TITLE 7 HEALTH
CHAPTER 18 SWIMMING POOLS
PART 3 PUBLIC SWIMMING POOLS, SPAS AND BATHS: MAINTENANCE AND OPERATIONS REQUIREMENTS

7.18.3.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[7.18.3.1 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.2 SCOPE: Owners and operators of public swimming pools, public spas, public baths or other public bathing attractions.
[7.18.3.2 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.3 STATUTORY AUTHORITY: NMSA 1978, Sections 74-1-1 through 74-1-16.
[7.18.3.3 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.4 DURATION: Permanent.
[7.18.3.4 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.5 EFFECTIVE DATE:
[7.18.3.5 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.6 OBJECTIVE: To protect the public health and safety by establishing standards and provisions for the regulation of public swimming pools, spas, baths, and other public bathing attractions.
[7.18.3.6 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.7 DEFINITIONS. Unless otherwise defined in this rule, the words and phrases used in this rule have the same meanings as in Section 7.18.1.7 NMAC, Public Swimming Pools, Spas and Baths: General Provisions.
[7.18.3.7 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.8 ADOPTION BY REFERENCE: Outside standards, listings, and publications referenced in this rule are part of this rule.
[7.18.3.8 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.9 ENFORCEMENT AUTHORITY:
A. Private pools shall not be subject to the provisions of this rule or to 7.18 NMAC Parts 1-4;
B. Department representatives shall be responsible for the enforcement of this rule.
[7.18.3.9 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.10 POOL WATER SUPPLY:
A. Owners and operators of public pools shall insure that only approved water supplies are used to fill, add to, or flow through a public pool. The water supply facility shall be properly located, protected, and operated at all times.
B. Owners and operators of public pools shall obtain departmental approval of water supplies used to fill, add to, or flow through a public pool.
C. Water shall be easily accessible, adequate, and of safe and sanitary quality.
D. There shall be no cross connection between a sewer or liquid waste disposal system and a public pool.
[7.18.3.10 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.11 POOL WATER QUALITY:
A. Water in public pools shall be maintained in accordance with the water quality and physical parameters that follow:
(1) The free available chlorine in pools, except spas and spray pads, shall be maintained between 1.0-ppm free available chlorine and 5.0 ppm free available chlorine.

(2) The free available chlorine in spas and spray pads shall be maintained between 2.0 ppm free available chlorine and 5.0 ppm free available chlorine.

(3) The combined chlorine in all pools shall not exceed 0.5 ppm.

(4) The total available bromine in pools, except spas and spray pads, shall be maintained between 2.0 ppm total available bromine and 6.0 ppm total bromine.

(5) The total available bromine in spas shall be maintained between of 2.0 ppm total available Bromine and 6.0 ppm total available bromine.

(6) The total available bromine in spray pads shall be between 4.0 ppm total available bromine and 6.0 ppm total available bromine.

(7) The pH of all public pools shall be maintained between 7.2 and 7.8.

(8) The cyanuric acid in all public pools shall not exceed 100 ppm.

(9) Water clarity in all public pools shall be maintained so that the bottom and main drain of the pool are clearly visible at all times from the deck above the deepest part of the pool.

(10) Fecal or pathogenic bacteria and algae shall not be present in any public pool.

(11) The maximum temperature of a public pool shall not exceed 104 degrees Fahrenheit or 40 degrees Celsius.

B. The department may require the installation of oxidation-reduction potential (ORP) automatic disinfection and pH controls or similar controls on any public pool when there are recurring violations of the water quality parameters for disinfection and pH levels.

C. Testing Equipment:

(1) All public pools shall have fully functional test kit(s) or equipment for measuring the pH, free and combined chlorine concentration, or bromine, (or concentration of other approved disinfectant), and cyanuric acid if stabilized chlorine is used.

(2) All test kits shall be NSF approved.

(3) Test kits for measuring free and total chlorine or bromine shall use Diethyl-P-Phenylene Diamine (DPD) as the reagent.

D. The frequency of measuring pH, chlorine, bromine, water clarity, or cyanuric acid shall be done prior to daily opening and as specified in Subsection L of 7.18.3.11 NMAC.

E. If pH and sanitizing are automatically monitored and controlled through the use of a properly operating automated system, tests need only be conducted prior to the daily opening of the facility, and at one additional time half way through that daily operation.

