

**New Mexico Environment Department
Swimming Pool Program**

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**Title 7, Health
Chapter 18, Swimming Pools**

On February 2, 2007 the New Mexico Environment Department (NMED) solicited suggestions for amendments to improve the Swimming Pool Regulations, 7.18.2-5 NMAC, which went into effect March 30, 2005. The following table summarizes the suggestions submitted along with the specific section of the Regulations they pertain to. All suggestions will be given serious consideration and the Department greatly appreciates all comments provided.

SECTION APPLICABILITY (NMAC)	SUBMITTED BY	SUMMARY OF PROPOSED AMENDMENT
7.18.3.10.D 7.18.3.13.B & C 7.18.3.35 N & O 7.18.3.37.E 7.18.3.45.G 7.18.3.49.C.7.b 7.18.4.15.C 7.18.4.25.G	Steve Haines, Ten Thousand Waves	<ul style="list-style-type: none"> ▪ Allow of wooden interior surfaces ▪ Lower lighting requirement for spa pools ▪ Allow wood decks around spas ▪ Allow of same recirculation for two small spas ▪ Give spas using UV and H2O2 exemption from ORP ▪ Consideration given not have doors or curtains at shower stall ▪ Allow foot baths with recirculation ▪ Clarification of language in section 7.18.4.25.G
7.18.2.7.FF	Eric Eggleston, Cree Meadows Country Club	<ul style="list-style-type: none"> ▪ Consideration of reclassifying country club pools from general use to limited use pools thus not having lifeguard requirement.
7.18.2.7.FF	Joe Coakley, Ruidoso Athletic Club	<ul style="list-style-type: none"> ▪ Consideration of reclassifying health club pools from general use to limited use pools thus not having lifeguard requirement.
7.18.4.12.A(5)	Eugene Knight, NMED Dist. I	<ul style="list-style-type: none"> ▪ Reconsider the requirement for an attendant at the waterslide.

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7.18.2.7.FF	Rusty Robbins, Bonita Park Nazarene Camp	<ul style="list-style-type: none"> ▪ Consideration of reclassifying organizational camp pools from general use to limited use pools thus not having a lifeguard requirement.
7.18.4.22.A	Eric McNamara, Fort Lone Tree	<ul style="list-style-type: none"> ▪ Lifeguard at splash area for waterslides.
7.18.2.3	William L. Owen, Cottonwood Inn Bed and Breakfast	<ul style="list-style-type: none"> ▪ Questioned NMED's Statutory authority and interpretation on regulations concerning non-sanitation issues, particularly safety.
7.18.2.7	Mary Jansen, Mesilla Farms Homeowners Association	<ul style="list-style-type: none"> ▪ Pools operated exclusively for homeowners associations are "private pools" and must not be regulated by NMED.
7.18.3.33	Jim Crozier, Carlsbad campground owner	<ul style="list-style-type: none"> ▪ Reduce Fence height requirement to 4.5 feet.
7.18.2.3	Art Bouffard, New Mexico Lodging Association	<ul style="list-style-type: none"> ▪ Fence height ▪ Statutory authority of NMED does not go beyond sanitation issues. ▪ Inconsistent inspections by inspectors statewide
7.18.2.7 7.18.2.12 7.18.2.13 7.18.2.10 7.18.3.13 7.18.3.14 7.18.3.30 7.18.3.41 7.18.3.46 7.18.4.11 7.18.4.26	Andy Scott, Kathy Clark, New Mexico Hot Springs Association	<ul style="list-style-type: none"> ▪ Definition amendment to "natural hot springs swimming area" and "hot springs public pool" ▪ Operating permits: amend the requirement to permit multiple tubs, baths, and pools under one permit. ▪ Operator certification needs clarification for hot spring facilities ▪ General and Structural design of hot springs as to allow natural material as sand or gravel. ▪ Lighting, hot springs will have difficulty meeting underwater lighting requirement. ▪ Indoor pool ventilation, high moisture (steam) is part of the therapeutic reality of hot springs. ▪ Adoption of Colorado's spa standards of Fecal coliform 200 per 100 ml and 33 per 100ml of enterococci for hot springs. Proposed methodology to achieve acceptable biological test results. ▪ Discharge of water from hot springs for beneficial use. ▪ Meters and gauges not accurate and difficult to install thus should not be required. ▪ Hot spring water quality; pH of hot spring water is naturally 6.6 to 6.8. Regulation of a pH 7.2 should be amended. ▪ Regulation of maximum water temperature of 104° difficult to attain. Hot spring water normally above 104° ▪ Amend & require signs to inform hot spring users of potential risks.

