

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except the second, third and fourth paragraphs of section 3, which come into force on 2 April 2006.

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## Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

### Water quality in swimming pools and other artificial pools

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation respecting water quality in swimming pools and other artificial pools, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation replaces the Regulation respecting public wading and swimming pools that dates back to 1976. The purpose of the draft Regulation is to establish water quality standards for swimming pools and other artificial pools located indoors or outdoors and used for swimming, recreation, sports or leisure purposes. Public pools are covered as are private pools reserved exclusively for the residents and guests of immovables or mobile home parks having more than nine dwelling units.

The draft Regulation prescribes pool water quality standards based on the latest Canadian and American studies on the subject. Pool operators are to monitor water quality using water samples collected at specific frequencies and in certain cases sent for analysis to laboratories accredited by the Minister of Sustainable Development, Environment and Parks. The monitoring results are to be entered in a public record maintained by the person in charge of the pool.

The draft Regulation eliminates the need for the issuance of permits and other authorizations by the Minister of Sustainable Development, Environment and Parks in relation to swimming pools and other artificial pools. Several standards, in particular standards relating to the construction of pools and their water treatment systems, will no longer be included in the Regulation, but rather in a technical guide setting out the rules for pool installation and maintenance.

Further information may be obtained by contacting

Didier Bicchi, Head  
Service des eaux municipales  
Direction des politiques de l'eau  
Ministère du Développement durable, de  
l'Environnement et des Parcs  
Édifice Marie-Guyart, 8<sup>e</sup> étage, boîte 42  
675, boulevard René-Lévesque Est,  
Québec (Québec) G1R 5V7  
Telephone: 418 521-3885, extension 4852  
Fax: 418 528-0990  
E-mail: didier.bicchi@mddep.gouv.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to the undersigned, Édifice Marie-Guyart, 30<sup>e</sup> étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS J. MULCAIR,  
*Minister of Sustainable Development,  
Environment and Parks*

## Regulation respecting water quality in swimming pools and other artificial pools

Environment Quality Act  
(R.S.Q., c. Q-2, s. 46, pars. *a* and *b*, s. 87, pars. *a* and *f*, and ss. 109.1 and 124.1)

### CHAPTER I OBJECT, SCOPE AND INTERPRETATION

**1.** The object of this Regulation is to establish water quality standards for the swimming pools and other artificial pools referred to in section 2, located either indoors or outdoors and operated for swimming, recreation, sports or leisure purposes.

**2.** This Regulation applies to swimming pools and other artificial pools accessible to the general public or a restricted group of persons and to private swimming pools and other artificial pools reserved exclusively for the residents and invited guests of immovables or mobile home parks having more than nine dwelling units.

**3.** This Regulation does not apply to swimming pools and other artificial pools that are

(1) used only for hygienic, therapeutic, rehabilitation or ritual purposes;

(2) special purpose floating baths or thermal pools;



Parameter	Frequency
Chloramines	At the same time as the free residual disinfectant readings
pH	At the same time as the free residual disinfectant readings
Clarity	Midday once a day
Temperature	Midday once a day

If the pool is equipped with continuous measuring and recording equipment, the person in charge of the pool must record the results of the free residual disinfectant tests at the frequency indicated above and perform at least one manual test per day for comparison purposes.

**10.** The person in charge of a public pool or a private pool for the use of immovables or mobile home parks having more than 50 dwelling units must also collect or have water samples collected to monitor

(1) facultative aerobic and anaerobic heterotrophic bacteria and *Escherichia coli*;

(2) turbidity; and

(3) *Pseudomonas aeruginosa* bacteria if the water temperature regularly exceeds 35 °C. In that case, the requirement to monitor facultative aerobic and anaerobic heterotrophic bacteria does not apply to the person in charge of the pool.

Samples are to be collected at least one hour after the pool opens, at least twice per month of operation for outdoor pools and once per month of operation for indoor pools, with samples taken no fewer than 10 days apart during the pool opening period. In the case of outdoor pools, the first microbiological analysis results must comply with the standards at the time the season opens.

Samples for turbidity analysis are to be collected at the filtration system outlet or in the return inlet.

**11.** The person in charge of a private pool for the use of immovables or mobile home parks having fewer than 51 dwelling units must collect or have water samples collected at least twice a day, approximately one hour after the opening of the pool and at midday, for on-site analysis of the pH and free residual disinfectant, namely chlorine, bromine or ORP.

## DIVISION II METHODS FOR COLLECTING, PRESERVING, ANALYZING AND SENDING SAMPLES

**12.** The water samples required by this Chapter must be collected and preserved as well as analyzed or sent, as applicable, in accordance with the methods described in the guide entitled *Méthodes de prélèvement, de conservation et d'analyse des échantillons relatifs à l'évaluation de la qualité de l'eau des piscines et autres bassins artificiels*, published by the Ministère du Développement durable, de l'Environnement et des Parcs.

**13.** Water samples collected pursuant to section 10 must be sent for analysis to laboratories accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2).

The analysis request forms furnished by the laboratories must be duly completed and sent with the samples.