F. Notwithstanding other provisions of this Part, the department may require any other testing frequencies for pool water parameters or chemicals added to the pool to protect public health.

G. Public spa pools shall be drained and refilled at least once every 30 days.

H. If, at any time, testing indicates that the pool water does not conform to the requirements in Subsection A of 7.18.3.11 NMAC, the pool operator shall immediately close the pool to the public until the requirements are satisfied.

I. Hand dosing of disinfectant is not allowed except to super-chlorinate or bring the residual up to required levels when the pool is closed.

J. The circulation system shall not be turned off except for necessary maintenance or when the pool is taken out of service for an extended period of time.

K. If a fecal accident occurs, the operator of a public pool shall follow the procedures and specifications in Section 7.18.3.27 of this rule.

L. Water quality testing in public pools for disinfectant level and pH shall be performed according to the following schedule:

(1) If pH and disinfectant levels in indoor or outdoor pools are not automatically monitored and controlled through the use of a properly operating automated system, tests shall be performed as follows:

(a) Outdoor pools using non-stabilized chlorine shall be tested every hour.

(b) Indoor pools using non-stabilized chlorine shall be tested every four hours.

(c) Outdoor pools using stabilized chlorine shall be tested every four hours.

(d) Indoor pools using stabilized chlorine shall be tested every four hours.

(e) All pools using bromine shall be tested every four hours.

(2) For indoor and outdoor pools that are automatically monitored and controlled through properly operating automated systems, tests for pH and disinfectant levels need only be conducted immediately prior to the daily opening of the facility and at one additional time half way through that daily operation.

(3) The level of cyanuric acid in stabilized pools shall be tested weekly.

[7.18.3.11 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.12 LIFEGUARDS:

A. Lifeguards shall be present and on duty at all general-use public pools during operating hours.

(1) There shall be at least one lifeguard actively on duty for every 40 bathers and use of the 10/20 guest protection standard and guest protection zone is required.

(2) General use spas, public baths, and spray pads are exempt from the lifeguard requirement.

(3) When swim teams and swimming exercise classes are facility users, the owner or designated agent may allow substitution of a coach that is certified by the American Red Cross or an equivalent organization in first aid and cardiopulmonary resuscitation (CPR) and is trained to deal with safety hazards. Both the owner and the sponsoring organization furnishing the swim coach shall be responsible for assuring proper credentials, training and bather controls are maintained in accordance with these requirements.

(4) An attendant is required to be present during designated lap swimming hours.

B. Lifeguards shall be present and on duty at all limited-use public pools during operating hours where:

(1) the total water surface area available for swimming is 2,500 square feet or greater; or

(2) the maximum depth of the water is greater than five feet and the maximum number of bathers permitted within the pool at any one time is calculated at one person per 25 square feet of water surface area.

C. Lifeguards do not have to be present and on duty at limited-use public pools during operating hours where:

(1) the total water surface area available for swimming is less than 2,500 square feet;

(2) the maximum depth of the water is less than five feet; or

(3) the maximum depth of the water is greater than five feet and the maximum number of bathers permitted within the pool at any one time is calculated at one person per 50 square feet of water surface area.

D. In a public pool where a lifeguard is not present, children under the age of 14 shall be accompanied by a responsible observer, 18 years or older, who shall be present within the barrier area to stay and monitor their children at all times. Pool operators or owners shall verify adult supervision of children in limited-use pools where lifeguards are not required.

E. Lifeguards, pool operators or owners shall enforce the following rules at all public pools:

(1) Bathers shall take a cleansing shower before entering a general-use pool.

(2) No person under the influence of an intoxicating liquor or drug shall use the pool.

(3) No food or drink shall be permitted within four feet of the pool. Glass containers are not permitted within the pool enclosure. For general use pools, food and drink shall be permitted only in the visitor and spectator areas. Trash containers shall be provided in the food service areas.

(4) No person shall bring, throw or carry food, drink, smoking material, trash, or debris, into the pool.

(5) No person shall run or engage in horseplay in or around a public pool.

F. The owner or operator of each special-use pool shall establish a plan for lifeguards and attendants at their facility and shall submit the plan to the department for review. The plan shall:

(1) set forth in detail where lifeguards and other attendants will be stationed;

(2) describe training and emergency procedures;

(3) include provisions for back-up lifeguards and attendants in the event of a multiple person rescue; and

(4) include any other provisions addressing pool depth, wave action, line of sight, bather loads or other special conditions affecting the safety of users.

