

**HB**

**263**

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB-263  
 (H) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DEC  
 Title: REGULATION OF HOT SPRINGS BRU: Div of Env. Health  
 Sponsor: Representative Fate Component: \_\_\_\_\_  
 Requester: Representative Fate Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

With this legislation the department will experience a lighter regulation load. This indicates an undetermined positive fiscal note.

Prepared by: Jennifer Yuhas, Committee Aide - House Resources Phone 465-3715

Representative Beverly Masek Date 1/18/2002  
 Committee Chair

REPRESENTATIVE  
**HUGH "BUD" FATE**

Mailing Address:  
119 N. Cushman, Suite 101  
Fairbanks, AK 99701  
(907)488-0862  
Fax: 488-4271

## Alaska State Legislature



House Of Representatives

# SPONSOR STATEMENT

HB 263

### Regulation of Hot Springs Water

Part of the enjoyment inherent in Hot Springs Resorts and mineral waters is how natural they are. To heavily chlorinate or otherwise treat the water seriously diminishes the experience and the possible medicinal benefits. House Bill 263 eliminates the need for a constantly recycling hot springs to be chemically treated so long as the coliform load remains low.

In one situation with a flow through hot springs outdoor rock lake, a resort recently settled with the Department of Environmental Conservation. This bill is attempting to be similar to that settlement so that other resorts don't have to experience the legal battles and subsequent expenses that went along with it.

While in session:

State Capitol  
Juneau, Alaska  
99801-1182  
(907)465-4976  
Fax: (907)465-3883

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House District 33

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

TONY KNOWLES, GOVERNOR

RECEIVED  
MAY 04 2001

DIVISION OF ENVIRONMENTAL HEALTH  
DIRECTOR'S OFFICE  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501  
ht. p://www.state.ak.us/dec/deh

Telephone: (907) 269-7644  
Fax: (907) 269-7654  
e-mail: Janice\_Adair@envircon.state.ak.us

May 3, 2001

The Honorable Gene Therriault  
Alaska State Senate  
Room 121, Capitol Building  
Juneau, AK 99801

The Honorable Hugh Fate  
Alaska House of Representatives  
Room 416, Capitol Building  
Juneau, AK 99801

Re: SB 214; HB 263: Flow Through Hot Spring Pools

Dear Senator Therriault and Representative Fate:

The purpose of this letter is to share with you problems our department has identified with the above-referenced legislation in the hopes that we may be able to come to an agreement on how it should be amended.

The primary problem is with the definition of a "flow-through hot spring pool." As written, the definition would include any pool – even one that is constructed from man-made materials such as concrete or plastic – that uses hot springs water as its water source. As drafted, our ability to require that pools constructed of man-made materials be chlorinated or filtered is unclear. When water is insufficiently treated, other disease-causing pathogens such as *Psuedomonas*, *Cryptosporidium*, Legionnaires' disease, *Giardia*, or *E. coli* will thrive because there are little or no competing bacteria to keep them in check. That is why chlorination and filtration of these pools is so important. Enclosed you will find the pertinent sections from a report by the Centers for Disease Control and Prevention on Waterborne Outbreaks that discuss the types of outbreaks it investigated between 1997 and 1998. It explains problems found both in treated and fresh contact recreational waters and how they might be avoided.

The second problem we see is that the bill places the current water quality standard for these waters in statute. While we don't disagree with the fecal coliform standard, if the water quality standard changes for other contact recreational waters, it should change for these types of facilities also. We would prefer to have the department's water quality standard for contact recreational waters cross-referenced.

Following is how we'd suggest the referenced bills be amended:

The Honorable Gene Therriault  
The Honorable Hugh Fate  
May 3, 2001  
Page 2

**Sec. 44.46.028. Flow-through hot springs pools.** (a) A flow-through hot springs pool, whether natural or modified, that is being operated as part of a commercial establishment, is exempt from further water quality regulation by the Department of Environmental Conservation while the fecal coliform count in the pool meets the water quality standards for contact recreational waters adopted by the department under AS 46.03.070 and AS 46.03.080 is maintained at 100 colonies or less per 100 milliliters and the pool is free from dangerous levels of disease-causing pathogens.

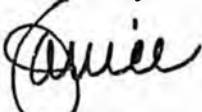
(b) In this section, "natural hot spring" means a naturally occurring impoundment into which geothermal water flows, seeps, or is otherwise held. The naturally occurring impoundment may have minor modifications to support access and bather comfort such as steps and benches.

"Modified hot spring" means a man-made impoundment constructed of natural materials or a naturally occurring impoundment into which geothermal water is directed or piped by human involvement from a geothermal source. A modified hot spring may have a semi-permeable liner in order to control erosion however, the liner may not leach chemicals into the water or create a substrate for the growth and survival of disease-causing microorganisms. flow-through hot springs pool" means a pool in which the water from a naturally occurring hot spring constantly enters the pool to replace an equal amount of water constantly being drained from the pool.

I understand the desire to ensure that facilities such as Chena Hot Springs Resorts (CHSR) are not regulated like man-made pools. Certainly our pool and spa regulations do not fit the type of pool at CHSR that was created from its natural hot springs. This "pool," which we refer to as the "Rock Lake," cannot be chlorinated. Also, the regulatory construction requirements for pools would likely not work for a modified hot springs that attempts to be in a natural setting. Recognizing these problems, we entered into an operating agreement with CHSR that was tailored to that operation specifically. Our research of other states' regulation of these types of facilities indicated those that had the best success, such as Colorado, had individual operating agreements. With that approach, any hot spring pool can retain its unique characteristics and still be protective of public health, not just from the water quality standpoint, but also from physical hazards that can cause injuries to users. We plan to revise our pool and spa regulations late this summer or early fall, and to propose such an approach for commercially operated natural and modified hot springs.

Don't hesitate to call if you'd like to discuss this further.

Sincerely,



Janice Adair  
Director

Enclosures:

◆ Surveillance for Waterborne-Disease Outbreaks – United States, 1997 – 1998 by the CDC

cc: Lori Backes, Office of Representative Whitaker (w/encl)

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF ENVIRONMENTAL HEALTH  
DIRECTOR'S OFFICE  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501  
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July 28, 2000

Mr. Bernie Karl  
Chena Hot Springs Resort  
Post Office Box 73440  
Fairbanks, Alaska 99701

Dear Mr. Karl:

In a continuing effort to find a mutually satisfactory resolution to the issues surrounding the rock lake at Chena Hot Springs Resort (CHSR), this letter will outline a proposal that will allow the lake to reopen should you agree to its terms.

Two (2) of our environmental health officers spent nearly twelve (12) hours at CHSR recently to view first hand the operation of the rock lake. From that visit, we know the following:

- 1) The water in the lake cannot be effectively disinfected or filtered because it is in part fed from the bottom;
- 2) It takes nine to ten (9-10) hours for the lake to refill after being drained, indicating two (2) turnovers of the water every twenty-four (24) hours; and
- 3) There are many areas where the water does not circulate, particularly around the boulders surrounding the lake. This was evidenced by algae growth.

Because of item number one (1) above, the rock lake cannot meet the vast majority of the regulations adopted for public swimming pools even though the Department of Law has advised that the rock lake falls within the regulatory definition. Therefore, under the authority in our regulations to grant waivers for specific requirements, I'd like to have an agreement – signed by both of us – regarding our joint approach to the rock lake. This agreement will stay in effect until either:

- 1) Alaska statutes are enacted regarding the sanitation requirements for hot springs, or
- 2) The department adopts sanitation regulations specific to hot springs, whichever occurs first. You will have the opportunity to review and comment on any and all regulations we may draft on this topic.

*Safe Food, Safe Water, Healthy Communities*

Page 2  
Bernie Karl  
July 28, 2000

By entering into this agreement with the department, you are not agreeing that the rock lake is a public swimming pool and thus subject to the regulations we've adopted for public swimming pools.

Likewise, the department will not require that you follow the regulations for public swimming pools or take any action against you or CHSR for failing to follow the requirements of those regulations with respect to the rock lake. Rather, this written agreement will direct the relationship between us relative to the rock lake.

