RESTRICTED DELIVERY CERTIFIED MAIL RETURN RECEIPT REQUESTED

Before the Iowa Department of Public Health

IN THE MATTER OF:

CLARION INN AMANA COLONIES AND WASSERBAHN WATERPARK RESORT

Youngpetra, LLC Young Kim

2211 U AVE Williamsburg IA 52361

Facility #: 48-1715-004

Registration #: 48-1715-004-2-B-001

48-1715-004-2-F-002 48-1715-004-2-C-003 48-1715-004-2-D-004 48-1715-004-2-D-005 NOTICE OF PROPOSED ACTION

ORDER TO CLOSE ACTIVITY POOL, WADING POOL, SLIDES and SPA

Pursuant to the provisions of Iowa Code Section 135I.6 and 641 Iowa Administrative Code (I.A.C.) 15.6 (2), the Iowa Department of Public Health (Department) is ordering closure of the activity pool, wading pool, slides and spa registered by the Department to the Clarion Inn Amana Colonies and Wasserbahn Waterpark Resort (Clarion Inn) and identified by the registration numbers above.

Pursuant to 641 IAC 15.6 (2),"d", the Department may order that a swimming pool facility be closed if any of the provisions of Iowa Code section 135I.6 or 641 IAC chapter 15 have been violated, including the following:

LEGAL GROUNDS FOR CLOSURE OF THE SWIMMING POOLS AND SLIDES

15.4(1) Filtration and recirculation.

a. Filtration. A swimming pool, except a fill and drain wading pool, shall have a filtration system in good working condition which provides water clarity in compliance with the water quality standards of 15.4(2).

15.4(2) Water quality and testing.

a. Disinfection.

(1) Swimming pool water shall have a free chlorine residual of at least 1.0 ppm and no greater than 8.0 ppm, or a total bromine residual of at least 2.0 ppm and no greater than 18 ppm when the swimming pool is open for use, except as given in Table 1.

- (2) The swimming pool shall be closed if the free chlorine is measured to be less than 0.6 ppm or the total bromine is measured to be less than 1.0 ppm.
- (3) The swimming pool shall be closed if a free chlorine measurement exceeds 8.0 ppm or if the total bromine measurement exceeds 18 ppm, except as given in Table 1.
- (4) If an ORP controller with a readout meeting the requirements of 15.4(2) "f" (4) is installed on the swimming pool system, the swimming pool water shall have an ORP of at least 700 mV, but no greater than 880 mV, except as given in Table 1. The swimming pool shall be closed if the ORP is less than 650 mV or greater than 880 mV.
- b. pH level. The pH of swimming pool water shall be 7.2 to 7.8. An inspection agency may require that a swimming pool be closed if the pH is less than 6.8 or greater than 8.2.
- c. Water clarity. A swimming pool that is less than 8 ft deep shall be closed if the grate openings on the main drain are not clearly visible from the deck. A swimming pool that is 8 ft deep or deeper shall be closed if the main drain is not clearly visible from the deck.
- e. Test frequency. The results of the tests required below shall be recorded in the swimming pool records.
 - (1) The disinfectant residual in the swimming pool water shall be tested or the ORP of the swimming pool water shall be checked each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments or homeowners associations with 25 or fewer living units, testing must be performed at least once each day that the swimming pool is available for use. If the swimming pool is equipped with an automatic controller with a readout or local printout of ORP meeting the requirements of 15.4(2)"f"(4), the operator may make visual readings of ORP in lieu of manual testing, but the swimming pool water shall be tested manually for disinfectant residual at least twice per day. Both ORP and disinfectant residual shall be recorded when manual testing is done. The operator shall specify in the swimming pool records which results are from the manual tests.
 - (2) The pH of the swimming pool water shall be tested each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments or homeowners associations with 25 or fewer living units, testing for pH must be performed at least once each day that the swimming pool is available for use. If the swimming pool is equipped with an automatic controller with a readout or local printout of pH meeting the requirements of 15.4(2) "f" (5), the operator may make visual readings of pH in lieu of manual testing, but the swimming pool water shall be tested manually for pH at least twice per day. The operator shall specify in the swimming pool records which results are from the manual tests.