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7.18.4.27 7.18.4.15 7.18.3.33 7.18.3.49 7.18.2.11		<ul style="list-style-type: none"> ▪ Review required records for hot springs ▪ Exclusion of ill persons with communicable diseases or sores from natural hot springs in direct conflict with why people use waters. ▪ Fencing requirements not possible in many primitive settings. ▪ Amend requirement of bathers should shower prior to entering hot spring. ▪ Review requirement of plans and specifications for hot springs.
*	Tanya Struble, Therese Councilor, Giggling Springs	<ul style="list-style-type: none"> ▪ Agree with amendments submitted by Andy Scott and Kathy Clark.
7.18.3.33	David Dobson, Lookout Estates	<ul style="list-style-type: none"> ▪ Amend fence height less than 6 feet.
7.18.3.33	Scott Garrett, Manzano Mountain Retreat.	<ul style="list-style-type: none"> ▪ Grandfather NM pools built prior to March 30, 2005 ▪ Lifeguard requirement for organizational camps, create a density / child policy for post 3/30/05 pools. Lifeguards are required whenever a pool reaches occupancy of over 25% of its maximum bather load. ▪ Amend fence height to 5 feet.
7.18.2.10.A 7.18.2.13.E 7.18.3.12.C 7.18.3.31 & 7.18.4.12 7.18.3.37 7.18.3.45 7.18.4.11 7.18.4.11 7.18.4.25	Rusty Fausnaugh, Pool-Pro (pool supplies company owner).	<ul style="list-style-type: none"> ▪ Renovate/repair should <u>not</u> require an architect or engineer stamp. ▪ Approved courses.....clarification of language, meaning, intent ▪ Depth markings 15 foot intervals change. ▪ All information regarding providing lifeguards should be struck as they are not a public health purview.... ▪ Add therapy pools turnover rate at three hours ▪ All pools should be required to have automatic chemical controllers. ▪ High limit for chlorine residual should be higher. ▪ Allow trichlor back in use for indoor pools. ▪ Emergency shut off switches a hazard, automatic vacuum breaking devices should be the requirement.
7.18.3.34 7.18.3.33 7.18.4.11.L	Jim Crozier, Campground owner	<ul style="list-style-type: none"> ▪ Fence height to 4.5 feet ▪ Change to chain link fence or barrier mesh size to..... ▪ Consider allowing schedule of testing to be replaced with approved "statistical process control (SPC)".
7.18.3.33	Larry Bourne, La Posada de Santa Fe, Director of Engineering	<ul style="list-style-type: none"> ▪ Reconsider fence requirements – 5 ft. is sufficient.

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7.18.2.12.B 7.18.2.12.F	Sherry LaMay, NMED Dist. I, Ruidoso	<ul style="list-style-type: none"> ▪ Current rule states: “Operating permits shall be issued annually...” Change to: “The deadline date for renewal of operating permits shall be the last day of the annual anniversary month of the date of original issue. When the deadline date falls on a state holiday or a weekend, the deadline shall extend to the next business day.” ▪ Current rule states: “The department shall...satisfactory inspection prior to renewal of n annual operating permit.” Change to: “the department shall inspect a public pool at least once annually prior to the date of expiration of the operating permit.”
Subsections AAA, PPP & QQQ, resp., of 7.18.2.7 7.18.2.7 7.18.2.7.G Sections 41, 42, 45.F, & 10.E of Part 3 7.18.3.12.C 7.18.3.13.B 7.18.3.14 7.18.3.18 7.18.3.33	NMED District II	<ul style="list-style-type: none"> ▪ Revise definitions of Recirculation interval, turnover rate, turnover time – they seem convoluted and confusing ▪ Add a definition for therapy pools using temperature and primary use ▪ Clarify definition of attendant and specify where the person must be when the facility is being operated ▪ Change NSF/ANSI 50-2004 & NSF/ANSI 14-2004 to remove 2004 and reference as NSF/ANSI 50 and NSF/ANSI 14. ▪ Require depth marking in Metric units in addition to English units ▪ Revise area (deck) lighting requirement to NSF/ANSI 5 foot-candles ▪ Include procedure for measurement & enforcement of lighting levels ▪ Specify method for determining adequate ventilation; relying on visual indicators—mold growth, condensation—is ineffective. Include recognition of Legionnaires and Pontiac Fever in the regulation. ▪ Specify a depth for the diving board’s installation ▪ <u>Barriers:</u> <ul style="list-style-type: none"> ➤ Change minimum fence ht. requirement to 5 ft. instead of 6 ft. ➤ Allow variances from the fence ht. requirement ➤ Allow variance form the fence ht. only if the ht. is at least 5 ft. ➤ Pool enclosures have either a “minimum fence ht. of 6 ft” <u>or</u> a “minimum fence ht. of 5 ft. with a motion alarm.” ➤ The kick plate required by Subsection J, Paragraph 2, is unnecessary where doors are used as the gate.