You have told me that you are willing to limit your bather load in order to reopen the rock lake to the public. Doing so will help -- at least in part -- to alleviate some of the public health concerns we have, provided that limitation is coupled with a few other things. You also told me that you would be willing to work with us on some of our other concerns after we clear the hurdle of getting the rock lake reopened. Therefore, I would like each of us to agree to the following:

1. In order to limit the potential for bacterial contamination, limit the bather load in the rock lake to twenty (20) people per hour and no more than sixty (60) people in a twenty-four (24)-hour period.
2. Ensure that users of the rock lake shower before using the rock lake as well as after using it and before entering the concrete pool, jacuzzi, or hot tub in order to limit the potential for cross-contamination.

In order that the users of the rock lake are both informed and can help maintain water quality, post the rock lake with signage that is easy for patrons to see and that says or clearly indicates:

1. the water is not disinfected or filtered, that bacteria is present, and they should use at their own risk;
2. people with a communicable disease, open lesions, or mouth, nose or ear discharges may not use the rock lake;
3. the limits on the number of users as outlined in (1) above; and
4. the requirements to shower before using the other vessels at CHSR as outlined in (2) above.

In addition, you must also post the signage you have at the concrete pool that says no one may urinate, spit, blow their nose, or deposit any foreign matter into the lake, that tobacco, food, and drink are prohibited and only persons dressed for bathing may use the lake.

This information can be displayed on however many signs you'd like so long as the message on each sign is easily visible to the users of the lake before they enter it.

So that we can determine if the bather load has been properly set, at least once every thirty (30) days, test the water of the rock lake for compliance with the fecal coliform standard in the state's Water Quality Standards for contact recreational waters. That standard is 100 FC/100 ml of water

Page 3  
Bernie Karl  
July 28, 2000

and can be found at 18 AAC 70.020(b)(1)(B)(i). A laboratory certified by the department, such as Northern Test Labs must do the testing. The samples must be collected and tested in accordance with the American Public Health Association's Standard Methods for the Examination and Water and Wastewater, 1985 edition. Copies of the test results will need to be faxed to Cory as soon as you receive them from the lab.

If the fecal coliform levels exceed the water quality standards, the rock lake must be closed to the public until the fecal coliform levels come down. Should that happen, we will work with you to try to figure out the source of the bacteria, or we may need to reduce the bather load.

On the other hand, if the samples consistently come back well below the water quality standards level, we will work with you to incrementally increase the bather load.

I should note that those areas in the lake where water does not circulate well provide an excellent place for bacteria to grow. You may need to consider ways to increase the circulation of the water, which will in turn reduce the overall bacteria levels.

Also, it is critically important that the chlorine levels in the concrete pool, hot tubs and jacuzzi be carefully maintained. Any bacteria that might get in there from users of the rock lake (if they don't shower well enough), will grow exponentially unless there is enough chlorine to kill the pathogens.

You have today faxed us the text of the sign you intend to post. It meets the requirements of this agreement. You have also provided us with the test results from the samples collected on July 17, 2000 which show acceptable coliform levels. Therefore, the closure notice for the rock lake is lifted upon your signing this agreement. The next water sample must be collected on August 17, 2000.

As I mentioned to you during one of our telephone conversations, there are also some safety issues we believe need to be addressed as soon as possible after the rock lake is reopened. Addressing these issues will protect you as well as your patrons. Those items are:

1. Somehow indicate the depth of the rock lake, however you feel best fits the aesthetics of the area. Our only concern is that it be done in a fashion that's permanent and clearly visible to the users.
2. While it's hard to imagine someone trying, you should also post a No Diving sign. You never know what people might do.
3. There are sharp edges on at least some of the granite boulders that surround the lake, sharp enough that people can cut themselves. Each boulder needs to be carefully examined for sharp edges, and then somehow smoothed so they will not cut skin. You should also keep people from climbing out of the lake onto the boulders and then getting back into the lake.
4. The lifesaving equipment you have for your concrete pool should be located in an area where it can be easily accessed for both the pool and the rock lake. You probably already do this; we haven't discussed it before. But, I wanted to be sure to mention it, as it is important.

Page 4  
Bernie Karl  
July 28, 2000

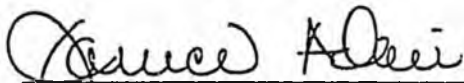
Upon signing this agreement, we both agree to follow the terms outlined above. In addition, Chena Hot Springs Resort and you agree to indemnify and hold the state, its agents and assignees harmless from any claims arising from public use of the rock lake.

Nothing in this agreement shall be construed as preventing the department from issuing a closure notice if there is a public health emergency associated with the rock lake as determined by the Section of Epidemiology in the Division of Public Health, Department of Health and Social Services. Of course, at that point, I know you would want to keep the public out of the lake, too. And, should this happen, we will work with you to try to find the source of the problem including how it can be prevented from reoccurring which may require an amendment to this agreement.

I am looking forward to continuing to work with you on the rock lake as I believe that the more we learn about it, the better job we can do in developing regulations specific to hot springs. I'm glad you've found Cory good to deal with. As I previously told you, he is our "resident expert" on pools and spas, and soon with your help, hot springs.

I am faxing this agreement to you today; please fax me back the signature page. I'll also put two (2) copies in the mail to you. Please keep one for your files and return the second one to me with your original signature.

Sincerely,



Janice Adair  
Director

(Signature indicates agreement to terms set out above)

7.28.00

Date

Agree to the terms set out above:

\_\_\_\_\_  
Bernie Karl  
Chena Hot Springs Resort

(Signature indicates agreement to terms set out above)

\_\_\_\_\_  
Date

cc: Michele Brown, Commissioner  
Interior Delegation

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES



STATE OF ALASKA  
DEPARTMENT  
OF  
ENVIRONMENTAL CONSERVATION

FACSIMILE TRANSMITTAL COVER SHEET

DIVISION OF STATEWIDE PUBLIC SERVICES

410 Willoughby Avenue, Suite 303

Juneau AK 99801-1795

Phone: (907) 465-5337

Fax: (907) 465-5362

Date: 1-28-02

To: Honorable Beverly Masek Phone: 465-2679  
Fax: 465-4822

From: Mary Siroky Phone: 465-5337  
Fax: 465-5362

Subject: HB 263

Total number of pages, including cover sheet: 4

Comments:

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

**DIVISION OF ENVIRONMENTAL HEALTH  
DIRECTOR'S OFFICE  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501  
http://www.state.ak.us/dec/deh**

Telephone: (907) 269-7644  
Fax: (907) 269-7654  
e-mail: Janice\_Adair@envircon.state.ak.us

January 24, 2002

The Honorable Beverly Masek  
Co-Chairman, House Resources Committee  
Room 128, Capitol Building  
Juneau, AK 99801

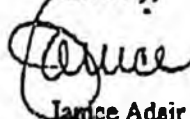
Re: HB 263, an act relating to hot springs

Dear Representative Masek:

Attached is a version of HB 263 that was prepared by Representative Fate to address the concerns the department expressed at the House Resources Committee hearing on this bill yesterday. This language works for us.

I want to thank you, the other committee members, and Representative Fate for being sensitive to our concerns and so willing to work with us to resolve them.