15.4(3) Chemical feed equipment and cleaning.

- a. Chemical feed equipment.
 - (1) Equipment for continuous feed of chlorine, a chlorine compound or a bromine compound to the swimming pool water shall be provided and shall be operational. The equipment shall be adjustable in at least five increments over its feed capacity. Where applicable, the chemical feeder shall be listed by NSF or another listing agency approved by the department for compliance with Standard 50.

(2) Equipment for the continuous feed of a chemical for pH adjustment of the swimming pool water shall be provided and shall be operational for each Class A swimming pool and for each swimming pool constructed after July 1, 1998. Where applicable, the chemical feeder shall be listed by NSF or another listing agency approved by the department for compliance with Standard 50.

b. Cleaning.

- (1) The inspection agency may require that a swimming pool be drained and scrubbed with a disinfecting agent prior to further usage.
- (2) A vacuum system shall be provided to remove dirt from the bottom of the swimming pool.

15.4(6) Management, notifications, and records.

- f. Operational records. The operator of a swimming pool shall have the swimming pool operational records for the previous 12 months at the facility and shall make these records available when requested by a swimming pool inspector. These records shall contain a day-by-day account of swimming pool operation, including:
 - (1) ORP and pH readings, results of pH, free chlorine or total bromine residual, cyanuric acid, total alkalinity, combined chlorine, and calcium hardness tests, and any other chemical test results.
 - (2) Results of microbiological analyses.
 - (3) Reports of complaints, accidents, injuries, and illness.
 - (4) Dates and quantities of chemical additions, including resupply of chemical feed systems.
 - (5) Dates when filters were backwashed or cleaned or when a filter cartridge was changed.
 - (6) Monthly ground fault circuit interrupter test results.
 - (7) Dates of review of material safety data sheets.

h. Certificates. Copies of certified operator certificates and copies of lifeguard, first-aid, basic water rescue, and CPR certificates for the facility staff shall be kept at the facility.

LEGAL GROUNDS FOR CLOSURE OF THE SPA

15.51(2) Water quality and testing.

a. Disinfection.

- (1) Spa water shall have a free chlorine residual of at least 2.0 ppm and no greater than 8.0 ppm, or a total bromine residual of at least 4.0 ppm and no greater than 18 ppm when the spa is open for use, except as given in Table 12.
- (2) A spa shall be closed if the free chlorine is measured to be less than 1.0 ppm or the total bromine is measured to be less than 2.0 ppm.
- (3) The spa shall be closed if a free chlorine measurement exceeds 8.0 ppm or if the total bromine measurement exceeds 18 ppm, except as given in Table 12.
- (4) If an ORP controller with a readout meeting the requirements of 15.51(2) "f" (4) is installed on the spa system, the spa water shall have an ORP of at least 700 mV, but no greater than 880 mV, except as given in Table 12. The spa shall be closed if the ORP is less than 650 mV or greater than 880 mV.
- b. pH level. The pH of spa water shall be 7.2 to 7.8.
- e. Test frequency. The results of the tests required below shall be recorded in the spa records.

- (1) The disinfectant residual in the spa water shall be tested or the ORP of the spa water shall be checked each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an apartment building or a homeowners association with 25 or fewer living units, the disinfectant level in the spa water shall be tested or the ORP of the spa water shall be checked at least twice each day the spa is available for use. If the spa is equipped with an automatic controller with a readout or local printout of ORP complying with the requirements of 15.51(2) "f" (4), the operator may make visual readings of ORP in lieu of manual testing, but the spa water shall be tested manually for disinfectant residual at least twice per day. Both ORP and disinfectant residual shall be recorded when manual testing is done. The operator shall specify in the spa records which results are from the manual tests.
- (2) The pH of the spa water shall be tested each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an apartment building or a homeowners association with 25 or fewer living units, the pH of the spa water shall be tested at least twice each day the spa is available for use. If the spa is equipped with an automatic controller with a readout or local printout of pH complying with the requirements of 15.51(2) "f" (5), the operator may make visual readings of pH in lieu of manual testing, but the spa water shall be tested manually for pH at least twice per day. The operator shall specify in the spa records which results are from the manual tests.
- (3) The spa water temperature shall be measured whenever a manual test of the spa water is