(5) The department shall approve any significant change in the plan for lifeguards and attendants before it is put into effect.

G. Except as otherwise required in this rule, each attendant employed at a public pool shall be:

(1) certified by the American Red Cross or an equivalent organization in first aid and cardiopulmonary resuscitation (CPR); and

(2) be trained to deal with safety hazards related to the particular facility at which they are employed.

H. An attendant who is knowledgeable in all safety procedures and basic operation of the pool shall be present at all general use pools during times of operation.

[7.18.3.12 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.13 ACCIDENTS:

A. Operators of public pools shall report in writing to the department any drowning or other death occurring on the pool's premises.

B. Such reports shall be submitted within twelve hours of the occurrence and the pool shall immediately suspend operation until allowed to re-open by the department.

[7.18.3.13 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.14 HAZARDS:

A. There shall be no protrusions, extensions, obstructions, tripping hazards, or other means of entanglement in the pool or on the pool deck that could cause bather injury or entrapment. Equipment and devices in the pool and at pool side, such as ladders, drain covers, anti-vortex covers, handrails, fill lines and Diving devices shall be installed so they can only be removed or adjusted with the use of tools.

B. All anti-vortex covers shall be in place and secure during all times the public pool is in use.

C. Signs, as specified in Section 7.18.3.26 NMAC, shall be posted at all times.

[7.18.3.14 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.15 PREVENTION OF DISEASE:

A. All public pool users and employees afflicted with a communicable disease that is capable of being transmitted in a public pool or who are suffering from sores shall be excluded from a public pool.

B. A cleansing shower with soap is required of all bathers entering a public pool.

C. Footbaths are prohibited.

[7.18.3.15 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.16 ANIMALS: Animals are not allowed within the pool enclosure or barrier of any public pool except for service animals.

[7.18.3.16 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.17 CLEANLINESS:

A. Public pool buildings, grounds, dressing rooms, walkways and all other facilities shall be kept clean, in a sanitary condition, and maintained free of garbage, trash and other refuse.

B. Dirt and scum in pools shall be removed at least daily or more often as necessary to maintain sanitary conditions.

C. All public pools shall be maintained so that the pool is free of accumulated dirt, debris, leaves, or other floating, submerged or settled material.

D. All public pools shall be equipped with a vacuum cleaner capable of effectively removing settled material from the bottom of the pool.

E. All public pools shall be equipped with a pole mounted skimming net to remove floating or submerged leaves or other debris from the pool.

[7.18.3.17 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.18 OFF SEASON MAINTENANCE: When a public pool is not in use after seasonal operation or when a public pool is under construction or renovation, water clarity shall be maintained and algae growth prevented.

A. Other water quality parameters are not required to be met.

B. The facility shall not give off objectionable odors, become a breeding ground for insects or vectors or create any other nuisance or safety hazard.

[7.18.3.18 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.19 BATHER LOAD:

A. The maximum number of bathers permitted within a pool at any one time shall not exceed:

(1) Public pools, except for spa pools and wave pools: one person for each 25 square feet of water surface.

(2) Spa pools: one person for each ten square feet of water surface.

(3) Wave pools: one person for each 50 square feet of water surface.

B. When calculating the water surface area for bathing load, 300 square feet shall be subtracted from the total water surface area available for swimming for each diving board or platform.

[7.18.3.19 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.20 STARTING PLATFORMS:

A. Starting platforms shall be removed when not in use by competitive swimmers; or

(1) shall be equipped with protective equipment designed to prevent access;

(2) be firmly secured when in use; and

(3) shall have non-slip top surfaces.

B. When the starting blocks are removed, anchor sockets shall be capped.

[7.18.3.20 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.21 GATES AND DOORS IN PUBLIC POOL ENCLOSURES: Gates and doors shall not be blocked open or otherwise disabled to prevent closing and latching. Facilities providing lifeguard service and monitored public access may have open gates or doors during operating hours.

[7.18.3.21 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.22 WATERSLIDE OPERATION:

A. Lifeguards shall be on duty at the slide splash area.

B. The platform area shall have an attendant in place.

C. The slide may not be used if the main drain of the splash pool is not clearly visible from the deck when the flume water is turned off.

D. Entry to the slide shall be regulated so that only one person is allowed to enter the slide every ten seconds.

E. Radio communication or other means of communication approved by the department shall be provided between the flume entry attendant and the splash pool or slide runout lifeguard.