Sincerely,



Janice Adair  
Director

Attachment: HB 263 Work Draft drafted by Jay Hardenbrook

- cc: The Honorable Hugh Fate
- The Honorable Drew Salzi, Co-Chairman
- The Honorable Joe Green
- The Honorable Lesil McGuire
- The Honorable Gary Stevens
- The Honorable Mike Chensault
- The Honorable Mary Kapsner
- The Honorable Beth Kerttula
- (all with attachment as noted)

Post #	Fax Note	7671	Date	1/25	10:00 AM '02
To	117044				
From	Janice				
Co./Dept.	OSPS				
Co.	DEC EH				
Phone #	465-5355				
Phone #	269-7644				
Fax #	465-5362				
Fax #	269-7654				

The Honorable Beverly Masek  
January 24, 2002  
Page 2

Bc: Mary Siroky w/attachments

drafted by Jay Hardenbrook in Rep. Fata's office:

WORK DRAFT -- WORK DRAFT -- WORK DRAFT -- WORK DRAFT -- WORK DRAFT

**HOUSE BILL NO. 263**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE FATE**

Introduced: ---  
Referred: Resources

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to water quality standards applicable to flow-through hot springs  
2 pools"

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* Section 1. AS 44.46 is amended by adding a new section to read:

5 Sec. 44.46.028. Flow-through hot springs. (a) A flow-through hot  
6 springs, whether natural or modified, when used for perceived medicinal or  
7 esthetic purposes, is exempt from further water quality regulation by the  
8 Department of Environmental Conservation while the fecal coliform count is  
9 maintained at 100 colonies or less per 100 milliliters and the body of water is free  
10 from dangerous levels of disease-causing pathogens or chemicals.

11 (b) In this section, "flow-through hot springs" means a body of water in  
12 which naturally occurring geothermal water enters the body of water to replace  
13 and equal amount of water constantly being drained from the body of water.

HB0178b

New Text Underlined .1. (DELETED TEXT BRACKETED)

HB 263

Thursday, January 24, 2002

# Legislator to redraw hot springs measure

By SEAN COCKERHAM  
News-Miner Juneau Bureau

JUNEAU—Fairbanks Rep. Hugh Fate said he simply wants to keep the state from demanding that hot springs operators use chlorine unless the level of bacteria requires it.

But, as often happens in the Legislature, others felt that Fate's bill was not quite so simple.

The Department of Environmental Conservation asserted that the bill would interfere with its ability to ensure public health in concrete swimming pools fed with hot springs water.

A debate over the bill

stretched almost two hours Wednesday in the House Resources Committee. By the end Fate said he would work with DEC and see if the bill can be adjusted in a fashion that does not wreck its intent—which he said has nothing to do with concrete swimming pools.

"There is no intent to rewrite legislation concerning true swimming pools," he said. "The intent is to allow natural medicinal hot springs to go ahead and be developed."

Fate said requirements regarding chlorine use in developed hot springs have hurt attempts to  
See HOT SPRINGS, Page A-8

## HOT SPRINGS

Continued from Page A-1

commercialize them in the past. Chlorine is expensive and people do not like it, he said.

"People do not go to hot springs to bathe in chlorinated waters," said the Fairbanks Republican, who believes commercial hot springs development could help stimulate the economy in some rural Alaska areas.

Fate's bill would exempt hot springs pools from additional water quality regulation by the DEC so long as the fecal coliform level is maintained at 100 colonies or less per 100 milliliters and the pool is "free from dangerous levels of disease-causing pathogens."

"These are standards set by the state," Fate said. "As long as those standards are met ... then there is no reason to be putting chlorine in there to make it safer."

Operators of developed hot springs do self-monitoring tests for a variety of pathogens and the state checks up on them.

Language in Fate's bill, which applies only to hot springs pools where water is constantly flowing in and out, is largely modeled on a settlement that the DEC reached with Chena Hot Springs Resort last year.

Chena Hot Springs created from its hot springs an outside rock lake that cannot be effectively chlorinated. "This bill is attempting to be similar to that settlement so that other resorts don't have to experience the legal battles and subsequent expenses that went along with it," according to Fate's sponsor statement.

But Janice Adair, environmental health director for the DEC, brought up the issue of concrete pools fed with hot

springs water. "As the bill is currently written it would cover all types of pools," she said.

She argued that natural pools can stand a higher level of fecal coliform than a concrete swimming pool because of competing natural bacteria that help with cleansing.

The state does not allow any fecal coliform in concrete swimming pools, Adair said, whether fed by a hot springs or not.

"(Under Fate's bill) such a pool would be able to have fecal coliform of 100 colonies or less and there is no competing bacteria because it is a cement body," she said. "And you would have a public health problem."

Fate argues that other regulations cover swimming pools, but said he was willing to talk with DEC about a possible clarification.

Several people who testified on Fate's bill on Wednesday offered an enthusiastic endorsement of it.

Tom DeLong, who operates Tolovana Hot Springs about 100 miles north of Fairbanks, said the bill would clear up the regulations. The state currently does not regulate that remote hot springs, which lies 11 miles off the highway.

But DeLong said that he wants to know the standards he would have to meet as he looks at further development of Tolovana Hot Springs to avoid chlorination requirements.

"It is extremely important to me that a bill like this passes," DeLong said. "I have no interest in bathing in chlorinated water and my clients have no interest in traveling 11 miles off the highway to bathe in chlorinated water."

Thursday, January 24, 2002  
Fairbanks, News-Miner

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But, as often happens in the Legislature, others felt that Fate's bill was not quite so simple.

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Fate said requirements regarding chlorine use in developed hot springs have hurt attempts to

See HOT SPRINGS, Page A-6

## HOT SPRINGS

Continued from Page A-1

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Thursday, January 24, 2002  
Fairbanks, News-Miner

22-LS0985\C  
Lauterbach  
1/25/02

**CS FOR HOUSE BILL NO. 263( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE FATE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to water quality standards applicable to flow-through hot springs."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 44.46 is amended by adding a new section to read:

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7 Conservation while the fecal coliform count is maintained at 100 colonies or less per  
8 100 milliliters and the body of water is free from dangerous levels of disease-causing  
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11 naturally occurring geothermal water enters the body of water to replace an equal  
12 amount of water constantly being drained from the body of water.

Jantce

drafted by Jay Hardenbrook in Rep. Fate's office:

WORK DRAFT --- WORK DRAFT --- WORK DRAFT --- WORK DRAFT --- WORK DRAFT

**HOUSE BILL NO. 263**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE FATE**

Introduced: -----  
Referred: Resources

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to water quality standards applicable to flow-through hot springs  
2 ~~pools~~"

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 44.46 is amended by adding a new section to read:

5 **Sec. 44.46.028. Flow-through hot springs ~~pools~~.** (a) A hot springs pool,  
6 whether natural or modified, is exempt from further water quality regulation by  
7 the Department of Environmental Conservation while the fecal coliform count in  
8 the pool is maintained at 100 colonies or less per 100 milliliters and the ~~pool~~ is  
9 free from dangerous levels of disease-causing pathogens.

10 (b) In this section, "natural hot spring" means a naturally occurring  
11 impoundment into which geothermal water flows, seeps, or is otherwise held.  
12 The naturally occurring impoundment may have minor modifications to support  
13 access and bather comfort such as steps and benches.

14 (c) In this section, "modified hot spring" means a man-made impoundment  
15 constructed of natural materials or a naturally occurring impoundment into which

*Unnecessary*

1 geothermal water is directed or piped by human involvement from a geothermal  
2 source. A modified hot spring may have a semi-permeable liner in order to  
3 control erosion, however, the liner may not leach chemicals into the water or  
4 create a substrate for the growth and survival of disease-causing microorganisms.

Fate

drafted by Jay Hardenbrook in Rep. Fate's office:

WORK DRAFT --- WORK DRAFT --- WORK DRAFT --- WORK DRAFT --- WORK DRAFT

**HOUSE BILL NO. 263**

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7 esthetic purposes, is exempt from further water quality regulation by the  
8 Department of Environmental Conservation while the fecal coliform count is  
9 maintained at 100 colonies or less per 100 milliliters and the ~~pool~~ <sup>body of water.</sup> is free from  
10 dangerous levels of disease-causing pathogens or chemicals.

11 (b) In this section, "flow-through hot springs" means a body of water in  
12 which naturally occurring geothermal water enters ~~the~~ body of water to replace  
13 and equal amount of water constantly being drained from the body of water.