performed.

- (4) If a chlorine compound is used for disinfection, the spa water shall be tested for combined chlorine at least once a day.
- (6) The spa water shall be tested for total alkalinity each time the spa is refilled and at least once in each week that the spa is open for use.
- (7) The spa water shall be tested for calcium hardness each time the spa is refilled.
 (8) At least once in each month that a spa is open for use, a sample of the spa water shall be submitted to a laboratory certified by the department of natural resources for the determination of coliform bacteria in drinking water. The sample shall be analyzed for total coliform and Pseudomonas aeruginosa.

15.51(3) Disinfection systems and cleaning.

a. Disinfectant system.

- (1) Equipment for continuous feed of a chlorine or bromine compound to the spa water shall be provided and shall be operational. The equipment shall be adjustable in at least five increments over its feed capacity. Where applicable, the chemical feeder shall be listed by NSF or another listing agency approved by the department for compliance with Standard 50.
- (2) The disinfectant equipment shall be capable of providing at least 10 ppm of chlorine or bromine to the spa water based on the recirculation flow rate.
- (3) Equipment and piping used to apply any chemicals to the water shall be of such size, design, and material that they may be cleaned. All material used for such equipment and piping shall be resistant to the action of chemicals to be used.
- (4) The use of chlorine gas is prohibited.

b. Cleaning and superchlorination.

(1) A spa shall be clean.

- (2) A spa containing 500 gal of water or less shall be drained, cleaned and refilled a minimum of once a week. A spa containing over 500 gal to 2000 gal of water shall be drained, cleaned and refilled a minimum of one time every two weeks. A spa with a water volume greater than 2000 gal shall be drained, cleaned and refilled a minimum of one time every three weeks. The department may permit a longer period between refills for spas over 2000 gal upon evaluation of the use of the spa. Such permission shall be in writing, and a copy shall be available to an inspector upon request.
- (3) The inspection agency may require that a spa be drained, cleaned, and superchlorinated prior to further usage.

15.51(5) Management, notification, and records.

- e. Operational records. The operator of a spa shall have the spa operational records for the previous 12 months at the facility and shall make these records available when requested by a swimming pool/spa inspector. These records shall contain a day-by-day account of spa operation, including:
 - (1) ORP and pH readings, results of pH, free chlorine or total bromine residual, cyanuric acid (if used), combined chlorine, total alkalinity, and calcium hardness tests, and any other chemical test results.
 - (2) Results of microbiological analyses.
 - (3) Water temperature measurements.
 - (5) Dates and quantities of chemical additions, including resupply of chemical feed systems.
 - (6) Dates when filters were backwashed or cleaned or a filter cartridge(s) was changed.
 - (7) Draining and cleaning of spa.
 - (8) Dates when ground fault circuit interrupter receptacles or circuit breakers were tested.
 - (9) Dates of review of material safety data sheets.

