

ALBERTA REGULATION 293/2006

Public Health Act

**SWIMMING POOL, WADING POOL AND  
WATER SPRAY PARK REGULATION**

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## Definitions

1 In this Regulation,

(a) "bed and breakfast" means a private dwelling occupied by the owner or operator that offers overnight lodging and breakfast, but no other meal, for a fee, to no more than 8 registered guests at one time;

(b) "mV" means millivolt;

(c) "ORP" means Oxidation Reduction Potential;

(d) "pool" means a swimming pool, wading pool, water spray park and whirlpool;

(e) "Pool Standards" means the Pool Standards, 2006 declared in force under section 2;

(f) "responsible person" means a person determined under section 3 as a responsible person;

(g) "swimming pool" means a structure containing a pool of water that

(i) is greater than 60 centimetres at its greatest depth, and

(ii) is used for recreation, healing, therapy or other similar purpose

and means all buildings and equipment used in connection with the structure but does not include

(iii) a swimming pool that is constructed for the use of a single family dwelling unit and used only by the owners and their guests, unless the structure is operated as a business, or

(iv) a swimming pool that is drained, cleaned and filled after each use by each individual;

(h) "wading pool" means a structure containing a pool of water that is 60 centimetres or less in depth throughout and is used for recreation or other similar purpose and means all buildings and equipment used in connection with the structure but does not include a wading pool that is constructed for the use of a single family dwelling unit and used only by the owners and their guests;

(i) "water spray park" means a structure onto which water is sprayed or released but does not accumulate and is used for recreation or other similar purpose and means all buildings and equipment used in connection with the structure;

(j) "whirlpool" means a structure containing a pool of water that is designed primarily for therapeutic or recreational use and that

(i) is not drained, cleaned and refilled before use by each individual, and

(ii) utilizes hydrojet circulation, air induction bubbles or hot water or any combination of them.

#### Standards

2 The Pool Standards, 2006 published by the Department are declared in force, as amended from time to time.

#### Responsible person

**3(1)** For the purposes of this Regulation, the owner of a pool is the responsible person for the pool.

**(2)** Despite subsection (1), an owner of a pool may designate another person to be the person who is responsible for the pool.

**(3)** The person who is responsible for the operation of the pool must

(a) reside in Alberta,

(b) have care and control of the operation of the pool, and

(c) be readily available

(i) for contact by the regional health authority, and

(ii) to accept on behalf of the owner service, under the Act, of orders, notices and other documents.

#### Permits

**4(1)** An owner and a responsible person shall not operate a pool unless

(a) the owner holds a permit issued under this section or a permit described in subsection (9), and

(b) the owner submits to the regional health authority the name of the responsible person.

**(2)** An application for a permit must be made to the regional health authority where the pool is located in the form required by the regional health authority.

**(3)** An application for a permit must be in writing and must include the following:

- (a) a site plan;
- (b) a floor plan;
- (c) a structural plan;
- (d) a mechanical plan;
- (e) the method of waste water disposal;
- (f) a diagram showing the location and dimensions of the diving, swimming and deck areas, if any;
- (g) the pool volume;
- (h) the maximum design bathing load at any given time;
- (i) a description of the type of disinfectant, delivery system, chlorinator capacity, automatic monitoring and feeding equipment;
- (j) detailed drawings of the water circulation system, filtration equipment, disinfection equipment and all related equipment;
- (k) a description of
  - (i) the filter area, type and rate,
  - (ii) the filtration gauges for measuring pressure change,
  - (iii) the turnover rate,
  - (iv) the rate of flow indicators,
  - (v) temperature indicators to be installed on the inlet and discharge to all heating equipment,
  - (vi) the number of inlets,
  - (vii) the number of skimmers or gutter drains,
  - (viii) the pool finishes and colour of basin,

- (ix) the make up water source,
- (x) the type of backflow prevention used on the make up water supply,
- (xi) the main drains,
- (xii) the anti-entrapment prevention devices, and
- (xiii) the pool testing equipment;

(l) if the application relates to construction of a new pool, a copy of the design plans for the pool for which all aspects of the operation and construction have been reviewed and stamped by a professional engineer or architect and for which a permit has been issued under the *Safety Codes Act* if it is required by that Act;

(m) any other information required at any time by the regional health authority.

**(4)** On receipt of a complete application, the regional health authority, if it is satisfied that the requirements of this Regulation are met, must grant a permit.

**(5)** A regional health authority may impose conditions on a permit that it grants.

**(6)** A permit remains the property of the regional health authority that issued it.

**(7)** The responsible person must ensure that the permit is available for inspection by an executive officer.

**(8)** The owner or responsible person must forthwith notify the regional health authority in writing if there is any change to who owns or operates the pool or to who is the responsible person for the pool for the purposes of this Regulation.