STATE OF ALASKA  
DEPARTMENT  
OF  
ENVIRONMENTAL CONSERVATION

FACSIMILE TRANSMITTAL COVER SHEET

DIVISION OF STATEWIDE PUBLIC SERVICES

410 Willoughby Avenue, Suite 303

Juneau AK 99801-1795

Phone: (907) 465-5337

Fax: (907) 465-5362

Date: 1-28-02

To: Honorable Beverly Masek Phone: 465-2679  
Fax: 465-4822

From: Mary Siroky Phone: 465-5337  
Fax: 465-5362

Subject: HB 263

Total number of pages, including cover sheet: 4

Comments:

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF ENVIRONMENTAL HEALTH  
DIRECTOR'S OFFICE  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501  
<http://www.state.ak.us/dec/deh>

Telephone: (907) 269-7644  
Fax: (907) 269-7654  
e-mail: [Janice\\_Adair@envirecon.state.ak.us](mailto:Janice_Adair@envirecon.state.ak.us)

January 24, 2002

The Honorable Beverly Masek  
Co-Chairman, House Resources Committee  
Room 128, Capitol Building  
Juneau, AK 99801

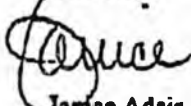
Re: HB 263, an act relating to hot springs

Dear Representative Masek:

Attached is a version of HB 263 that was prepared by Representative Fate to address the concerns the department expressed at the House Resources Committee hearing on this bill yesterday. This language works for us.

I want to thank you, the other committee members, and Representative Fate for being sensitive to our concerns and so willing to work with us to resolve them.

Sincerely,



Janice Adair  
Director

Attachment: HB 263 Work Draft drafted by Jay Hardenbrook

cc: The Honorable Hugh Fate  
The Honorable Drew Salzi, Co-Chairman  
The Honorable Joe Green  
The Honorable Leril McGuire  
The Honorable Gary Stevens  
The Honorable Mike Chenault  
The Honorable Mary Kapner  
The Honorable Beth Kerttula  
(all with attachment as noted)

Post-It® Fax Note	7671	Date	1/25	Page	5
To	MAMA	From	Janice		
Co./Dept.	OSPS	Co.	DEC	EH	
Phone #	465-5855	Phone #	269-7644		
Fax #	465-5862	Fax #	269-7654		

The Honorable Beverly Masek  
January 24, 2002  
Page 2

Bc: Mary Siroky w/attachments

drafted by Jay Hardenbrook in Rep. Fatz's office:

WORK DRAFT -- WORK DRAFT -- WORK DRAFT -- WORK DRAFT -- WORK DRAFT

**HOUSE BILL NO. 263**

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13 and equal amount of water constantly being drained from the body of water.

HB01736

New Text Underlined .1.  
(DELETED TEXT BRACKETED)

HB 263

Prev: [Chapter 601 §2660-H](#)  
Next: [Chapter 602 §2662](#)

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**Title 22: HEALTH AND WELFARE**

**Subtitle 2: HEALTH**

**Part 5: FOODS AND DRUGS**

**Chapter 602: PUBLIC SWIMMING POOLS AND SPAS**

**§2661. Purpose**

The purpose of this chapter is to provide minimum requirements and standards for the protection of the public health, safety and welfare of persons using public swimming pools or spas. [1985, c. 150 (new).]

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public. If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes  
7 State House Station  
State House Room 108  
Augusta, Maine 04333-0007

This page created on: 2002-01-08

Maine

## Title 22, Chapter 602, PUBLIC SWIMMING POOLS AND SPAS

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### Chapter 602: PUBLIC SWIMMING POOLS AND SPAS

#### §2661. Purpose

The purpose of this chapter is to provide minimum requirements and standards for the protection of the public health, safety and welfare of persons using public swimming pools or spas. [1985, c. 150 (new).]

#### §2662. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1985, c. 150 (new).]

1. **Communicable disease.** "Communicable disease" is a disease capable of being transmitted from one person to another. [1985, c. 150 (new).]
2. **Department.** "Department" means the Department of Human Services. [1985, c. 150 (new).]
3. **Pool depth.** "Pool depth" means the distance between the floor of the pool and the maximum operating water level. [1985, c. 150 (new).]
4. **Private spa.** "Private spa" means any constructed spa which is used in connection with a single or multifamily residence and available only to the residents and private guests. [1985, c. 150 (new).]
5. **Private swimming pool.** "Private swimming pool" means any constructed pool which is used as a swimming pool in connection with a single or multifamily residence and available only to the residents and private guests. [1985, c. 150 (new).]
6. **Public spa.** "Public spa" means any constructed spa other than a private spa. [1985, c. 150 (new).]
7. **Public swimming pool.** "Public swimming pool" means any constructed or prefabricated pool other than a private swimming pool. [1985, c. 150 (new).]
8. **Spa.** "Spa" means a unit containing water primarily designed for nontherapeutic use which is not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles or any combination thereof. The term spa includes, but is not limited to, hot tubs. [1985, c. 150 (new).]
9. **Swimming pool.** "Swimming pool" means any basin, chamber or tank constructed of impervious material, located either indoors or outdoors containing an artificial body of water for swimming or recreational bathing and having a depth of 2 feet or more at any point. This includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the

## Title 22, Chapter 602, PUBLIC SWIMMING POOLS AND SPAS

swimming pool such as equipment, dressing lockers, showers and toilet rooms. [1985, c. 150 (new).]

### §2663. Existing installations

**1. Public pool or spa; existing use.** Any public swimming pool or spa installed prior to the effective date of this chapter may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety or welfare has been created by the installation. [1985, c. 150 (new).]

**2. Public pool or spa; maintenance.** The owner or his designated agent shall be responsible for the maintenance of the public swimming pool or spa in a safe and sanitary condition. [1985, c. 150 (new).]

### §2664. Rules

The department may promulgate and enforce rules necessary to protect public health and safety and carry out the provisions of this chapter relating directly to the safe and sanitary design, construction and operation of public swimming pools and spas. [1985, c. 150 (new).]

### §2665. Submission of plans

No person may begin construction of a public swimming pool or spa or substantially alter or reconstruct any public swimming pool or spa without first having submitted plans and specifications to the department for review and approval. The department review shall be limited to matters relating directly to safety and sanitation. [1985, c. 150 (new).]

The design criteria to be followed by the department in the review and approval is the minimum standard for public swimming pools and the minimum standard for public spas published by the National Swimming Pool Institute. [1985, c. 150 (new).]

### §2666. Health and safety

**1. Employment; communicable disease.** No person having a communicable disease may be employed or work at a public swimming pool or spa. [1985, c. 150 (new).]

**2. Nuisance.** Any public swimming pool or spa found to be unsanitary, as defined by the department's rules, is declared to be a nuisance. [1985, c. 150 (new).]

**3. Supervision.** Every public swimming pool or spa shall be under the supervision of a capable individual who shall assume the responsibility for compliance with this chapter relating to the safe and sanitary operation and maintenance of a public swimming pool or spa. Nothing in this chapter may be construed to require a lifeguard to be on duty when a public swimming pool or spa is open to the public. [1985, c. 150 (new).]

### §2667. Inspections

The department may conduct the inspections as it deems necessary to insure compliance with the provisions of this chapter and shall have right of entry at any reasonable hour to public swimming pools or spas for this purpose. [1985, c. 150 (new).]

### §2668. Closure

The department may close any public swimming pool or spa for failure to comply with the provisions of this chapter. [1985, c. 150 (new).]

Before closing a public swimming pool or spa, the department shall issue a notice in writing enumerating instances of failure to comply with the law or rules. The owner shall have an opportunity to request a fair hearing before the department pursuant to Title 5, sections 9052 to 9064. [1985, c. 150 (new).]

Closed public swimming pools and spas shall be reopened upon presentation of evidence that the deficiencies causing the closing have been corrected. [1985, c. 150 (new).]

### §2669. Penalties

The department may seek injunctive or other appropriate judicial relief for violations of any provisions of this chapter. [1985, c. 150 (new).]



# Minnesota Statutes

## Minnesota Statutes 2001 Display Document 72 of 107



### Chapter Title: WATER POLLUTION CONTROL; SANITARY DISTRICTS

### Section: 115.44

Text:

*More about pollution but may contain same language*

115.44 Classification of **waters**; standards of **quality** and purity.

Subdivision 1. Variable factors. It is recognized that, due to variable factors, no single standard of **quality** and purity of the **waters** is applicable to all **waters** of the state or to different segments of the same **waters**.

