



New Mexico
Environment Dept
Swimming Pool Program

Proposed Changes to NM Swimming Pool
Regulations 7.18.2- 7.18.5 NMAC

Proposed Regulations

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Overview of Changes

- The New Mexico Environment Department (NMED) is in the process of proposing adoption by reference the United States Department of Health and Human Services Center for Disease Control and Prevention's (CDC) Model Aquatic Health Code 1st Edition (MAHC).
- By adopting the MAHC by reference means that all public pools and spas in NM Environment Department Jurisdiction will have to follow the provisions set forth in the MAHC unless otherwise provided as a modification, addition, or omission to the MAHC in **7.18.1-2 NMAC**.

New Terms

- Aquatic Venue replaces Public Pools
- Aquatic Facility replaces Public Pools Facility
- Qualified Operator replaces CPO or Certified Operator

Additions to the MAHC

- Aquatic Venue Classes

- Class A

- Class B

- Class C

- Class D

Class E pools have been moved under Class C.

Hot Springs and Public Baths have been removed from the regulations.

Replacements to the MAHC

- **Definitions:**

- “Aquatic Venue” means any artificially constructed structure that is expressly designated or used with the knowledge or consent of the owner or operator for swimming, water recreation, or bathing for the use of any segment of the public. Such structures do not necessarily contain standing water, so water exposure may occur via contact, ingestion, or aerosolization. The term “aquatic venue” includes all class A, class B, class C, and class D aquatic venues and spas. This term does not include residential housing or lodging facilities having five or less living units. Plumbing fixtures associated with a specific living unit, hot springs, and fill-and-draw tubs are also excluded. The term “aquatic venue” includes, but is not limited to, public pools and spas owned or operated by:

- (a) travelers’ accommodations including hotels, motels, inns, lodging and bed and breakfast facilities, hostels and recreational vehicle parks;
- (b) residential housing or lodging facilities having six or more living units;
- (c) apartments or apartment complexes, condominiums and mobile home parks;
- (d) recreation parks;
- (e) colleges or universities;
- (f) schools and group homes;
- (g) organizational camps;
- (h) clubs;
- (i) associations;
- (j) business establishments for their patrons or employees;
- (k) private persons with pools that are open to the public;
- (l) recreation districts; or
- (m) cities, municipalities, counties, the state of New Mexico or other political subdivisions.

Replacements to the MAHC

- Interactive Play Aquatic Venue: means any indoor or outdoor installation that includes sprayed, jetted or other water sources containing bathers and not incorporating standing or captured water as part of the bather activity area. Only those intended for public use and recreation shall be regulated. These aquatic venues are also known as splash pads, spray pads, wet decks.

Omissions to the MAHC

- 4.1.4 Compliance Certificates
- 4.1.5.3 Permit Issuance
- 5.2.2 Exemptions
- 5.6.7.4 Water Replenishment
- 6.3.2.1(4) List of aquatic facilities requiring qualified life guards.

New Requirements For All Facilities



New Equipment Requirements

- Chemical Feeders will be required for pH control chemicals on all aquatic venues upon adoption of the MAHC, and shall include interlock controls that disable feeding during no or low flow events. (4.7.3.2.1.1 & 4.7.3.2.1.3)
- Automated controllers (ORP) that monitor and turn on and off chemical feeders will be required on all aquatic venues within one year of adoption of the MAHC.(4.7.3.2.8)
- Diaper changing stations will be required upon adoption of the MAHC. (4.10.4.5)
- A hand wash sink adjacent to the diaper changing station shall be installed and operational within one year from the adoption of the MAHC. (5.10.4.5.1)
- Flow meters must be accurate within +/- 5% (4.7.1.9.1).

New Chemical Requirements

- Cyanuric acid and stabilized chlorine products are prohibited in all spas and therapy pools four (4) years after the adoption of the MAHC. These will remain prohibited in all indoor aquatic venues. (5.7.3.1.3)
- Free available chlorine (FAC) minimum (5.7.3.1.1.2)
 - Not using cyanuric acid – 1.0 PPM
 - Using cyanuric acid – 2.0 PPM
 - Spas – 3.0 PPM
- Free available chlorine (FAC) maximum – 10 PPM (5.7.3.1.1.5)

- Total available bromine minimum (5.7.3.1.2)
 - All aquatic venues: 3.0 PPM
 - Spas: 4.00 PPM
- Total available bromine maximum: 8 PPM (7.18.1.26(B) NMAC)
- Increased safety measures for existing facilities using compressed chlorine gas. (5.7.3.1.4.1)
- Chemical Testing Frequency (pH & disinfectant) (5.7.5.1)
 - Beginning of each day.
 - Automated controller in use: every 4 hours
 - No automated controller in use: every 2 hours
 - In-line ORP readings shall be recorded at the same time as disinfection and pH tests are performed.

