH or ORP levels in the pool.
- e. The flow meter in the mechanical room was not operational and measured 0 gallons per minute. The turnover rate and rate of filtration could not be determined.
- f. There was one main drain in the pool, and no supporting documentation to indicate the cover was APSP-16 compliant drain/ suction outlet cover.
- g. There was no certified pool operator.
- h. Testing of water chemistry does not appear to occur regularly and there were no records of pool chemical tests and results maintained by the operator for the pool.
- i. There was no maximum bather load signage posted in and around the pool area.
- j. The sauna door opened inward.
- k. The operator did not have any written policies or plans for general sanitation, water quality, incident response, and anti-entrapment.
- l. No plans to construct, renovate or alter the pool have been submitted.

**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 facility was open to the public and actively advertises on the facility’s webpage “Access to the swimming pool”. The operator has not received approval to operate as a public pool

and was operating without a valid and subsisting Pool Permit issued by AHS. This is in contravention of section 7(1) of the Public Swimming Pool Regulation AR 204/2014, which states that no person shall operate a pool without a permit issued in accordance with this section.

- b. There was no history of bacteriological water samples submitted to the Provincial Laboratory for analysis apart from the water sample collected on July 9, 2024 by AHS. This is in contravention of section 19(1)(a)(b) of the Public Swimming Pool Regulation AR 204/2014 which states that 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 every week, or at the intervals set out in a schedule established by the Chief Medical Officer or by an executive officer with the approval of the Chief Medical Officer.
- c. There was no mechanical chlorination system. The operator reports that they manually add stabilized chlorine sticks to the basin to treat the pool water. This is in contravention of section 13(1)(3)(c) of the Public Swimming Pool Regulation AR 204/2014 which states that subject to section 12(2), water in a public swimming pool must be continuously disinfected when in use and utilizes non-stabilized chlorine products.
- d. There was no automated chlorination system to control chlorination, pH or ORP levels in the pool. This is in contravention of section 15(1) of the Public Swimming Pool Regulation AR 204/2014 which states a public swimming pool must be equipped with automated chemical feeding and monitoring equipment for pH and chlorine.
- e. The flow meter in the mechanical room was not operational and measured 0 gallons per minute. Turnover rate and rate of filtration could not be determined. This is in contravention of section 11(b) of the Public Swimming Pool Regulation AR 204/2014 which states in accordance with the Pool Standards, a pool must be maintained in a state of good repair that provides for the safe and sanitary operation of the pool.
- f. There was one main drain in the pool, and no supporting documentation to indicate the cover was APSP-16 compliant drain/ suction outlet cover. This is in contravention of section 23(1) of the Public Swimming Pool Regulation AR 204/2014, which states that a public swimming pool, other than a water spray park, must be equipped with anti-entrapment devices that meet the requirements set out in the Pool Standards to prevent the entrapment of patrons on suction outlets” and in contravention of Section 9.4 of the Swimming Pool Standards July 2014 (Amended January 2018) which states that “On or after November 30, 2019, an existing public swimming pool that has i) a block able single submerged suction outlet, or ii) interconnected submerged suction outlets with a distance of less than 66 cm (26 inches) from the outside edge of one cover to the inside edge of the second cover on the same plane. must employ at least one of the following systems: a multiple suction outlet system with at least two fully submerged suction outlets per pump no less than 66 cm (26 inches) from the outside edge of one cover to the inside edge of the second cover, b) a safety vacuum release system (commonly referred to as SVRS) that relieves suction when a blockage is detected and that is installed to meet the performance standards of the ASTM F2387 or ASME/ANSI A112.19.17, c) a properly designed and tested suction-limiting vent system which meets ASME-A112.19.17, d) an automatic pump shut-off system which meets ASME-A112.19.17, e) permanent disablement of the

submerged suction outlet either by reversing the flow through the outlet or completely sealing the existing outlet if the skimmers are capable of providing for 100 percent flow through, f) a gravity fed system, or equivalent system, approved by a professional engineer, or g) interconnected submerged suction outlets on different planes, not installed in a seating area.

- g. There was no certified pool operator. This is in contravention of section 1.1(a) of the Swimming Pool Standards July 2014 (Amended January 2018) which states the pool operator must be certified by an organization that is on the List of Approved Pool Operator Education Organizations approved by the Minister.
- h. Testing of water chemistry does not appear to occur regularly and there were no records of pool chemical tests and results maintained by the operator for the pool. This is in contravention of section 17(1) and 17(2) of the Public Swimming Pool Regulation AR 204/2014, 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 readings 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 is necessary to enable the owner, the owner's agent, if any, or the pool operator to demonstrate water quality. **AND** in contravention of Section 5.0 and 5.1 of the Swimming Pool Standards July 2014 (Amended January 2018) which states for the purposes of section 15 and 17 of the Regulation, the following monitoring and recordkeeping standards apply. Operating records must be maintained to provide information regarding: a) time of and observations and readings for pH, and the free, total and combined chlorine residual; b) time and results of total alkalinity tests; c) automated controller set points and readings for ORP, chlorine and pH; d) temperature of the public swimming pool water; e) clarity of the water; f) results of microbiological analyses as provided by the regional health authority; g) any other water quality tests; h) quantities and dates of all chemicals used; i) equipment maintenance, including pump modifications which potentially affect flow rate; j) ambient air temperature in a dry sauna or steam sauna; k) make and model, purchase and expiry date of suction outlet covers, and manufacturers' recommended flow rate; l) incident records with respect to patron injury; and m) contamination events including the date of the event and the response.
- i. There was no maximum bather load signage posted in and around the pool area. This is in contravention with section 11.2.6 of the Swimming Pool Standards July 2014 (Amended January 2018) which states "except for stand-alone water spray parks, an owner or owner's agent, if any, must post one or more signs that convey the following rules and safety information for the use of the pool in a size, type and location that may be easily seen by all patrons including the maximum bather load for the public swimming pool.
- j. The sauna door opened inward. This is in contravention of section 10.1 (j) of the Swimming Pool Standards July 2014 (Amended January 2018) which states that a Pool Safety and Supervision Plan shall be developed based on current best practices, and must include measures to ensure the safety of patrons using a dry sauna or steam sauna in order to protect against burns and overheating which may include, but are not limited to doors that open outwards with little resistance.