Subd. 2. Classification and standards. In order to attain the objectives of sections 115.41 to 115.54, the agency after proper study, and after conducting public hearing upon due notice, shall, as soon as practicable, group the designated **waters** of the state into classes, and adopt classifications and standards of purity and **quality** therefor. Such classification shall be made in accordance with considerations of best usage in the interest of the public and with regard to the considerations mentioned in subdivision 3 hereof.

Subd. 3. Adoption of classification. In adopting the classification of **waters** and the standards of purity and **quality** above mentioned, the agency shall give consideration to:

(a) The size, depth, surface area covered, volume, direction and rate of flow, stream gradient and temperature of the **water**;

(b) The character of the district bordering said **waters** and its peculiar suitability for the particular uses, and with a view to conserving the value of the same and encouraging the most appropriate use of lands bordering said **waters**, for residential, agricultural, industrial, or recreational purposes;

(c) The uses which have been made, are being made, or may be made of said **waters** for transportation, domestic and industrial consumption, bathing, fishing and fish culture, fire prevention, the disposal of sewage, industrial wastes and other wastes or other uses within this state, and, at the discretion of the agency, any such uses in another state on interstate **waters** flowing through or originating in this state;

(d) The extent of present defilement or fouling of said **waters** which has already occurred or resulted from past discharges therein;

(e) The need for standards for effluent from disposal systems entering **waters** of the state;

(f) Such other considerations as the agency deems proper.

Subd. 4. Standards. The agency, after proper study, and in accordance with chapter 14, shall adopt and design standards of quality and purity for each classification necessary for the public use or benefit contemplated by the classification. The standards shall prescribe what **qualities** and properties of **water** indicate a polluted condition of the **waters** of the state which is actually or potentially deleterious, harmful, detrimental, or injurious to the public health, safety, or welfare; to terrestrial or aquatic life or to its growth and propagation; or to the use of the **waters** for domestic, commercial and industrial, agricultural, recreational, or other reasonable purposes, with respect to the various classes established pursuant to subdivision 2. The standards may also contain other provisions that the agency deems proper. Wherever practicable and advisable, the agency shall establish standards for effluent of disposal systems entering classified waters.

Subd. 5. Factors. In establishing such standards, consideration should be given to the following factors:

(a) The extent, if any, to which floating solids may be permitted in the water;

(b) The extent to which suspended solids, colloids or a combination of solids with other substances suspended in water, may be permitted;

(c) The extent to which organism of the coliform group (intestinal bacilli) or any other bacteriological organisms may be permitted in the water;

(d) The extent of the oxygen demand which may be permitted in the receiving waters;

(e) Such other chemical or biological properties necessary for the attainment of the objectives of this chapter and, with respect to pollution of the waters of the state, chapter 116.

[...More](#)

---





# Minnesota Statutes

## Minnesota Statutes 2001 Display Document 72 of 107



### Section: 115.44 continued...

(f) Wherever deemed practicable and advisable by the agency, standards specifying the **quality** and purity, or maximum permissible pollutional content, of effluent entering **waters** of the state may be established without respect to **water** **quality** standards; provided, however, that whenever the owner or operator of any point source, after opportunity for public hearing, can demonstrate to the satisfaction of the agency that any effluent limitation proposed for the control of the heat component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of fish and wildlife in and on the body of **water** into which the discharge is to be made, the agency may impose an effluent limitation for such plan, with respect to the heat component of such discharge, taking into account the interaction of such heat component with other pollutants, that will assure the protection and propagation of a balanced, indigenous population of fish and wildlife in and on that body of **water**; and provided further that notwithstanding any other provision of this chapter and, with respect to the pollution of the **waters** of the state, chapter 116, any point source of a discharge having a heat component, the modification of which point source is commenced after May 20, 1973, and which, as modified, meets applicable effluent limitations, and which effluent limitations will assure protection and propagation of a balanced, indigenous population of fish and wildlife in or on the **water** into which the discharge is made, shall not be subject to any more stringent effluent limitation with respect to the heat component of its discharge during a ten year period beginning on the date of completion of such modification or during the period of depreciation or amortization of such facility for the purpose of section 167 or 169, or both, of the Internal Revenue Code of 1954, whichever period ends first.

Subd. 6. Modification of standards. The adoption, alteration, or modification of the standards of quality and purity in subdivision 4 shall be made by the agency in accordance with chapter 14.

Subd. 7. Rule notices. For rules authorized under this section, the notices required to be mailed under sections 14.14, subdivision 1a, and 14.22 must also be mailed to the governing body of each municipality bordering or through which the waters for which standards are sought to be adopted flow.

Subd. 8. Waiver. If the agency finds in order to

comply with the Federal Water Pollution Control Act or any other federal law or rule or regulation promulgated thereunder that it is impracticable to comply with the requirements of this section in classifying waters or adopting standards or in meeting any of the requirements thereof, compliance with the requirements of such section are waived to the extent necessary to enable the agency to comply with federal laws and rules and regulations promulgated thereunder. The agency may classify waters and adopt criteria and standards in such form and based upon such evidence as it may deem necessary and sufficient for the purposes of meeting requirements of such federal laws, notwithstanding any provisions in this chapter or any other state law to the contrary. In the event waters are classified and criteria and standards are adopted to meet the requirements of federal law, the agency shall thereafter proceed to otherwise comply with the provisions of this section which were waived as rapidly as is practicable. This authority shall extend to proceedings pending before the agency on May 20, 1973.

Notwithstanding the provisions of subdivision 4, wherever advisable and practicable the agency may establish standards for effluent or disposal systems discharging into waters of the state regardless of whether such waters are or are not classified.

HIST: 1963 c 874 s 6; 1967 c 203 s 1; 1969 c 9 s 21; 1969 c 931 s 8,9; 1973 c 374 s 15,16; 1993 c 180 s 1-3; 1994 c 465 art 1 s 9



**Subject: RE: [Fwd: House Bill 263]**

**Date:** Thu, 24 Jan 2002 14:56:58 -0900

**From:** "Adair, Janice" <Janice\_Adair@envircon.state.ak.us>

**To:** "Jennifer Yuhas" <Jennifer\_Yuhas@Legis.state.ak.us>, Jay Hardenbrook <Jay\_hardenbrook@Legis.state.ak.us>

My secretary is standing at the fax as I write sending the letter so you should have it momentarily. I'm copying the whole committee so everyone knows.

-----Original Message-----

From: Jennifer Yuhas [mailto:Jennifer\_Yuhas@Legis.state.ak.us]

Sent: Thursday, January 24, 2002 2:40 PM

To: Jay Hardenbrook; Janice\_adair@envircon.state.ak.us

Subject: Re: [Fwd: House Bill 263]

Thanks Jay,

Beverly will need that if we are to actually hear the bill. She will pull it if we do not get that fax.