FACTUAL BASIS FOR CLOSURE

- 1. A complaint regarding the Clarion Inn was received on 3/27/13 by the Iowa Department of Public Health (Department) and the local inspection agency Johnson County Public Health (JCPH). JCPH conducted a complaint investigation on 3/27/13 and found the following:
 - Pool testing records for March showed multiple occurrences where a reading of "0" was recorded for free chlorine and the records included no indication that the pool was closed in violation of 641 IAC 15.4 (2) a(1) & (2).
 - Pool testing records for March showed readings of 13ppm and 22ppm for free chlorine were recorded and the records included no indication that the pool was closed. This is in violation of 15.4 (2) a. (3).
 - Water clarity was not optimal; however main drains were still visible and so the pool could remain open.
- 2. Due to operational deficiencies found during the complaint follow-up, JCPH conducted a thorough inspection on 3/28/13 and found the following:

- Water clarity was not optimal; however main drains were still visible so the pool could remain open. JCPH inspector was told by Clarion Inn staff that they had backwashed the night of 3/27/13. Water clarity did not improve on 3/28/13 between 10AM-2PM while the inspector was on-site.
- There was no written record of system backwash. This is in violation of 15.51 (5) e. (6).
- The pool was in need of vacuuming as there was observable material/solids along the bottom edges of the pool. This is in violation of 15.4 (3) b. (2).
- The water slide was tested by JCPH inspector and the test results were 0.15 ppm for free chlorine and 0.25 for total chlorine, received a low reading for pH which could not be determined, and the water slide was open. This is a violation of 15.4 (2) a. (1) & (2) and 15.4 (2) b. The water slide was closed by the JCPH inspector until proper readings could be obtained.
- The spa was tested by JCPH inspector and the tests results were "low" or "0" for free chlorine and 0.45 ppm for total chlorine, pH was 6.6, and the spa was open. This is a violation of 15.51 (2) a. (1) & (2) and 15.51 (2) b. The spa was closed by the JCPH inspector until proper readings could be obtained.
- The wading pool was tested by the facility lifeguard at 11:10AM. The JCPH inspector reviewed the recorded data from the lifeguard. The lifeguard recorded 0.5 ppm for the wading pool and did not close the pool. This is in violation of 15.4 (2) a. (1).
- The inspector noted inconsistencies in the timing of tests that are recorded as well as inaccurate reporting. This is in violation of 15. 4 (2) e and 15.51 (2) e.
- The inspector spoke to a facility CPO and a facility manager with concerns regarding:
 - o Testing records
 - o CPO responsibilities
 - o Pool closure procedures
 - o Proper sampling procedures
 - o Defining roles and responsibilities
 - o Potential training conducted by JCPH for facility staff
- 3. Johnson County Public Health issued a Corrective Action Plan # 1 on 3/29/13 for the facility to address:
 - Water balance,
 - Operational records
 - Frequency of tests,
 - Water clarity,
 - Disinfection/chemical feed systems,
 - Cleaning, and
 - Daily submission of swimming pool operational records
- 4. On 4/1/13, the Clarion Inn submitted a response to the Corrective Action Plan # 1 which was rejected by JCPH due to lack of information and specificity.
- 5. On 4/4/13, the Clarion Inn submitted a revised response to Corrective Action Plan #1 which was accepted by JCPH.
- 6. From 3/29/13 4/8/13, the Clarion Inn failed to submit the pool operational records daily as had been required on 3/29/13.