**(9)** On the coming into force of this Regulation, a licence in good standing under the *Swimming Pool Regulation* (AR 247/85) is deemed to be a permit issued under this section.

#### Operating, alterations approvals

**5(1)** The responsible person must apply to the regional health authority for a written approval

(a) before making a change in pool operating procedures, or

(b) before making renovations or alterations to the pool that affect the hydraulic system, disinfection or filtration system, or the integrity of the pool basin.

**(2)** For the purposes of considering an application under subsection (1), the regional health authority may require the responsible person to provide an engineer's report.

**(3)** A regional health authority may impose conditions on an approval that it grants under this section.

**(4)** Despite subsection (1), a responsible person does not need an approval to do routine maintenance of the pool.

#### Suspension, cancellation

**6(1)** A regional health authority may suspend or cancel a permit or an approval granted under this Regulation if any one or more of the following contravene the Act, any regulations under the Act, an order under section 62 of the Act, the permit or an approval:

- (a) an owner;
- (b) a responsible person;
- (c) a pool.

**(2)** If a permit or approval is suspended or cancelled, the responsible person must forthwith return the permit or approval to the regional health authority on request.

#### Responsibilities

**7(1)** 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.

**(2)** The responsible person must ensure that the pool is operated and maintained by

- (a) a person who meets the qualifications set out in the Pool Standards for a person who operates and maintains a pool, or
- (b) if approved by an executive officer, a person who has access to a person described in clause (a) and who is available to assist with the operation of the pool.

## Water quality

8 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.

## Filtration, circulation, disinfection standards

9(1) A pool must have filtration, circulation system and disinfection equipment that are

- (a) in place and operated in accordance with the pool's design plans, and
- (b) serviced and maintained to provide bacteriologically and chemically safe water.

(2) The filtration and circulation equipment must always be in operation except

- (a) during swimming competitions, if an executive officer has given approval to shut down the equipment,
- (b) while being maintained or repaired,
- (c) while backwashing the filters, and
- (d) during fecal response procedures.

(3) Recirculation must be maintained at an acceptable rate as determined in accordance with the Pool Standards.

## Disinfection

10(1) Subject to section 9(2), a pool must be continuously disinfected when in use.

(2) The method of disinfection must provide a free chlorine residual in the pool at the levels required by section 11 when the pool is in use.

(3) The free chlorine residual referred to in subsection (2) must be achieved using a mechanical feeder that

- (a) is adjustable,
- (b) provides a consistent, adequate concentration of disinfectant, and
- (c) utilizes non-stabilized chlorine products.

(4) The mechanical feeder described in subsection (3) must be maintained, operated and calibrated in accordance with the manufacturer's requirements.

**(5)** If, on the coming into force of this Regulation, a pool does not have a mechanical feeder, the owner must install it no later than March 1, 2007.

#### Chlorine, pH

**11(1)** 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:

(a) 1.0 milligram per litre in a pool with an operating water temperature of 30 degrees Celsius or less;

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

(c) despite clauses (a) and (b), 2.0 milligrams per litre in any recirculating, stand alone water spray park or wading pool at any operating temperature;

(d) despite clauses (a) and (b), 1.0 milligram per litre for a water spray park or wading pool that is part of a swimming pool recirculation system.

**(2)** Despite subsection (1), a pool that has an ORP value of 700 mV or more may be operated with a residual of 0.5 milligram or more of free chlorine per litre.

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

#### Automated pH, chlorine equipment

**12(1)** On and after October 1, 2009, a pool must be equipped with automated chemical feeding and monitoring equipment for pH and chlorine.

**(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.

**(3)** Despite subsection (1), if a responsible person is unable to consistently maintain water quality, the owner must install automated chemical feeding and monitoring equipment by a date set by the executive officer.

**(4)** Despite subsection (1), any pool operated at a bed and breakfast is not required to be equipped with automated chemical feeding and monitoring equipment for pH and chlorine.

#### Spray park, wading pool

**13(1)** A water spray park that uses non-recirculating water does not have to meet the requirements of sections 9, 10, 11 and 12 but the water used in the water spray park must be from a potable source.

**(2)** If a wading pool was constructed and in operation before the coming into force of this Regulation and uses non-recirculating water, the wading pool does not have to comply with sections 9, 10, 11 and 12 if the water in the wading pool comes from a potable source.

**(3)** Despite subsection (2), on and after January 1, 2011, a wading pool must have a filtration and circulation system and must comply with sections 9, 10, 11 and 12.