Jenn

Jay Hardenbrook wrote:

> -----  
>  
> Subject: RE: House Bill 263  
> Date: Thu, 24 Jan 2002 14:11:55 -0900  
> From: "Adair, Janice" <Janice\_Adair@envircon.state.ak.us>  
> To: "'Jay Hardenbrook'" <Jay\_hardenbrook@legis.state.ak.us>  
>  
> I will get it out of here today, promise.  
>  
> -----Original Message-----  
> From: Jay Hardenbrook [mailto:Jay\_hardenbrook@legis.state.ak.us]  
> Sent: Thursday, January 24, 2002 2:07 PM  
> To: janice\_adair@envircon.state.ak.us  
> Subject: House Bill 263  
>  
> Janice,  
> The Resources Committee has tentatively scheduled House Bill 263 for  
> Monday, January 28th. All that they are waiting for to schedule it  
> finally is your letter of approval. If you could please fax that to  
> Jennifer Yuhas, Committee Aide for Representative Masek at 907/465-4822  
> it would help a lot.  
>  
> Thank you again,  
> Jay Hardenbrook



## The National Fair Access Coalition on Testing

### Hot Springs, Arkansas

January 25<sup>th</sup>, 1997

[FACT Home Page](#)  
[FACT News Wire](#)  
[About FACT](#)  
[International Pages](#)  
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### Steering Committee Agenda, 1:30—3:00 p.m. Apollo Conference Room

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 Fair Access Coalition  
 On Testing

Co-Chairs:  
 Thomas W.  
 Clawson  
[National Board for  
 Certified  
 Counselors, Inc.  
 \(NBCC\)](#)  
 Lorin Letendre  
[Consulting  
 Psychologists  
 Press](#)

Coordinator:  
 Wendi Schweiger  
[National Board for  
 Certified  
 Counselors, Inc.  
 \(NBCC\)](#)

1. Welcome and review of Agenda
2. Update on "Hot Spots," AATA Contribution, and CAL-FACT Permit
3. Review of Action Considerations & Priorities
4. Recommendation of Highest Priority Action Considerations
5. Identification of Roles, Responsibilities, Resources, and Timelines
6. Discussion of Next Meeting Site and Date
7. Adjournment

### Summary of National FACT Meeting

Prepared by L. Letendre

The third planning meeting of the National Fair Access Coalition on Testing (FACT) was held in conjunction with the annual meeting of the American Association of State Counseling Boards (AASCB) in Hot Springs, Arkansas on January 26, 1997. The planning meeting was preceded by a meeting on the previous day of the newly-formed Steering Committee, which is composed of coalition members that represent more than one professional organization or that are highly active in the coalition particularly in state-level efforts.

The co-chair of FACT, Dr. Tom Clawson, Executive Director of the National Board for Certified Counselors, opened the meeting by welcoming the 67 participants from 23 member organizations representing 520,000 professionals. Dr. Clawson summarized the main purpose of FACT, which is to ensure that competent and qualified professionals are not unfairly restricted from using assessment instruments.

Dr. Clawson then led a series of reports and discussions of the status of

cases or legislation or regulatory actions involving restriction of access to tests in Florida, Georgia, Indiana, Louisiana, Ohio, Oklahoma, Washington, and California. Of particular note were the successes of the coalition or member organizations in Ohio, Florida, and California. The Ohio Attorney General's opinion was a landmark victory, as it gave non-psychologists the right to use the term "psychological" in describing certain of their activities such as psychological testing and assessment.

One of the primary benefits of the coalition to its members is its clearinghouse function in storing and disseminating to all members information on its successes and effective activities and efforts (such as Ohio) that can serve as a model for all coalition members. Members can then build on those successes and apply what they have learned to other settings. Dr. Clawson and Lorin Letendre, Co-chair of FACT and the FACT liaison to the Association of Test Publishers, announced that FACT will be setting up a Web Page to advance the clearinghouse function such that members can access information supplied by coalition members on a variety of pertinent topics and from every state in which FACT members are actively engaged in coalition efforts. For each state there will be a listing of the member organizations' state contact person(s) and legislative advocacy teams that can rapidly be mobilized when the situation requires.

Dr. Clawson also announced that the national FACT was to be incorporated as a non-profit organization to receive contributions from members and disburse funds to support coalition activities.

Representatives of two of the newer participant organizations in FACT - Dr. Douglas Smith of the National Association of School Psychologists (NASP) and Dr. Logan Wright of the Northamerican Association of Master's Psychologists (NAMP) and past-president of the American Psychological Association (APA) - were invited to address the group with regard to the interests and concerns of their professional members. Drs. Smith and Wright were optimistic that their organizations' members would be supportive of FACT's policy statement and as coalition members or strategic partners could work collaboratively with FACT to Advance their mutual interests.

Mr. Letendre then summarized some of the coalition's accomplishments since the previous meeting in Washington DC. Among those were a face-to-face meeting with the head of the APA Practice Directorate, Dr. Russ Newman that made some progress in understanding each other's positions and exploring possibilities for a continuing dialogue; a meeting with the APA Committee on Psychological Testing and Assessment to share FACT's perspectives and hear that Committee's thoughts on the issues around fair access to testing (the Committee expressed its support for basing access on competence rather than degree or licensure); the many state efforts that FACT supported; and the convening of the first FACT Steering Committee teleconference

meeting to discuss action priorities.

Among those action considerations receiving the highest priority from the Steering Committee members were

- (1) Model legislation, clearinghouse of legislation and legislative language;
- (2) Develop standards of practice for mental health assessment, persuade managed health care firms to reimburse qualified providers;
- (3) Obtain legal definitions of "psychological activities" in every state;
- (4) Work with test publishers to clarify qualifications in test manuals for each test use;
- (5) Establish a core set of statements about FACT, educate newcomers about goals. There was considerable support by meeting attendees for placing highest priority on legislative or regulatory arenas. Strong support was also expressed for preventive measures rather than just reacting or responding to hostile moves by state psychological associations.

The attendees then split into four "task force" groups to discuss what needs to be done by the coalition members in the areas of

- (1) legislative advocacy,
- (2) managed care,
- (3) model codes of ethics and standards of practice, and
- (4) membership growth and support. Recorders for each group then reported their conclusions and recommendations to the full group. The need for model legislative language, licensure provisions, codes of ethics on testing, and managed care assessment practices was strongly endorsed by the three task force groups addressing these areas. The task forces will continue their work through regular communications and web page forums.

Finally, the date and site for the next national meeting was agreed on; it will be held at the American Society of Association Executives (ASAE) headquarters office in Washington DC, on Monday, May 19, during the national conference of the American Society for Training and Development (ASTD). Mr. Letendre concluded the meeting by thanking Dr. Clawson and Mr. Thomas Dodson of NBCC for handling the conference arrangements, and thanking the leadership of AASCB for hosting this meeting.

#### WHAT WE NEED FROM MEMBERS:

- ➡ COPY OF FACT POLICY STATEMENT & NAME(S) OF FACT LIAISON(S)
- ➡ COPY OF CODE OF ETHICS RE TESTING & ASSESSMENT

- COPY OF STANDARDS OF PRACTICE RE TESTING AND ASSESSMENT
- LIST OF STATE CONTACT PERSON(S)
- \$\$\$ CONTRIBUTION
- OTHER

## FACT ORGANIZATIONS REPRESENTED

Florida State Licensure Board  
LPC Association of Georgia  
American Academy of Pain Management AAPM  
American Association of State Counseling Boards AASCB  
American Art Therapy Association AATA  
Arkansas Board of Examiners in Counseling ABEC  
ACA Professionalization Committee ACA  
American Counseling Association ACA  
Association for Counselor Education and Supervision ACES  
American Mental Health Counselors Association AMHCA  
Association for Psychological Type APT  
Arkansas School Counselor Assoc. (ASCA) ASCA  
Art Therapy Credentials Board ATCB  
Association of Test Publishers ATP  
Council for Accreditation of Counseling & Related Educational CACREP  
Commission on Rehabilitation Counselors Certification CRCC  
Educational Testing Service ETS  
Florida Mental Health Counselors FMHC  
Louisiana Counseling Association LCA  
Louisiana Counseling Association LCA  
Northamerican Association of Masters in Psychology NAMP  
National Association of School Psychologists NASP  
National Board for Certified Counselors NBCC  
National Coalition of Arts Therapies Association NCATA  
National Career Development Association NCDA  
Riverside Publishing Company RPC



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Fax #: 907-465-4822

Alaska State Legislature, Juneau, Alaska

To: Committee Aide Jennifer Yuhas  
Resources Committee

Re: House Bill No. 263

Session: First Session of Twenty-Second Legislature

I, Leslie D. Markham, of 2597 Hafele Ave, Fairbanks, Alaska 99709, am speaking and writing in support of House Bill No. 263.

Natural hot springs are very therapeutic and have been known to help mitigate the symptoms of many ailments. As a massage therapist, I have worked with Eskimo Doctor Charlie Jones of Kotzebue area at several natural remote hot springs. These springs are his preferred location for helping people. He says each spring has different minerals in the water and can help cure different ailments. Charlie believes the body absorbs the minerals it needs from the water to heal itself. For this reason, natural is preferred over chemically treated water. The bill also addresses an important element: "flow through". The pool will stay healthy with adequate "flow through".