- 7. On 4/19/13, Johnson County Public Health conducted a follow-up inspection. At that time there were mechanical issues occurring and the spa was closed. The activity pool, slides, and wading pool were all within range. Daily tests were adequate and closures were occurring and noted as required. Weekly tests were not consistent. It was noted that the backwashing log has had a major improvement. Records were still required to be faxed daily to JCPH. It was also noted that the 2nd sand filter for the activity pool was not in working order. This is in violation of 15.4 (1) (a).
- 8. On 4/22/13, Johnson County Public Health issued Corrective Action Plan # 2, requiring the Clarion Inn to respond to within 7 days of receipt of the letter. Issues to be addressed in the Corrective Action Plan # 2 included:
 - Expired lifeguard certificates,
 - Total alkalinity, calcium hardness, and combined chlorine were not being tested and recorded; GFCI tests were not being recorded; and the activity pool, slide, and wading pool pH & ORP readers were not in working order,
 - Mechanical issues which needed to be addressed, and
 - Continued daily submission of pool operational records.
- 9. On 4/22/13, the Clarion Inn submitted a response to the Corrective Action Plan # 2 which was accepted by JCPH.
- 10. On 4/29/13, JCPH received the Clarion Inn's records by email for the week of 4/22-4/28/13. There were a few recordings where "Closed" was not marked when chemicals were out of range. This is in violation of 15.4 (2) a. and is in non-compliance with the first Corrective Action Plan. JCPH emailed the Clarion Inn to clarify that the facility must always be closed when out of range and that it should always be documented.
- 11. Clarion Inn has failed to submit information to date about plans to modify the recirculation system in violation of 15.4 (1) and second Corrective Action Plan.
- 12. Clarion Inn failed to submit records for the week of 4/29-5/5/13 as required. This is non-compliance with previous Corrective Action Plans # 1 and # 2.
- 13. On 5/7/13, Johnson County Public Health conducted a site visit to pick up copies of records which were not submitted on time as required. JCPH tested water in the activity pool, wading pool and slide for to ensure the proper amount of chemicals. All were found to be in range. The spa was closed at that time for mechanical reasons. It was noted that water clarity in the activity pool was much improved. However, the records dated 4/29-5/5/13 indicated the following continuing concerns:
 - Weekly tests were not completed. This is in non-compliance with previous Corrective Action Plans.
 - Free chlorine levels were out of range with no indication of closure. This is in non-compliance of previous Corrective Action Plans.
 - Testing was not done at the correct frequency. This is in non-compliance of previous Corrective Action Plans.
- 14. Clarion Inn failed to submit copies of any invoices that they have to indicate that the equipment has been recalibrated and/or repaired as required by the Corrective Action Plan # 2.

- 15. On 5/13/13, Clarion Inn submitted records for the weekend of 5/10-5/12/13 which indicated testing frequency was not performed correctly, free chlorine was not in range, and there were no indications of pool closure. This is in non-compliance of Corrective Action Plans # 1.
- 16. Clarion Inn failed to timely submit weekly records as required for the week of 5/16/13. This is in non-compliance with previous Corrective Action Plans # 1 and # 2.
- 17. On 5/21/13, Clarion Inn submitted records which indicated that testing frequency was not performed correctly, free chlorine was not in range, and there were no indications of pool closure. This is in non-compliance with Corrective Action Plans # 1.
- 18. On 5/24/13, Johnson County Public Health conducted a full inspection due to repeated failures by Clarion Inn to comply with the Corrective Action Plans, including failure to consistently maintain pool records, lack of follow through on fixing the sand filter, and the inability to maintain consistent levels of pool chemicals. The following issues were found on full inspection:
 - The spa, which had been closed due to mechanical issues, had not been drained and the water was turning slight green with white foam on the top. This is a violation of 15.51(3) a. and b.
 - The sand filter had not been repaired for the activity pool. This is in non-compliance of a Corrective Action Plan # 2.
 - The pressure gauge for the activity pool was broken. This is a violation of 15.4 (1).
 - The inspector observed ORP readings for the wading pool below the minimum operating range. The wading pool was not closed by facility. JCPH closed the wading pool at that time. The facility's failure to close the wading pool is in violation of 15.4(2) a. (4).
 - No monthly biological samples were found for the month of April and the last backwashing occurred on 5/12/13 based on the facility's records. When JCPH discussed with Clarion Inn staff, the staff were unaware that backwashing had not occurred. This is in non-compliance with Corrective Action Plan # 1 and #2.
 - pH levels had not been tested most of the week because the facility had run out of pH drops for their testing kit. This is in violation of 15.4(2) b.
 - ORP readings had not been recorded during the week. This is in non-compliance with Corrective Action Plan # 2.
- 19. Immediately after the inspection, the JCPH inspector met with Clarion Inn staff to review the inspection report, explained that the wading pool would need to remain closed until the ORP meter could be fixed or replaced, and directed that a condition to reopen was to develop and implement standard operating procedures in place before they could reopen. JCPH staff were available over the weekend by email and phone to approve the standard operating procedures so that the facility could reopen.
- 20. On 5/24/13, the JCPH Deputy Director emailed the Clarion Inn and requested the following:
 - That the manager work with staff to address the issues identified earlier in the day by the JCPH inspector.
 - Invoices and documentation for mechanical issues would need to be submitted to JCPH.
 - Detailed standard operating procedures addressing fluctuating chlorine levels, who is in charge of closing the facility, and testing protocols before the facility would be allowed to reopen the wading pool.