F. Each water slide shall provide the flume entry attendant the means to monitor the slide entry and exit.

[7.18.3.23 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.23 TEMPORARY SPECIAL USE POOLS: Owners of pools that are used for public promotions at sports fields, county fairs, portable pools and similar special uses shall be reviewed by the department on an individual case basis. The department may require special conditions as part of approval of such pools to assure health and safety.

[7.18.3.1 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.24 INSTRUCTIONAL USE OF LIMITED-USE POOLS: The department may allow the use of limited-use public pools for swimming related instruction to the general public provided that:

A. use by the public is limited to instruction classes only;

B. the instructor shall be certified by the American Red Cross or an equivalent organization in first aid and CPR; and be trained to deal with safety hazards related to the particular attraction at which they are employed;

C. the department is notified in advance of the time and place of the classes; and

D. sanitary facilities are available to bathers as required in Section 7.18.2.49 NMAC.

[7.18.3.24 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.25 LIFESAVING EQUIPMENT: The following lifesaving equipment shall be provided at all public pools in a location where it is easily accessible by persons using the pool.

A. Required signs, as specified in Section 7.18.3.26NMAC, shall be posted where they can be easily seen by persons using the pool.

B. A sign shall be posted stating the location of the emergency phone.

C. A sign shall be posted at the phone that indicates emergency phone numbers and the facility address to enable emergency and rescue personnel to locate the pool.

D. All public pools shall be equipped with a first aid kit containing a minimum of 24 items. The kit shall be placed in a department approved location and shall include the following first aid supplies:

(1) first aid pocket guide;

(2) first aid kit supply list;

(3) assorted sterile gauze pads with adhesive tape;

(4) antiseptic wipes or hydrogen peroxide;

(5) scissors and tweezers;
(6) triangular bandages;
(7) roller gauze;
(8) blood borne pathogen spill kit;
(9) disposable single use gloves;
(10) eye protection, face shield, or goggles;
(11) mask or barrier for rescue breathing or CPR;
(12) heat retention blanket;
(13) small trash bag or biohazard bag; and
(14) assorted adhesive bandage strips.

E. All public pools shall be equipped with devices, in good operating condition, to aid victims in distress as follows:

(1) a light and sturdy rescue pole at least 12 feet in length with a double crook life hook attached;

(2) two or more U.S. Coast Guard approved ring buoys, located at opposite sides of the pool, with an attached one quarter inch rope not less than one and one-half times the maximum width of the pool or swimming area;

(3) at pools requiring lifeguards, a backboard with means to secure victim to the board and provide immobilization of head, neck, and back; and

(4) at pool requiring lifeguards, one rescue tube per lifeguard shall be provided.

F. All public pools shall be equipped with a clearly marked emergency pump shut-off switch to be located within 20 feet, but no closer than four feet, of a pool. The shut-off switch shall be accessible to the public, have an audible alarm, and operate at all times.

(1) An automatic shut-off system may be installed in lieu of a manual shut-off switch.

(2) All pools not meeting this requirement shall have one year from the effective date of this regulation to come into compliance.

G. Except where required by the department, the equipment required in Section 7.18.3.25 NMAC shall not apply to public spa pools, wading pools, spray pads and public baths.

[7.18.3.25 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.26 REQUIRED SIGNS:

A. An American Red Cross resuscitation chart, or equivalent, shall be conspicuously posted in the swimming pool area.

B. A sign shall be posted in the pool enclosure or barrier stating the design bathing load capacity of the pool. The pool owner shall be responsible for seeing that the maximum bathing load capacity is not exceeded.

C. A sign shall be posted in the pool enclosure or barrier stating “Warning- no lifeguard service is provided. All children under the age of 14 shall be accompanied by an observer 18 years or older. In case of emergency, contact: (a person or emergency telephone number shall be stated on the sign).

D. A precaution sign or signs shall be mounted adjacent to the entrance of a spa or bath, which read:

(1) “Extended exposure to hot water may be detrimental to the health of elderly persons, persons with health problems, such as heart conditions, diabetes, or low/high blood pressure, small children, or pregnant women. Consult with a physician before using spa or bath”.

(2) “Do not use the spa or bath while under the influence of alcohol, narcotics, or other drugs that cause sleepiness, drowsiness, or raise/lower blood pressure”

(3) “Do not use the spa or bath alone.”