~~At~~ Chena Hot Springs Resort outside Fairbanks, <sup>provides</sup> ~~is an~~ unique opportunity to experience natural waters close to town. For those who prefer, chlorinated pools are also available. Information is posted so people may make an informed choice. To have such healing natural water within driving distance to Fairbanks is a gift for which I am grateful and consider a large asset. Promotion of the natural healing properties ~~possibilities~~ can benefit the community greatly.

Sincerely,  
Leslie D. Markham  
Leslie D. Markham



# Idaho Statutes

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 44

##### LAVA HOT SPRINGS

67-4404. SUPERINTENDENT AND EMPLOYEES -- RULES AND REGULATIONS. The said foundation shall have power to employ a superintendent of the hot springs and bathing facilities, necessary medical, surgical and other professional assistants, and to employ such other help as may be necessary, and to prescribe the duties of the said superintendent, medical, surgical and other professional assistants, and all other employees; it shall have power to remove the said superintendent, medical, surgical and other professional assistants, or other employees, at its pleasure, and shall make and ordain such rules and regulations for the conduct and administration of the said hot springs, bathing facilities and sanitarium and hospital as it shall deem necessary and proper.

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[Search the Idaho Statutes](#)

Available Reference: [Search Instructions](#).

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# ARIZONA LEG.

## 49-309. Cancellation of pesticide registration; hearing for reconsideration and continued use

A. If the director determines the pesticide which meets any of the conditions specified in section 49-308 is carcinogenic, mutagenic, teratogenic or toxic to humans in concentrations found at depths prescribed in section 49-308, subsection A and the pesticide label cannot be modified to change the approved use and application of the active ingredient to ensure that it does not threaten to pollute the groundwaters of this state, the director shall notify the chemicals division of the Arizona department of agriculture to cancel the registration of the pesticide.

B. For any other pesticide which meets any of the conditions specified in section 49-308 the registrant may request a hearing within forty-five days of notification that the director has made a determination pursuant to section 49-308, subsection B. At the same time the registrant shall submit a report and documented evidence which demonstrates either of the following:

1. The presence in the soil of any active ingredient, other specified ingredient or degradation product does not threaten to pollute the groundwaters of this state in any region in this state or that the pesticide label can be modified to change the approved use and application of the active ingredient to ensure that it does not threaten to pollute the groundwaters of this state.

2. Any active ingredient, other specified ingredient or degradation product that has been found in groundwater has not polluted, and does not threaten to pollute, the groundwater of this state in any region in this state in which the pesticide may be used according to the terms under which it is registered.

C. The director of environmental **quality**, after a public hearing and in consultation with the director of **water** resources, the director of the department of health services and the director of the Arizona department of agriculture, may allow the continued registration, sale and use of a pesticide, other than those identified in subsection A of this section, which meets any of the conditions specified in section 49-308 if the director determines any of the following:

1. Either of the conditions prescribed in subsection B of this section exist and apply to the pesticide.

2. There are no alternative products or practices that can be effectively used in substitution for the pesticide and the cancellation or modification will cause severe economic hardship on one or more segments of the agricultural industry in this state.

D. Notwithstanding subsection C of this section, the director shall not allow the continued registration, sale or use of a pesticide if it would cause a violation of **water quality** standards at the applicable point of compliance.

E. The chemicals division of the Arizona department of agriculture shall cancel the registration of any pesticide identified pursuant to section 49-308 unless continued under subsection C of this section.

# Facsimile Transmittal

**REP. JIM WHITAKER - Alaska House District 31**

(907) 465-3004

(907) 465-2070(fax)

Capitol Room 411

Juneau, AK 99801

Date:

1/24/02

Attention:

Jenn Yukas

From:

Lori

Number of pages (including this cover):

2

Comment(s):

Proposed amendments to  
HB 263

Reply requested:  Yes  No

**Search**  
MCA Search

# Montana Code Annotated 2001

## Contents Table of Contents

**50-53-115. Special requirements for flow-through hot springs pools.** In addition to the other requirements of this chapter and rules promulgated under this chapter, flow-through hot springs pools must meet the following requirements:

(1) The temperature of the pool water must be 106 degrees F or less.

(2) The water must have sufficient clarity at all times so that a black disc, 6 inches in diameter, is readily visible when placed on a white field at the deepest point of the pool.

(3) The pool water must be maintained at a pH of no less than 7.2 and not greater than 8.5.

(4) The pool must provide sufficient water volume exchange to produce an 8-hour turnover of the entire volume of pool water to waste. In addition:


(a) the pool, and all surfaces that flow into the pool, must be drained, cleaned, and sanitized every 72 hours; or

(b) the pool must be disinfected, and a chlorine residual of 1 to 3 parts per million or a bromine residual of 3 to 6 parts per million must be maintained in the pool at all times.

(5) Signs must be prominently posted that specify pool rules and special health hazards associated with swimming or bathing in flow-through hot springs pools. The contents of the signs must be determined by department rule. The department, in developing rules under this section, shall consult with flow-through hot springs pool owners.

History: En. Sec. 1, Ch. 155, L. 1995.

 **Previous**  
MCA Section

 **Help** 

Provided by Montana Legislative Services

**Next**  
MCA Section 

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF ENVIRONMENTAL HEALTH  
DIRECTOR'S OFFICE  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501  
<http://www.state.ak.us/dec/deh>

Telephone: (907) 269-7644  
Fax: (907) 269-7654  
e-mail: [Janice\\_Adair@envircon.state.ak.us](mailto:Janice_Adair@envircon.state.ak.us)

January 22, 2002

The Honorable Beverly Masek  
Co-Chairman, House Resource Committee  
Capitol Building, Room 128  
Juneau AK 99801

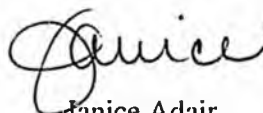
The Honorable Drew Scalzi  
Co-Chairman, House Resource Committee  
Capitol Building, Room 116  
Juneau, AK 99801

Dear Representatives Masek and Scalzi:

In preparation for the Wednesday hearing on HB 263, regarding the regulation of hot tubs, enclosed please find a copy of a letter I sent to Representative Fate last year pointing out problems with the bill as it is currently drafted.

Thank you for your consideration of these issues, and I will look forward to discussing them with the committee on Wednesday.

Sincerely,



Janice Adair  
Director

Enclosure: May 3, 2001 Letter to Representative Hugh Fate

cc: The Honorable Hugh Fate w/enc.  
The Honorable Mike Chenault w/enc.  
The Honorable Joe Green, w/enc.  
The Honorable Lesil McGuire, w/enc.  
The Honorable Gary Stevens, w/enc.  
The Honorable Mary Kapsner, w/enc.  
The Honorable Beth Kerttula, w/enc.

*Safe Food, Safe Water, Healthy Communities*

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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May 3, 2001

The Honorable Gene Therriault  
Alaska State Senate  
Room 121, Capitol Building  
Juneau, AK 99801

The Honorable Hugh Fate  
Alaska House of Representatives  
Room 416, Capitol Building  
Juneau, AK 99801

Re: SB 214; HB 263: Flow Through Hot Spring Pools

Dear Senator Therriault and Representative Fate:

The purpose of this letter is to share with you problems our department has identified with the above-referenced legislation in the hopes that we may be able to come to an agreement on how it should be amended.

The primary problem is with the definition of a "flow-through hot spring pool." As written, the definition would include any pool – even one that is constructed from man-made materials such as concrete or plastic – that uses hot springs water as its water source. As drafted, our ability to require that pools constructed of man-made materials be chlorinated or filtered is unclear. When water is insufficiently treated, other disease-causing pathogens such as *Psuedomonas*, *Cryptosporidium*, Legionnaires' disease, *Giardia*, or *E. coli* will thrive because there are little or no competing bacteria to keep them in check. That is why chlorination and filtration of these pools is so important. Enclosed you will find the pertinent sections from a report by the Centers for Disease Control and Prevention on Waterborne Outbreaks that discuss the types of outbreaks it investigated between 1997 and 1998. It explains problems found both in treated and fresh contact recreational waters and how they might be avoided.