- 21. On 5/28/13, the Clarion Inn manager admitted to having the wading pool open over the weekend. This was in violation of JCPH's directive. JCPH expressed the following concerns to Clarion Inn manager:
 - Repeated violations of the Corrective Action Plans and a concern for public safety due to the continuing and unabated nature of the violations.
 - Lack of communication within the facility.
 - Lack of follow through by the facility on the directives given by JCPH.
 - Lack of the facility's response to return phone calls to JCPH when requested.
 - Lack of information in the standard operating procedures that were submitted on 5/25/13 which were disapproved by JCPH. The facility was ordered to close the wading pool and it needed to remain closed until the proper documentation was submitted and approved.
- 22. On 5/28/13, Johnson County Public Health contacted the company who repaired the ORP probes. The company stated that the probes had been cleaned and recalibrated and that the wading pool probe was replaced. The company stated that it appeared that the probes had not been serviced for several years.
- 23. On 5/28/13, Johnson County Public Health issuedCorrective Action Plan # 3 and the inspection report from 5/24/13 to the Clarion Inn. The Corrective Action Plan # 3 addressed the following:
 - The wading pool shall remain closed until JCPH approves the standard operating procedures.
 - Within 24 hours the biological test record for the month of April 2013 was to be submitted. Clarion Inn's failure to submit these records is in non-compliance with Corrective Action Plan # 2.
 - The sand filter must be replaced within 2 weeks. Clarion Inn's failure to replace the sand filter is in non-compliance with Corrective Action Plan # 2.
 - Revisions to the standard operating procedures were to be made by the Clarion Inn.
 - Pool records were to be submitted twice weekly to JCPH. Clarion Inn's failure to submit records as required is in non-compliance with Corrective Action Plan # 1 and # 2.
 - Perform maintenance on the UV lamp for the activity pool.
 - Draining the spa until it is ready to be reopened.
- 24. On 5/29/13, Clarion Inn submitted the records for the weekend to JCPH. JCPH identified the following issues and concerns:
 - Chlorine was added on 5/24/13, but the records did not indicate if it was poolside or in the mechanical room. If chlorine had been added poolside, the records should have indicated a 30 minute closure.
 - The activity pool had a chlorine level of zero with no indication of closure on 5/26. This is in non-compliance Corrective Action Plans # 1.
 - The correct testing frequency was not performed on 5/26. This is in non-compliance with Corrective Action Plan # 1.
 - ORP was not recorded. This is in non-compliance with Corrective Action Plan # 2.
 - pH not recorded due to lack of supplies. This is in non-compliance with Corrective Action Plan # 2.
- 25. On 6/17/13, JCPH notified the Department that the Clarion Inn had not met the deadline for submitting standard operating procedures and had not met the deadline for submitting testing records.

26. In sum, Clarion Inn has since March 29, 2013, repeatedly violated the administrative rules cited above and has repeatedly failed to comply with Corrective Action Plans, including repeated and ongoing failures to close the pools when the chlorine level is unacceptable, repeated and ongoing failures to perform tests appropriately and with the proper frequency, and repeated and ongoing failures to document and record tests appropriately. JCPH has since March 29, 2013, conducted five on-site inspections and has been in frequent, ongoing communication with Clarion Inn in an attempt to correct these deficiencies; however the Clarion Inn has consistently failed to do so.