- k. The operator did not have any written policies or plans for general sanitation, water quality, incident response, and anti-entrapment. This is in contravention of section 24 (1)(a)(b)(c)(d)(e)(2)(3) of the Public Swimming Pool 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, 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 referred to in subsection (1) must be reviewed with the staff of the pool and be always accessible to the staff and to an executive officer. The owner or the owner's agent, if any, or the pool operator must ensure that the pool is operated in accordance with the written policies and plans referred to in subsection (1). **AND** in contravention with sections 9.1, 12, 13 of the Swimming Pool Standards July 2014 (Amended January 2018) which states that 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 of this section. For purposes of section 24 of the Regulation, the following water quality response standards apply. A Water Quality Incident Response Plan that is appropriate to the type of public swimming pool must include the following: a) the steps to be taken when any of the following occur: i) standards for microbiology, ORP, free chlorine, cyanuric acid, pH and clarity in the public swimming pool are not being met, ii) blood, food or chemicals foul the water, or iii) fecal material or vomit foul the water, and b) the name of the appropriate contact person and emergency contact numbers. A Water Quality Incident Response Plan must adhere to the requirements in Schedule A: "Contamination Management for Public Swimming Pools." For purposes of section 24 of the Regulation, the following standards for the general sanitation plan apply. A General Sanitation Plan for a public swimming pool premises must list the chemicals used for cleaning and disinfection, and specify a routine schedule for adequate cleaning, and where necessary disinfecting, of: a) walls, floors, and decks; b) washrooms and change rooms; c) showers; d) dry saunas and steam saunas; and e) any other area or equipment in contact with patrons of the pool.
- l. No plans to construct, renovate or alter the pool have been submitted. This is in contravention of section 8(1)(2) of the Public Swimming Pool Regulation AR 204/2014, which states 'the owner or the owner's agent, if any, must apply to the regional health authority for a written approval. Before making a change in pool operating procedures, or before making renovations or alterations to the pool that affect the hydraulic system, disinfection or filtration system, or the integrity of the basin. For the purposes of considering an application under subsection (1), the regional health authority may require the owner or the owner's agent, if any, to provide an engineer's report".

**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. Complete the Alberta Health Services Pool Permit application and attach all checklist documents to package.
  - b. Submit plans to this office for any construction, renovation, and alteration of the pool.
  - c. Submit water samples to the Provincial Laboratory of Public Health for microbiological testing on a weekly basis.
  - d. Use non-stabilized chlorine products to treat the pool. Operator must install an approved mechanical and automated chemical system to ensure the safe and reliable addition of pool chemicals.
  - e. Ensure the flowmeter is operating properly and installed correctly along the discharge/return side of the pool circulation line downstream from the filter.
  - f. Operator must ensure proper flow rates are achieved and maintained.
  - g. Employ a suction entrapment prevention system, ensuring it is installed and operated in a manner consistent with manufacturer-specific instructions and in accordance with section 9.4 of the Pool Standards.
  - h. Successfully complete an approved pool operator course in accordance with section 1.1 of the Pool Standards. Provide a copy of the certificate upon completion of course.
  - i. Test and record pool's chemistry in accordance with section 5 of the Pool Standards.
  - j. Calculate the pool's maximum bather load using Schedule B in the Pool Standards and post to signage for the public.
  - k. Install doors on the sauna that open outwards with little resistance.
  - l. Develop and implement written policies and plans regarding the safety and supervision of all patrons, the education of all patrons using the pool, water quality incident response procedures, and the general sanitation of the pool facility. Submit the plans to an Executive Officer with Environmental Public Health for review.
  - m. Assess the swimming pool for all entrapment risks and develop an anti-entrapment plan with information including installation, sizing, and expiry of submerged suction outlet (main drain). Submit the plan to an Executive Officer with Environmental Public Health for review.
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 Pincher Creek, Alberta, July 25, 2024.

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](mailto: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>

Template revised October 13, 2022

Copy: Alberta Health Services, Environmental Public Health South Zone

Order of an Executive Officer – Notice of Closure

RE: The Pool located in the MD of Pincher Creek, Alberta at SE 26-4-1 W5 and municipally described as: Thanksgiving Ranch Ltd

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Pincher Creek Health Centre • Environmental Public Health

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<https://www.ahs.ca/eph>