

IN THE MATTER OF THE PUBLIC HEALTH ACT - ALBERTA
ORDER OF AN EXECUTIVE OFFICER

To: **Jason Henderson**, General Manager and Owner
Best Western Siding 29 Lodge, 453 Marten St.
Banff, Alberta T1L 1B3
(the “**Owner**”)

Re: The **Swimming Pool** located in Banff, Alberta and municipally described as:

Best Western Siding 29 Lodge, 453 Marten St.
Banff, Alberta

WHEREAS I, an **Executive Officer** of the **Calgary Health Region**, have inspected the above noted swimming pool 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 swimming pool which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. The last three samples were bacteriologically unsatisfactory; the sample dated July 2, 2008 had a heterotrophic plate count of 13,000, the sample dated July 7, 2008 had a heterotrophic plate count of 14,000 and the sample dated July 14, 2008 had a heterotrophic plate count of 2600.
- b. No records are being kept of pool chemistry, maintenance, or operating procedures.
- c. The pH was measured at 7.8, automated system had a reading of pH 7.7 at the time of inspection.
- d. The recirculation return covers in the pool basin were in poor repair with cracks and sharp edges.
- e. No floating weir was provided on the skimmer.
- f. No record of provision of anti-entrapment covers for the pool main drain, recirculation lines, and fittings in the pool.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Swimming Pool Regulation, Alberta Regulation 247/85 and Alberta Pool Standards, 2006 for the Swimming Pool, Wading Pool, and Water Spray Park Regulation exist in and about the above noted swimming pool, namely:

- a) The last three consecutive samples were unsatisfactory as a result of high heterotrophic plate counts. This is a contravention of section 16 which states:

The quality of water in a pool must be maintained so that samples of the water (a) do not have a heterotrophic plate count of more than 100 bacteria per millilitre.

- b) No records are being kept. This is in contravention of Section 14(1), which states:

A responsible person must monitor pool water quality routinely and keep proper records of testing results.

- c) The pH was measured at 7.8, is a contravention of Section 11(3) which states:

The pH of the water in a pool must be maintained at not less than 6.8 and not more than 7.6.

- e) The recirculation returns were in poor repair. This is in contravention of Section 9 of the Standards which states:

All gauges, flow meters, thermometers, filters, pumps, disinfection equipment, valves, and other equipment shall be maintained in good working order.

- f) No floating weir was provided in the skimmer. This is in contravention of Section 9 of the Standards which states:

All gauges, flow meters, thermometers, filters, pumps, disinfection equipment, valves, and other equipment shall be maintained in good working order.

- g) Anti-entrapment devices not provided for the main drain or fittings of this pool. This is in contravention of Section 19(1) which states;

Pools, except for recirculating water spray parks, must be equipped with anti-entrapment devices that meet the requirements set out in the Pool Standards to prevent the entrapment of patrons in the drains and recirculation equipment.

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 swimming pool and secure it from unauthorized entry.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted swimming pool, namely:
 - a. Treat the pool water to eliminate any possible source of contamination and then chemically balance the pool.
 - b. Manually check the water chemistry at least once every 24 hours and keep written records of the tests. The levels must also be compared with the automated monitoring equipment to ensure equipment accuracy. Calibrate this equipment regularly and perform any other maintenance required to ensure equipment accuracy.
 - c. Submit a sample to the Provincial Laboratory for microbiological analysis.
 - d. Adjust and maintain the pH of the water at not less than 6.8 and not more than 7.6.

- e. Ensure all fittings in the pool do not create a risk of entrapment or entanglement and are kept in good repair.
 - f. Provide a floating weir for the skimmer assembly.
 - g. Provide documentation that adequate anti-entrapment equipment is installed and in working order.
3. That until such time as the work referred to in paragraph 2 is completed to the satisfaction of the undersigned, or an executive officer of the Calgary Health Region, **AND** the sample from 2c above has been received and confirmed as satisfactory the above noted swimming pool shall remain closed and secured from unauthorized entry.

Dated at Banff, Alberta, this 18th day of July, 2008 confirming a verbal Order issued at 10:45 a.m. on July 18, 2008.

Kori Woodard, CPHI(C)
Executive Officer
Calgary Health Region

Section 5(2) of the Public Health Act provides that a person who is directly affected by this Order and considers himself or herself aggrieved hereby may appeal the same to the Public Health Appeal Board, 24th Floor, Telus Plaza North Tower, 10025 Jasper Avenue, Edmonton AB T5J 2N3, within ten (10) days. The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal.

The Owner is advised that the Public Health Act empowers the Calgary Health Region to carry out the terms of this Order on the Owner's behalf and at the Owner's expense should the Owner fail to comply with the terms hereof.

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