

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

To: International Fitness Inc.
7222 Edgemont Boulevard N.W.
Calgary, Alberta T3A 2X7
(the “**Owner**”)

Re: The whirlpool located in Calgary, Alberta and municipally described as:

World Health Sport Club
Men’s Whirlpool
7222 Edgemont Boulevard N.W.
Calgary, Alberta

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

- a. There was no detectable level of chlorine in the whirlpool.
- b. Total alkalinity was undetectable
- c. The pH level was undetectable with testing equipment and pH reading at the automated monitoring equipment measured at 5.05.
- d. The pool automated equipment was not working properly.
- e. The operator is not taking corrective actions when chemical test results are not within acceptable chemical parameters.
- f. The pool water samples were not being taken and submitted for microbiological testing weekly. Last sample submitted was March 13, 2008
- g. The whirlpool operating records were incomplete.
- h. There was no response plan in place to respond when parameters are not met.
- i. There was no knowledgeable person on site to supervise the operation of the whirlpool.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Swimming Pool, Wading Pool and Water Spray Park Regulation, Alberta Regulation 293/2006 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. There was no detectable level of chlorine in the whirlpool. This is in contravention to Section 11(1)(b) of the Regulation which states:

The free chlorine residual level in a pool must be sufficient to maintain the pool water in a bacteriologically safe condition but that level shall not be less than the following:

(b) *2.0 milligrams per litre in a pool with an operating water temperature of more than 30 degrees Celsius*

- b. Total alkalinity was undetectable. This is in contravention to Section 3(3) of the Standards which states:

To assist in maintaining proper pH, the alkalinity must be maintained at 80-120ppm and measured weekly.

- c. The pH level was undetectable with testing equipment and pH reading at the automated monitoring equipment measured at 5.05. This is in contravention to Section 11(1) of the Regulation 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.

- d. The pool automated equipment was not working properly. This is in contravention to Section 12(1) and (2) of the Regulation which states:

Section 12(1)

On and after October 1, 2009, a pool must be equipped with automated chemical feeding and monitoring equipment for pH and chlorine.

Section 12(2)

The equipment referred to in subsection (1) must be (a) maintained in good working condition, and (b) calibrated and manually tested to ensure that it is working properly.

- e. The operator is not taking corrective actions when chemical test results are not within acceptable chemical parameters. This is in contravention to Section 8 of the Regulation which states:

The owner and the responsible person must ensure that the pool is operated and maintained to provide water that is microbiologically, chemically and physically safe for use.

- f. The pool water samples were not being taken and submitted for microbiological testing weekly. Last sample submitted was March 13, 2008. This is in contravention to Section 15 (1) of the Regulation which states:

Every week a sample of the water in a pool must be taken and submitted to the Provincial Laboratory of Public Health (Microbiology) for microbiological testing.

- g. The whirlpool operating records were incomplete. This is in contravention to Section 14(1) of the Regulation and Section 3(4)(1) of the Standards which state:

Section 14(1) of Regulation

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

Section 3(4) (1) of Standards

Operating records must be maintained in a written form to provide information regarding:

- a. Quantities and dates of all chemicals used;
 - b. Time and result of pH tests;
 - c. Time and result of all free chlorine residual tests;
 - d. Time and result of all combined chlorine residual tests;
 - e. Temperature of the water, recorded at least once every 24 hours.
- h. There was no response plan in place to respond when parameters are not met. This is in contravention to Section 4(1) and (2) of the Standards which states:

Section 4(1)

The responsible person must develop and implement a response plan which outlines the steps to be taken when:

- a. Standards for ORP, free chlorine, combined chlorine, cyanuric acid, pH and turbidity are not being met,
- b. Blood, food or chemicals foul the pool, and
- c. Fecal material or vomitus foul the pool. This plan must adhere to the requirements in Schedule A: "Fecal Contamination Management for Swimming Pools".

Section 4(2)

The response plan must outline the persons responsible, emergency contact numbers, and the steps required to respond to each scenario.

- i. There was no knowledgeable person on site to supervise the operation of the whirlpool. This is in contravention to Section 7(1) of the Regulation and Section 1(1) of the Standard which state:

Section 7(1) of the Regulation

The responsible person must ensure that the pool is equipped, operated and maintained in compliance with

- (a) this Regulation,
- (b) the Pool Standards,
- (c) the policies referred to in section 20,
- (d) the permit, and
- (e) the approvals, if any.

Section 1(1) of the Standard

A person who operates or maintains a pool must be trained in pool operation, water chemistry, pool filtration and maintenance

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 whirlpool 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 whirlpool, namely:
 - a. Ensure the whirlpool water chemistry meets the required parameters.
 - b. Conduct any required maintenance work on the whirlpool circulation system, including the calibration of the automated chemical feeding and monitoring equipment by a

- qualified technician.
- c. Maintain accurate daily chemical testing records.
 - d. Provide and implement a written response plan when operating standards are not being met.
 - e. Assign individuals to specific tasks for the operation of whirlpool.
 - f. Submit water sample to Provincial Laboratory of Public Health (Microbiology) for microbiological testing weekly.
 - g. Ensure a knowledgeable person is on site to supervise the operation of whirlpool.
 - h. Ensure the pool is operated and maintained by a person with training approved by, and demonstrated to, the Calgary Health Region or hire a certified pool company to manage the pool
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 water sample submitted under paragraph 2f is deemed to be satisfactory, the above noted whirlpool shall remain closed and secured from unauthorized entry.

Dated at Calgary, Alberta, this 1st day of April, 2008, confirming a verbal order issued on the 31st day of March, 2008.

Joan E. Fung, 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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