#### Testing, monitoring and recordkeeping

**14(1)** A responsible person must monitor pool water quality routinely and keep proper records of testing results.

**(2)** Tests for free chlorine, combined chlorine and pH must be conducted during the normal operating hours of a pool as often as is necessary to enable the responsible person to demonstrate water quality.

**(3)** The executive officer may order the responsible person to conduct any tests for purposes of ensuring water quality.

#### Microbiological sampling

**15(1)** 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.

**(2)** If microbiological testing indicates that the requirements of this Regulation are not met, the responsible person must immediately take steps to ensure that the requirements are met.

#### Microbiological requirements

**16** 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) do not show the presence of *Pseudomonas aeruginosa*, and

(c) do not show the presence of coliforms in a 100 millilitre sample.

#### Water clarity

**17(1)** Water in a pool must be sufficiently clear so that

(a) the patterns of lines on the bottom of the pool floor, other than a water spray park, are visible at all times, or

(b) a contrasting disc 150 millimetres in diameter on a white background located on the bottom of the pool, other than a water spray park, at its deepest point is clearly visible from any point on the deck 9 metres away from the disc.

**(2)** If a pool is open for use and the clarity of water in the pool decreases to a level where the visibility requirements of subsection (1) are not met, the responsible person or a person who operates and maintains the pool must direct all patrons to leave the pool until the clarity meets the requirements of subsection (1).

#### Nuisance strategy

18 If a nuisance is present in a pool, the responsible person or a person who operates and maintains the pool must direct all patrons to leave the pool and any adjacent area until the nuisance is removed.

#### Anti-entrapment devices

**19(1)** 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.

**(2)** For the purposes of assessing the effectiveness of an anti-entrapment device referred to in subsection (1), the regional health authority may require the responsible person to provide an engineer's report.

#### Written policies

**20(1)** The responsible person must have written policies respecting

- (a) safety and supervision of the public,
- (b) posting of rules and education of the public regarding use of the pool,
- (c) response to water quality issues, including fecal contamination,
- (d) a general sanitation plan, and
- (e) any other matters required by an executive officer.

**(2)** The policies referred to in subsection (1)(a) and (b) must be accessible to the staff at the pool and to an executive officer.

**(3)** The responsible person must ensure that the pool is operated in accordance with policies referred to in subsection (1).

## Patron behaviour

### 21 No person shall

- (a) use a pool if the person has been so instructed by a regional health authority or a physician,
- (b) urinate or defecate in or otherwise pollute the water of a pool, or
- (c) bring an animal onto the premises of a pool except for guide dogs and dogs used to assist persons with disabilities.

## Pool premises

### 22 A pool and the buildings, equipment and premises used in connection with it

- (a) must be maintained so that
  - (i) all the floors and decks that are wet traffic areas used by patrons with bare feet are impervious to moisture, easily cleaned and easily maintained,
  - (ii) all the surfaces in the pool premises that come in contact with patrons are maintained in a clean and sanitary condition, and
  - (iii) the basins and liners are structurally sound and maintained in good repair,
- (b) must be maintained in a state of repair that provides for the safe and sanitary operation of the pool, and
- (c) must be operated so that all the activities in the pool area are conducted so as to minimize contamination of the pool water and provide for safety of the patrons.

## Hot tub requirements

**23(1)** An owner of a rental mobile hot tub must prepare an operating manual outlining proper disinfection, operation and maintenance information regarding the hot tub.

**(2)** An owner of a rental mobile hot tub must provide a copy of the operating manual to each renter when entering the rental agreement.

**(3)** No person shall operate or use a rental mobile hot tub unless an approval for the operation of the rental hot tub has been granted by an executive officer.

**(4)** Despite subsection (3), a rental mobile hot tub may be used, without an approval, at a single family dwelling unit by the owners of the unit and their non-paying guests.

## Consequential amendments

**24(1)** The *Nuisance and General Sanitation Regulation* (AR 243/2003) is amended in section 1(c) by striking out "a swimming pool or wading pool as defined under the *Swimming Pool Regulation* (AR 247/85)" and substituting "a swimming pool, wading pool, water spray park and whirlpool as defined in the *Swimming Pool, Wading Pool and Water Spray Park Regulation* under the *Public Health Act*".

**(2)** The *Waiver Regulation* (AR 298/2003) is amended in section 1(1) by repealing clause (g) and substituting the following:

(g) the *Swimming Pool, Wading Pool and Water Spray Park Regulation* under the *Public Health Act* except sections 8 and 10(1) and (2).

## Repeal

25 The *Swimming Pool Regulation* (AR 247/85) is repealed.

## Expiry

26 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2014.