ACTION REQUIRED

The CLOSURE will remain in place until the following items have been completed:

- 1. Electronic feed equipment must be fully functional and operating properly. Clarion Inn shall submit invoices to JCPH from a certified pool service business detailing what corrective measures were taken to bring the feed equipment back to proper working conditions.
- 2. Clarion Inn shall replace the activity pool sand filter and ensure the replaced filter is in proper working condition. Clarion Inn shall submit plans and specifications for the replacement sand filter to the Department for a construction permit prior to commencing work.
- 3. Clarion Inn shall maintain the water chemistry for all registered water bodies in the facility within required operating ranges for a minimum of 72 hours prior to opening to the public, and for 48 hours after opening for public use. If Clarion Inn fails to maintain a water body within the required water quality parameters as listed in 641 IAC 15.4(2), the Clarion Inn shall close the water body and must once again maintain proper ranges for 72 hours consistently prior to reopening. Clarion Inn shall submit swimming pool and spa operational records for this 72 hour and 48 hour operating period indicating required operating ranges to JCPH.
- 4. Clarion Inn shall develop written standard operating procedures (SOPs) to designate an aquatic facility 'Person in Charge' and shall ensure that a Person in Charge is present at the facility during all hours of aquatic pool operation. The Person in Charge shall be responsible for all aspects of the operation of the aquatic facility, including but not limited to possessing the following duties and authorities:
 - Ensures CPO duties are being performed adequately,
 - Contacts the CPO to return to the facility when an issues arises,
 - Knowledge of the Pool and Spa Codes,
 - Knowledge of the acceptable water chemistry operational ranges, clarity and temperatures,
 - Closure of the facility if necessary,
 - · Communication with JCPH, and
 - The ability to make necessary improvements, if required, to keep the pool operating within Code requirements.
- 5. Clarion Inn shall, upon reopening, submit pool and spa operational records each Monday and Friday to JCPH until such time that written notice is provided from JCPH that this requirement has been met.
- 6. Clarion Inn shall employ at least one Certified Pool Operator (CPO) and ensure that the CPO is either on-site or can be onsite within one hour at any time to respond to issues that may arise with the facility or issues of non-compliance that may be noted onsite by JCPH.

- 7. Clarion Inn shall remain in constant communication with JCPH and the Department as the departments work to improve the ongoing issues of non-compliance which have led to closure. The facility will respond to all correspondence from JCPH or the Department within 24 hours or as specified by JCPH or the Department. The facility shall identify who will be the "Person in Charge" during operational hours when the CPO or general manager is not available.
- 8. Closure signs provided by JCPH shall remain in place until such time as all requirements have been completed to the satisfaction of JCPH and the Department in the interest of public health.

APPEAL RIGHTS

The Clarion Inn has the right to request a hearing concerning this notice of order to close the pools, slides, and spa. A request for a hearing must be submitted in writing to the Department by certified mail, return receipt requested, within thirty (30) days of receipt of this Notice of Proposed Action. The written request must be submitted to the Iowa Department of Public Health, Division of Environmental Health, Swimming Pool Program, Lucas State Office Building, 321 E 12th St, Des Moines, Iowa 50319. If the request is made within the thirty (30) day time limit, the proposed action is suspended pending the outcome of the hearing. After the hearing, or upon default of the aggrieved party, the administrative law judge shall affirm, modify, or set aside the order.

If no request for a hearing is received within the thirty (30) day time period, the Department's order to cease operations shall become effective and shall be final agency action.

6-21-13 Date

Carmily Stone, Bureau Chief

Bureau of Environmental Health Services

Division of Environmental Health

(515) 281-0921

cc:

Heather L. Adams Assistant Attorney General Iowa Attorney General's Office

Tim McMeen, Iowa County Attorney

Janet Lyness, Johnson County Attorney

Doug Beardsley, Director, Johnson County Public Health