

POLICY NUMBER: 223.35
 DIVISION: Environmental Public Health
 POLICY TITLE: Public Swimming Pool & Spa Enforcement Policy
 AGENCY(ies) LLCHD ~~and LMC 8.38 and 8.40~~
 AUTHORITY: LMC 8.38 Public Swimming Pools; Board of Health
 DRAFTED: 01-22-9606-01-11
 BOH APPROVED: 02-06-9606-14-11
 REVISED: 06-01-1111-19-14
 APPROVED: 06-14-11 12-9-14

POLICY STATEMENT:

To reduce the risk of recreational waterborne illness, injuries and drowning, enforcement actions will be taken when violation(s) are found which ~~threaten the pose an imminent or substantial~~ health or safety risk to ~~of~~ the public.

PROCEDURES:

- I. If any of the following items are found to be “Out of Compliance” with the Lincoln Operational and Management Standards, the pool shall be ordered closed until ~~a reinspection has been conducted and~~ the violation is corrected.
 - A. Water Quality
 - B. Disinfectants
 - C. pH
 - D. Water Clarity
 - E. Safety Equipment - Shepard’s Crook, Ring Buoy, Accessible Phone, Backboard
 - F. Sufficient Lifeguards; Qualified/Available
 - G. Operator Available
- II. Any time a pool is ordered closed, a Pool/~~Spa~~ Enforcement Notice (PEN) (Exhibit A) shall be issued as an Immediate Suspension. If the person in charge is not the Lincoln Swimming Pool Operator (LSPO), a copy of the PEN will be provided to the LSPO and the owner.
- III. After a ~~Pool/Spa Enforcement Notice~~PEN is issued as an Immediate Suspension, the Supervisor will be notified by the Environmental Health Specialist (EHS) ~~by phone~~ of the closure. If the Water Quality Supervisor is not available, ~~either the a~~ Senior Environmental Health Specialist ~~or and~~ Division Manager will be notified.
- IV. For violations of Section I above, ~~T~~the EHS may allow the pool to re-open after corrective action has been taken and ~~an inspection confirms~~ the violation(s) have been corrected, unless directed otherwise by the Water Quality Supervisor
- V. For violations of Lincoln Swimming Pool Operator (LSPO) & Lincoln Pool Water Quality Tester (PQT) requirements, the Inspector shall determine what enforcement action is necessary based on the current and historical level of compliance using the chart below:

<u>Level of Compliance</u>	<u>None</u>	<u>Marked as a Violation</u>	<u>PEN as a Warning</u>	<u>PEN as a Suspension</u>
Since the last inspection, all water tests	<u>X</u>			

<u>were performed by a LSPO or PQT</u>				
<u>1st inspection in the last two routine inspections where tests were performed by person not holding an LSPO or PQT</u>		<u>X</u>		
<u>2nd consecutive routine inspection where tests were performed by a person not holding an LSPO or PQT</u>		<u>X</u>	<u>X</u>	
<u>Following a PEN issued as a warning, water tests were performed by a person not holding an LSPO or PQT</u>		<u>X</u>		<u>X</u>

If a PEN is issued as an Immediate Suspension, the Water Quality Supervisor will review the compliance history and make a recommendation to the Health Director on how long the permit should be suspended.

VI. For violations of pool water testing frequency requirements, the Inspector shall determine what enforcement action is necessary based on the current and historical level of compliance using the chart below:

<u>Level of Compliance</u>	<u>None</u>	<u>Marked as a Violation</u>	<u>PEN as a Warning</u>	<u>PEN as a Suspension</u>
<u>All tests were performed the appropriate number of times</u>	<u>X</u>			
<u>1st Inspection in last 2 routine inspections where all tests were not being performed the required number of times</u>		<u>X</u>		
<u>2nd consecutive routine inspection where all tests were not being performed the required number of times</u>		<u>X</u>	<u>X</u>	
<u>Following a PEN issued as a warning, tests were not being performed the required number of times</u>		<u>X</u>		<u>X</u>

If a PEN is issued as an Immediate Suspension, the Water Quality Supervisor will review the compliance history and make a recommendation to the Health Director on how long the permit should be suspended.

VII. The Supervisor will review the compliance record of any pool/~~spa~~ that has been issued a ~~Pool/Spa Enforcement Notice~~PEN. If the compliance record indicates a history of repeated violations that posed an imminent or substantial risk to the public health or safety, the Supervisor shall request an Administrative Conference with the ~~Licensed Pool Operator (LSPO)~~ and/or owner of the pool.

VIII. The Administrative Conference should include the pool's ~~LSPO~~, and/or owner, Water Quality Supervisor (or/and Division Manager) and the EHS who conducted the last inspection. The goal of the Administrative Conference shall be to identify what actions are necessary to assure compliance and to gain agreement that the ~~LSPO~~ and owners will take such action. The agreements reached in the Administrative Conference will be

summarized in a letter and sent to all parties. |

~~VII.~~IX. After the Administrative Conference, the pool/~~spa~~ facility will be inspected on an increased frequency determined by the Supervisor. |

~~VIII.~~X. If permit revocation is necessary, the procedure in LMC 8.38.120 will be followed. |



POOL ENFORCEMENT NOTICE

Lincoln-Lancaster County Health Department
Environmental Public Health Division ♦ 441-8027

Establishment: _____

Address: _____ City: _____

Pursuant to Lincoln Municipal Code 8.38 and regulations adopted in accord with this code, and LLCHD Policy No. 223.35, this is to serve as Notice of:

- WARNING:** Failure to correct all violations listed below by ____/____/____ will result in action to suspend or revoke your Pool Operating Permit.
Approval of Team Supervisor _____ **by phone at** _____ **a.m./p.m.**
- IMMEDIATE SUSPENSION** - Your Pool Operating Permit is suspended as of the date and time identified on this notice. You must close your pool or spa immediately. You may not re-open until given written approval from LLCHD.
Approval by Health Director _____ **by phone at** _____ **a.m./p.m.**

VIOLATIONS: _____

The violations listed above represent major violations and must be corrected by the date specified. Correction of the above violations does not necessarily preclude further actions in accord with LMC 8.38.

Any person whose operating permit has been suspended or revoked may appeal such action to the Health Director. The Health Director has the discretion to hold an administrative conference to review the decision with the aggrieved party prior to a formal hearing on the appeal.

_____ / ____ / ____ a.m. p.m.
Environmental Health Specialist Date Time

I acknowledge receipt of this Notice.
X _____ Title: _____