SECTION APPLICABILITY (NMAC)	SUBMITTED BY	SUMMARY OF PROPOSED AMENDMENT
7.18.4.10 7.18.4.12 Inspections	NMED District II (contd.)	<ul style="list-style-type: none"> ▪ Specify criteria and procedure for the approval of pool water supply ▪ Change to, “no lifeguard required for pools with exactly five ft. depth” ▪ Increase inspection frequency of year-round pools to semi-annual, perhaps even quarterly. Annual inspections do not adequately protect public health.
7.18.3.45.G Inspections Daily Checklist & Log	C. David Caldwell, Aquatics Program Manager, Santa Fe Community College	<ul style="list-style-type: none"> ▪ Require all pH and ORP controllers to be calibrated at least once each week. Require a weekly log of calibration date and time. ▪ Most, if not all, inspections should be unannounced (to the facility) ▪ Develop a standard opening and closing checklist and daily operating log for the pools. These must be used by all pools statewide.
7.18.2.7.HH 7.18.2.7.VV(2) 7.18.2.7.BBB 7.18.2.7.CCC 7.18.2.7.DDD 7.18.3.11, A through D 7.18.3.13 7.18.3.15.A 7.18.3.16.A 7.18.3.19 7.18.3.25	NMED District III	<ul style="list-style-type: none"> ▪ Expand definition of handhold and reference barriers & fences ▪ The definition of private pool refers to “guests” which is not defined anywhere and needs to be. ▪ “Remodel” needs to be properly defined and clarified ▪ “Renovation” needs to be properly defined ▪ “Repair” needs to be properly defined ▪ Should apply to new construction only ▪ Adopt the NSF/ANSI std. of 3 foot-candles for decks; 15 foot-candles is excessive and wasteful of energy ▪ Should apply to new construction only ▪ Clarify whether this applies to islands and waterfalls inside pools ▪ The deck level dimensions provided in the illustration and the table does not match. ▪ This regulation provides requirements for “interactive fountains” but the definitions in 7.18.2.HHH (7) NMAC seemingly refers to these as “interactive play attractions”; this inconsistency needs to be resolved. ▪ Clarify whether there is any certified operator, lifeguard, or attendant requirements for interactive fountains. ▪ Require slip resistant surfaces for interactive fountains ▪ Specify a method of measuring sanitizer (disinfectant) levels ▪ Ban interactive fountains altogether

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<p>7.18.3.28</p> <p>7.18.3.33.D 7.18.3.33.J1 7.18.3.33.J2</p> <p>7.18.3, Sections 35 & 36 7.18.3.41.B.1</p>	<p>NMED District III (contd.)</p>	<ul style="list-style-type: none"> ▪ Watercourse rides need to be defined in Part, Definitions ▪ Subsection E restricts the design water velocity to 2 mph, but there are existing log rides that exceed this limit, so this limit needs to be raised or revoked. ▪ Write a grandfathering provision for existing pools ▪ Change to "latches must be continuously locked" instead of "lockable" ▪ This is not necessary when the gate is key or access pad-locked from both the inside and the outside. Also, the reg. does not specify whether gates/doors must open to the inside or outside. ▪ Write a grandfathering provision for existing pools ▪ Replace, "other department approved method" for drainage disposal with some specific language
<p>7.18., 2-5</p> <p>7.18.3.45.G</p>	<p>Rome Walker, The Alpine Lodge, Owner</p>	<ul style="list-style-type: none"> ▪ The pool rules are unclear, poorly written, confusing, and leave too much open to interpretation. They impose too many requirements on existing facilities which is excessively burdensome. ▪ Require pH & ORP controllers on existing spa only when recurring violations of "disinfectant levels" occur. ▪ The problem with spas & hot tubs is not the disinfectant levels, but the foaming due to lotions & oil. pH & ORP controllers do not help at all and spas still have to be manually tweaked and adjusted. Thus, for spa, the pH & ORP controllers are a waste of money (\$ 4,800) and it is probably best to require an increased frequency of manual testing.