New Training Requirements

- Specifies qualified operator training requirements and training course essential topics. (6.1.1 & 6.1.2)
- Lifeguard training course content. (6.2.1.1)
- Yearly CPR training required. (6.2.1.3.5)
- Aquatic Supervisor Training. (6.2.2)



New Safety Requirements

- Starting platforms shall be removed, covered, or blocked from usage during all recreational or non-competitive swimming activities. (5.8.3.1.2)
- Aquatic facility shall have a hardwired telephone or other communication system or device capable contacting or notifying emergency services. (5.8.5.2.1)
- Specifies facilities that require lifeguards. (6.3.2)
- Lifeguarding zones of patron surveillance now performance-based with performance criteria(6.3.3.1.1)

- Lifeguard supervisor required for aquatic facilities that are required to have two or more lifeguards per the zone plan of bather surveillance. (6.3.4.4.1)
- Enhanced signage requirements. (6.4.2.2)
- Swimmer empowerment (6.4.2.3)
 - The results of the most recent NMED inspection of the aquatic facility shall be posted in a location conspicuous to the public. (6.4.2.3.2)
- Defined imminent health hazards that require closure of the facility. (6.6.3)


New Required Policies

- A written comprehensive preventive maintenance plan for each aquatic venue shall be available. (5.4.2.1)
- The qualified operator shall develop and implement a plan to minimize combined chlorine compounds in indoor aquatic facilities. (5.6.2.8)
- Employee Illness and Injury Policy. (6.3.4.7)
- The qualified operator or responsible supervisor shall conduct and record in a log safety and preventive maintenance inspections. (6.4.1.3)
- All aquatic facilities shall create and implement a safety plan. (6.3.3)
 - Staffing plan
 - Emergency action plan
 - Biohazard action plan
 - Pre-service training plan
 - In-service training plan
- Fecal/Vomit/Blood Contamination Response (6.5)


New Requirements for Staffing

- On and off site qualified operator staffing and availability requirements upon adoption. (6.3.1)
 - On-site qualified operator on site immediately or within 2 hours for: (6.3.1.1.2)
 - More than 2 aquatic venues
 - Aquatic venue containing greater than 50,000 gallons
 - Aquatic venues that have aquatic features with recirculated water.
 - Aquatic venue used as a therapy pool
 - Aquatic venue used to provide swimming training.
 - Off-site contracted qualified operators are a minimum for all facilities that do not meet the above criteria. (6.3.1.2) with a minimum of weekly visits and assistance when needed.

New Requirements for Substantially Altered or Newly Constructed Facilities

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- Hygiene facility design provisions (location, rinse showers) will be required on all new construction or substantial alterations of existing aquatic facilities. (4.10)
 - Secondary disinfection will be required on all new construction or substantially altered increased risk aquatic venues upon the adoption of the MAHC. (4.7.3.3.1.2)
 - Fencing must be 6 feet tall, chain link fence cannot exceed 1.75 inch mesh (4.8.6.2.4.2 & 4.8.6.2.1.2)

- Emergency eye wash station shall be provided in pool chemical storage spaces. (4.9.2.1.4)
- Interior chemical storage spaces shall be under negative pressure and shall not exhaust to any other interior space of a building intended for occupancy. (4.9.2.5)
- Filtration rates:
 - No more than 15 gallons/min/ft² of surface area for bed depth of 15 inches or more (4.7.2.2.3.1 & 5.7.2.1.1)
 - No more than 12 gallons/min/ft² of surface area for bed depth of less than 15 inches. (4.7.2.2.3.1 & 5.7.2.1.1)
- Increased backwash rate to no less than 15 gallons/min/ft² of filter surface area. (4.7.2.2.3.2 & 5.7.2.1.2)

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- Incorporation of water type (flat, agitated, hot, waterslide landing pool, interactive water play), deck density and stadium seating in aquatic venue design for theoretical peak occupancy. (4.1.2.3.5.3)
 - Theoretical Peak Occupancy = is calculated by dividing surface area in square feet by density factor:
 - Flat water = 20 square feet
 - Agitated water = 15 square feet
 - Hot water = 10 square feet
 - Interactive water play = 10 square feet

- Use of compressed chlorine gas is prohibited on all new or substantially altered facilities. (4.9.2.11)
- Design of aquatic venues and facilities shall include the owner and/or an aquatic risk management consultant to incorporate operational considerations such as the layout of zones of patron surveillance. (4.5.1)
- Any new pool constructed of a depth greater than 5 feet at any point will be required to have a qualified lifeguard. (6.3.2.1)

- New construction will allow vessels to be built with infinity edges, underwater benches, ledges, shelves, moveable floors, and bulkheads, and swim up bars. None of these are allowed under current regulations.

Reinspection Penalty

- If a site inspection results in the issuance of a written notice of non-approval or suspension, the department may assess a re-inspection penalty of \$50.00 to re-inspect each public aquatic venue in the aquatic facility.

Reinspection Penalty

- For each additional re-inspection required, an additional \$50 will be added to the re-inspection penalty for each aquatic venue, up to \$250 per aquatic venue per year.
- The re-inspection fee shall be remitted to the department prior to subsequent re-inspection being conducted.

Posting

The MAHC , proposed regulations 7.18.1-2 NMAC, and presentation are posted on the New Mexico Environment Department website:

https://www.env.nm.gov/fod/Swim_Pools/poolrules.html

Contact

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Comments

- Questions
- Comments
- Concerns