(4) “Over exposure to heated water may cause nausea, dizziness, and fainting”.

E. Whenever a pool is closed to swimming for any reason, all gates and doors not utilized for egress to other parts of the building or buildings shall be locked. The department shall post signs at all entrances to the pool stating that the pool is closed.

F. Signs shall be posted describing the proper way to use a pool slide or water slide. The signs shall contain wording that includes the following:

(1) “Slide feet first only”.

(2) “Slide sitting up or lying on your back”.

(3) “Only one person at a time may be on the slide”.

(4) “Always enter the pool feet first. Do not somersault, twist, or dive from the end of the slide”.

[7.18.3.26 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.27 FECAL ACCIDENT PROCEDURE:

A. The following procedure shall be used for a formed stool that is solid and non-liquid:

(1) Direct everyone to leave all pools into which water containing the feces is circulated. Do not allow anyone to enter the contaminated pool until all decontamination procedures are completed.

(2) Remove as much of the fecal material as possible using a net or scoop and dispose of it in a sanitary manner. Clean and disinfect the net or scoop. After cleaning, leave the net or scoop immersed in the pool during disinfection. Vacuuming stool from the pool is not allowed.

(3) Raise the free available chlorine concentration to 2.0 ppm, pH 7.2-7.5. Ensure this concentration is found throughout all co-circulating pools by sampling at least three widely spaced locations away from return water outlets. This free available chlorine concentration was selected to keep the pool closure time to approximately 30 minutes. Other concentrations or closure times can be used as long as the CT inactivation value is kept constant.

(4) Maintain the free available chlorine concentration at 2.0ppm, pH 7.2-7.5, for at least 25 minutes before reopening the pool. Ensure that the filtration system is operating while the pool reaches and maintains the proper free available chlorine concentration during the disinfection process.

(5) Establish a fecal accident log. Document each fecal accident by recording the following:

(a) the date and time of the event;

(b) if the accident is a result of a formed stool or diarrhea;

(c) the free available chlorine concentration at the time or observation of the event and before re-opening the public pool;

(d) the pH at the time or observation of the event and before re-opening the public pool;

(e) the procedures followed to respond to the fecal accident (including the process used to increase free chlorine residual if necessary); and

(f) the chlorine contact time.

B. The following procedure shall be used for diarrhea or a non-formed stool or a liquid stool:

(1) Direct everyone to leave all pools into which water containing the feces is circulated. Do not allow anyone to enter the contaminated pool until all decontamination procedures are completed.

(2) Remove as much of the fecal material as possible using a net or scoop and dispose of it in a sanitary manner. Clean and disinfect the net or scoop. After cleaning, leave the net or scoop immersed in the pool during disinfection. Vacuuming stool from the pool is not allowed.

(3) Raise the free available chlorine concentration to 20ppm and maintain the pH between 7.2 and 7.5. Ensure this concentration is found throughout all co-circulating pools by sampling at least three widely spaced locations away from return water outlets. This chlorine and pH level should be sufficient to inactivate Cryptosporidium and should be maintained for at least 8 hours, equivalent to a CT inactivation value of 9600. A higher or lower free available chlorine level/inactivation time can be used as long as a CT inactivation value equaling 9600 is maintained for Cryptosporidium inactivation.

(4) Ensure that the filtration system is operating while the pool reaches and maintains the proper free available chlorine concentration during disinfection.

(5) Backwash the filter thoroughly after reaching the CT value. Be sure the effluent is discharged directly to waste and in accordance with state or local regulations. Do not return the backwash through the filter. Where appropriate, replace filter media.

(6) Pool users may be allowed in the pool after the required CT value has been achieved and the free available chlorine level has been returned to the normal operating range allowed by the department. Maintain the free available chlorine concentration and pH at standard operating levels based on state or local regulations.

C. The following procedure shall be used to determine the CT Value.

(1) CT refers to concentration (C) of free available chlorine in ppm multiplied by time (T) in minutes. If pool operators want to use a different chlorine concentration or inactivation time, they need to ensure that CT values always remain the same.

(a) Example one - If an operator finds a formed fecal accident in the pool and the pool has a free available chlorine reading of 3 ppm and a pH of 7.5, to determine how long the pool should be closed to swimmers, locate 3 ppm in the left column of Paragraph 3 of Subsection C of Section 7.18.3.26 below and then move right for the pool closure time. The pool should be closed for 19 minutes.

