February 2025

**Public Aquatic Venue Owners and Operators**

**All public aquatic venues within the New Mexico Environment Department (NMED) jurisdiction are inspected and permitted annually.**

**The following “*frequently asked questions”* about the inspection process is being provided to assist aquatic venue owners and operators with key reminders.**

**Prior to changing any pool equipment or remodeling, contact your local NMED inspector.**

***What is an aquatic venue?***

An aquatic venue is any artificial structure that is designed or used for swimming, water recreation, therapy, or bathing by any segment of the public. The term “aquatic venue” includes but is not limited to pools, spas (hot tubs), splash/spray pads, and therapy pools. **Cold plunge style pools/tubs that are not drained and refilled after each bather are also considered an aquatic venue.**

***How do I receive an operating permit?***

1. Call your local NMED Office to schedule an inspection if the aquatic facility has been closed or non-operational for more than 30 days. **The aquatic venue may not open to bathers until a passing inspection is completed by the venue.**  If there has been a transfer of ownership, you must close immediately and contact NMED. Pursuant to NMAC 7.18.1.14H, operating permits are non-transferable between facilities and persons. For your local NMED office, please visit <https://www.env.nm.gov/contact-us/>.
2. Invoices for annual permits are mailed 45 days prior to the expiration of your permit to the address on file. The permit fee can be paid by check or money order and made payable to: New Mexico Environment Department or NMED. Permits will be issued once payment is received by the Department. **The expiration date of the permit will remain the same regardless of the date the venue is inspected. For example, you may be inspected in May, but the operating permit does not expire until August.**
3. **Possession of a current “Permit to Operate” still requires an “approved” annual inspection of the aquatic venue for it to be open to bathers (inspected within the past 12 months.)** If a re-inspection is required due to a non-passing inspection, an additional $50 re-inspection fee must be paid prior to the re-inspection of the facility. Re-inspection fees increase by $50 each time a re-inspection is required due to non-compliance with the regulations. Re-inspection fees are based on an annual basis. Example: 1st re-inspection $50; 2nd re-inspection $100; 3rd re-inspection $150 and up to $250. The fee is reset to $50 at the next annual inspection.
4. NMED is requesting each facility provide an email address and verify mailing addresses at the time of inspection.

***Do I need a certified aquatic venue operator? Where can I get an operator certified?***

Yes, you must have a certified aquatic venue operator on staff or under contract to operate your aquatic venue. Please visit <https://www.env.nm.gov/pools/certified-operator-training-courses/> for approved classes.

***Where can I find the aquatic venue rules, checklists, forms, guides, etc?***

All forms, guides, checklists, and templates may be found at <https://www.env.nm.gov/pools/> and <https://www.env.nm.gov/forms/> under the “Public Recreation Water Safety Section”.

***What reminders might I need?***

1. As of August 1, 2018, all aquatic venues were required to install and have in operation on every vessel an automated disinfectant and pH controller (ORP). **If the venue does not have an operating controller, the facility will not be approved to operate.** The only venues not required to have an automated controller are spray pads that are not recirculating the water. All spas and wading pools should have been provided with an ORP since 2007.
2. **As of August 1, 2020, no outdoor spas or therapy pools shall be permitted to use cyanuric acid or stabilized chlorine.** All indoor aquatic facilities have been prohibited from using cyanuric acid as of 2005.
   * Please check with the manufacturer of your equipment about changing chemicals. Disinfection units are certified through the National Sanitation Foundation (NSF) and each unit is certified for an approved disinfectant chemical. If the wrong chemical is used, it may void the NSF certification. **Using the incorrect chemical in a unit may result in a fire and/or explosion.** Products containing dichlor or trichlor DO contain cyanuric acid and may not be used in the above-mentioned venues.
3. Inspection reports and permits shall be posted in public view/ conspicuous place. Signage instructing how a person may obtain a copy of the most recent inspection is acceptable.
4. All facilities are required to have an “Aquatics Facility Operations Plan” or “Emergency Action Plan” You may build your own or you may use the NMED template located at <https://www.env.nm.gov/wp-content/uploads/sites/22/2016/11/Emergency_action_plan_template.pdf> .
5. All facilities are required to have a diaper changing area that is NOT located on the pool deck; **diaper changing on the pool deck is prohibited.** Diaper changing stations shall include a diaper-changing unit, hand-washing sink, soap dispenser, a means for drying hands, covered trash receptacle, and disinfectant products to disinfect after use. Changing stations must be located no greater than 300 feet walking distance from each aquatic venue. Aquatic venues designed primarily for use by children less than five years of age shall provide diaper changing stations no greater than 200 feet walking distance and clear view from the nearest exit/entry of the aquatic venue. In lieu of diaper changing requirements facilities may restrict access of diaper age children and post signage stating the restriction of diaper age children.

***What are Recreational Water Illnesses (RWI’s) and what can I do to prevent them?***

Information and tools regarding RWI’s can be found on the CDC website: <https://www.cdc.gov/healthywater/swimming/swimmers/rwi.html>

***What do we have to do to comply with the new ADA rules?***

NMED does not regulate the ADA (Americans with Disabilities Act). Contact the US Department of Justice at [www.ada.gov](http://www.ada.gov) to find the required information.