The analyzing laboratory must send the sample analysis results to the person in charge of the pool concerned within ten days after the samples are collected.

## CHAPTER IV NON-COMPLIANCE WITH WATER QUALITY STANDARDS

**14.** The laboratory analyzing a water sample must immediately communicate any result indicating that the water does not comply with a bacteriological or turbidity standard to the person in charge of a public pool or a private pool for the use of immovables or mobile home parks having more than 50 dwelling units.

**15.** If the pool water does not comply with one of the water quality standards in Chapter II, the person in charge of the pool must as soon as possible take the necessary remedial measures. In particular, the person in charge of the pool must ascertain whether the system is being adequately maintained and operated and, if necessary, adjust the level of free disinfectant in the water.

If a sample analysis shows that the water contains *Escherichia coli* or *Pseudomonas aeruginosa* bacteria, the person in charge of the pool must collect or have a second sample collected within 24 hours after obtaining the results to test for the presence of the identified microorganism.

**16.** The person in charge of a pool must close and immediately evacuate the pool when events such as accidents, water treatment equipment failure or any other infrastructure breakdown may degrade water quality and expose persons to soiling or contamination.

The person in charge of a pool must do the same in the presence of

(1) *Escherichia coli* or *Pseudomonas aeruginosa* bacteria in the second sample collected pursuant to the second paragraph of section 15;

(2) free residual chlorine over 5 mg/l;

(3) vomitus or feces; or

(4) chloramines over 1.0 mg/l.

The person in charge of the affected pool must as soon as possible inform the public health director of the measures taken when an event referred to in the first paragraph occurs, in the situations referred to in subparagraphs 1 to 3 of the second paragraph and if the situation referred to in subparagraph 4 of the second paragraph persists for more than 24 hours. For the purposes of section 83 of the Environment Quality Act, the person in charge of the pool must also inform the municipality concerned of any incident that requires the closing of the pool.

The person in charge of the pool may reopen the pool as soon as water quality once again complies with the quality standards in Chapter II; the person must so inform every person required to be notified when the pool was closed.

## CHAPTER V RECORD

**17.** The person in charge of a pool must maintain a record containing

(1) the results of the water monitoring tests conducted pursuant to sections 9 and 10 or 11, as applicable;

(2) identification of the pool, the date of the monitoring and the name of the persons who performed the monitoring;

(3) the number of bathers present during the monitoring; and

(4) any information pertaining to the events referred to in the first paragraph of section 16.

**18.** Each person conducting water monitoring tests must enter the results in the record and certify therein that he or she collected, preserved and analyzed, in accordance with this Regulation, the samples required to be analyzed on site.

The person must also certify that he or she collected, preserved and sent the laboratory samples in accordance with this Regulation, and that the results received pursuant to section 13 were accurately entered in or attached to the record.

The person in charge of the pool must ensure that the entries and certifications in the record comply with the requirements of this section.

**19.** The record must be kept for a minimum of two years and be made available to the Minister of Sustainable Development, Environment and Parks and the public health director of the region concerned. The record must be posted where it may be easily consulted by any interested person.

## CHAPTER VI GENERAL

**20.** Every person in charge of a pool who allows access to the pool while the water does not comply with the quality standards in Chapter II or who contravenes any of sections 9 to 12, the first or second paragraph of section 13, section 17, the third paragraph of section 18 or section 19 is liable

(1) to a fine of \$1,000 to \$10,000, in the case of a natural person; and

(2) to a fine of \$2,000 to \$20,000, in the case of a legal person.

**21.** Every person in charge of a pool who contravenes section 15 or 16 is liable

(1) to a fine of \$2,000 to \$20,000, in the case of a natural person; and

(2) to a fine of \$4,000 to \$40,000, in the case of a legal person.

**22.** Every laboratory that contravenes the third paragraph of section 13 or section 14 is liable to a fine of \$2,000 to \$20,000.

**23.** In the case of a second or subsequent offence, the fines prescribed by this Chapter are doubled.

## CHAPTER VII AMENDING AND MISCELLANEOUS PROVISIONS

**24.** The Regulation respecting the application of the Environment Quality Act<sup>1</sup> is amended by inserting the following after section 10:

### “DIVISION II.1 NON-APPLICATION OF SECTION 32

**10.1.** Section 32 of the Environment Quality Act does not apply to the water treatment system or device for a swimming pool or other artificial pool to which the Regulation respecting water quality in swimming pools and other artificial pools made by Order in Council (*insert the number and date of the Order in Council*) applies. That section also does not apply to any other water treatment system or device for a swimming pool or other artificial pool, located either indoors or outdoors and used for swimming, recreation, sports or leisure purposes.

Despite section 4, section 22 of that Act does not apply to those systems or devices.”.

**25.** This Regulation applies to the immovables in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

**26.** This Regulation replaces the Regulation respecting public wading and swimming pools (R.R.Q., 1981, c. Q-2, r.17).

**27.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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<sup>1</sup> The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993 (1993, *G.O.* 2, 5996), was last amended by the regulation made by Order in Council 1091-2004 dated 23 November 2004 (2004, *G.O.* 2, 3275). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.