(b) Example two - The CT inactivation value for Cryptosporidium is 9600, which equals (20 ppm) x (480 minutes). The operator determines that only 15 ppm free available chlorine can be maintained after a diarrheal accident in the pool. How long would hyperchlorination take? Answer: 9600=CT=(15)(T); T=9600/15=640 minutes=10.7 hours.

(2) Many conventional pool test kits cannot measure free available chlorine levels above 5 ppm to 10 ppm. Pool operators shall use chlorine test strips that can measure free available chlorine in a range that includes 20ppm (such as those used in the food industry) or make dilutions following DPD chlorine test kit instructions. Use chlorine-free water for dilutions.

(3) The required free available chlorine concentrations and pool closure time required for disinfection of pools after a formed fecal accident shall be as follows:

Concentration (ppm)	**Pool closure time (minutes)**
<0.4	**105**
0.6	**72**
0.8	**55**
1.0	**45**
1.2	**39**
1.4	**34**
1.6	**30**
1.8	**28**
2.0	**25**
2.2	**24**
2.4	**22**
2.6	**21**
2.8	**20**
3.0	**19**

(4) A free available chlorine residual of 2.0 ppm shall be present before the pool can be reopened.
[7.18.3.27 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.28 RECORDS:

A. Public pools shall keep daily operating records that shall include the following:

(1) date;
(2) time of backwashing;
(3) disinfectant residuals;
(4) filter pressure;
(5) circulation rate;
(6) pH;
(7) types and quantities of chemicals added;
(8) visibility of pool bottom;
(9) the numbers of bathers;
(10) name of certified operator;
(11) name of life guard on duty; and
(12) testing or calibration of automatic sensors or probes.

B. Public pools shall keep weekly records of cyanuric acid levels.

C. Public pools shall record all accidents; including fecal accidents.

D. All such records shall be made available to the department upon request for inspection or copying.
[7.18.3.28 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.29 RIGHT OF ENTRY:

A. Upon presentation of credentials, department representatives may enter any premises where a public pool is located or where records required by the public swimming pool rules are located during the public pool's operating hours.

B. When entry is denied by the property owner, the department may seek a district court order to:

(1) have a right of entry to, upon, or through any premises where a public pool is located;

(2) have a right of entry on any premises where any records required by the public swimming pool rules or by permit condition are kept;

(3) have access to and copy any records that the public swimming pool rules or a permit requires the facility to maintain;

(4) inspect any premises or equipment to determine compliance with the public swimming pool rules or any permit condition; and

(5) obtain any sample(s) required to determine compliance with the public swimming pool rules or any permit condition.

[7.18.3.29 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.30 to 7.18.3.100 [RESERVED]

[7.18.3.30 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.101 CONSTRUCTION: This Part shall be liberally construed to carry out its purpose.

[7.18.3.101 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.102 SEVERABILITY: If any provision of application of this Part is held invalid, the remainder of this Part, or any other application, shall not be affected.

[7.18.3.102 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.103 REFERENCES IN OTHER REGULATIONS: Any reference to the public swimming pool regulations or any prior version of the public swimming pool regulations in any other rule shall be construed as a reference to this rule. References to the "public swimming pool rules" in this Part refer to all provisions contained in 7.18.1 through 7.18.4 NMAC.

[7.18.3.103 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.104 SAVINGS CLAUSE: Repeal or supercession of prior versions of this Part or the public swimming pool rules shall not affect any administrative or judicial action initiated under those prior versions.

[7.18.3.104 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.105 COMPLIANCE WITH OTHER REGULATIONS: Compliance with the public swimming pool rules or this Part does not relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.

[7.18.3.105 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.106 PENALTY: Any person who violates any provisions of this rule shall be subject to the penalty provisions in NMSA 1978, Section 74-1-10 of the Environmental Improvement Act, in addition to any other penalties provided for in the public swimming pool rules.

[7.18.3.106 NMAC - Rp 7.18.1-2 NMAC, _/_/_]

7.18.3.107 LIMITATION OF DEFENSE: The existence of a valid permit for the installation, modification, or operation of a public pool shall not constitute a defense to a violation of any section of this rule, except the requirement for obtaining a permit.

[7.18.3.107 NMAC - Rp 7.18.1-2 NMAC, _/_/_]