The second problem we see is that the bill places the current water quality standard for these waters in statute. While we don't disagree with the fecal coliform standard, if the water quality standard changes for other contact recreational waters, it should change for these types of facilities also. We would prefer to have the department's water quality standard for contact recreational waters cross-referenced.

Following is how we'd suggest the referenced bills be amended:

The Honorable Gene Therriault  
The Honorable Hugh Fate  
May 3, 2001  
Page 2

**Sec. 44.46.028. Flow-through hot springs pools.** (a) A ~~flow-through~~ hot springs pool, whether natural or modified, that is being operated as part of a commercial establishment, is exempt from further water quality regulation by the Department of Environmental Conservation while the fecal coliform count in the pool meets the water quality standards for contact recreational waters adopted by the department under AS 46.03.070 and AS 46.03.080 is maintained at 100 colonies or less per 100 milliliters and the pool is free from dangerous levels of disease-causing pathogens.

(b) In this section, "natural hot spring" means a naturally occurring impoundment into which geothermal water flows, seeps, or is otherwise held. The naturally occurring impoundment may have minor modifications to support access and bather comfort such as steps and benches.

"Modified hot spring" means a man-made impoundment constructed of natural materials or a naturally occurring impoundment into which geothermal water is directed or piped by human involvement from a geothermal source. A modified hot spring may have a semi-permeable liner in order to control erosion however, the liner may not leach chemicals into the water or create a substrate for the growth and survival of disease-causing microorganisms. ~~flow-through hot springs pool" means a pool in which the water from a naturally occurring hot spring constantly enters the pool to replace an equal amount of water constantly being drained from the pool.~~

I understand the desire to ensure that facilities such as Chena Hot Springs Resorts (CHSR) are not regulated like man-made pools. Certainly our pool and spa regulations do not fit the type of pool at CHSR that was created from its natural hot springs. This "pool," which we refer to as the "Rock Lake," cannot be chlorinated. Also, the regulatory construction requirements for pools would likely not work for a modified hot springs that attempts to be in a natural setting. Recognizing these problems, we entered into an operating agreement with CHSR that was tailored to that operation specifically. Our research of other states' regulation of these types of facilities indicated those that had the best success, such as Colorado, had individual operating agreements. With that approach, any hot spring pool can retain its unique characteristics and still be protective of public health, not just from the water quality standpoint, but also from physical hazards that can cause injuries to users. We plan to revise our pool and spa regulations late this summer or early fall, and to propose such an approach for commercially operated natural and modified hot springs.

Don't hesitate to call if you'd like to discuss this further.

Sincerely,

  
Janice Adair  
Director

Enclosures:

◆ Surveillance for Waterborne-Disease Outbreaks – United States, 1997 – 1998 by the CDC

cc: Lori Backes, Office of Representative Whitaker (w/encl)

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Northern Regional Office

Post-It® Fax Note	7671	Date	6/25	# of pages	2
To	LORI BACKES	From	Carol Linksoiler		
Co./Dept.		Co.	ADEC/EH		
Phone #		Phone #	451-2111		
Fax #	452-1146	Fax #	451-5120		

DATE: Approx 6/10/93

FILE NO:

TELEPHONE NO: 451-2360

FROM:

Hot Springs Dept

SUBJECT: Waiver of regulations for certain hot springs

POLICY STATEMENT  
(DRAFT)

Within Alaska there are a wide range of hot springs facilities, ranging from minimally developed holes in the ground to full-sized swimming pools with associated hotels and restaurants. A need has arisen to determine which, if any, of these facilities might reasonably apply for a waiver of the swimming pool regulations (18 AAC 30.500. Applicability.).

The following criteria may be considered in evaluating a hot spring facility for a waiver of the regulations:

- Vessel configuration: if the containment for the hot spring pool is a natural vessel or one with minor modifications. such as a hole in the ground or a rock fissure, a waiver of the regulations will be granted. Minor modifications would include such items as curbing to channel overflow, steps, or surrounding decks and/or structures for changing clothes. A structure over the hot spring vessel to provide privacy or protect bathers from the elements is also acceptable. Minor modifications would not include piping the water to a vessel.
- Remote location: if the use of a hot spring is limited because it is off a maintained road system (eg. accessible only by dog team, snowmachine, or boat) and lacks nearby development such as lodges and restaurants that would encourage ongoing rather than occasional use, a waiver may be granted.
- Drain and fill: if a small hot spring vessel is operated like a bathtub, ie. cleaned, and sanitized between each use by one or more persons, a waiver maybe granted, in which case it will be inspected for compliance with 18 AAC 30.600, Public Toilets, Showers, and Laundromats.



Turnover rate: if hot spring water in a vessel is completely exchanged at the minimum turnover rate of three turnovers in 24 hours (18 AAC 30.535(b)) for a pool, or one turnover every 30 minutes (18 AAC 30.580(a)) for a spa,

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a waiver of circulation and disinfection requirements (18 AAC 30.535, 18 AAC 30.540) may be granted, provided that inlets and outlets are located to ensure complete circulation. (A crystal violet dye test or its equivalent may be required to verify turnover rate and complete circulation).

A condition of any of the above waivers would be that the water quality meets the standards of 18 AAC 70 for Recreational Waters (contact recreation). The hot spring only needs to be sampled once for compliance with these standards, during a peak use period, unless the spring is subject to annual fluctuations, or there are complaints.

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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January 23, 2002

The Honorable Hugh Fate  
Alaska House of Representatives  
Room 416, Capitol Building  
Juneau, AK 99801

Dear Representative Fate:

Joe Hardenbrook from your office called this afternoon after the House Resources Committee hearing to set up a time for us to meet to discuss HB 263 tomorrow at 8 a.m. I thought it might be helpful to set down in writing for your consideration what our primary concern is with the bill.

As the term "flow-through hot springs pool" is defined, any pool that has as its water source hot springs water would have to meet the fecal coliform level established in the bill. We do not use this level for man-made concrete pools. In fact, the water quality standard for fecal coliforms has been established for recreational waters that are cool, like rivers and lakes. It was not established for hot springs waters, but we did choose to use it for the agreement with Chena for two reasons: first, it is the only fecal coliform standard that we had to refer to and second, we would not expect a hot spring at its source to have much in the way of fecal contamination because the water is likely too hot. Fecals grow best around body temperature.

Having said that, fecal coliforms are indicator organisms of fecal contamination. In a natural setting such as the rock lake at Chena Hot Springs, these could originate from water fowl and mammals, such as beaver and moose. They don't necessarily indicate human fecal contamination. Human pathogens that may be introduced into a natural environment don't compete well with other normal flora in the hot spring lake and may not survive and flourish.

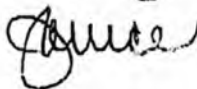
Fecal coliforms in a man-made pool are indicative of human fecal contamination because humans would be the only source for the fecal coliforms. With fecal contamination, you can have a variety of human pathogens. These could include bacteria such as *E. coli* and *Salmonella*, viruses such as Norwalk, and protozoa such as cryptosporidium. Even though the source of the water may be a hot spring, once in a man-made pool, you do not have competing normal flora to effect the growth and survival of pathogens. In fact, with water temperatures associated with man-made pools (100°F), you have water temperatures close to body temperature (98.6°) that would actually encourage their growth and survival. This is why the fecal coliform standard for a man-made pool is zero, whatever the source of water.

The Honorable Hugh Fate  
January 23, 2002  
Page Two

The proposed amendment in my letter to you of May 3, 2001 that would change the types of facilities covered by this bill from "flow through hot springs pool" to "natural hot springs" and "modified hot springs" covers all the hot springs in the state that you stated you wanted to help develop but does not cover man-made pools, which are what we are concerned about from a public health perspective.

I hope this information helps to explain our concern. I look forward to talking with you in the morning.

Sincerely,



Janice Adair  
Director

cc: House Resources Committee members

Oregon Revised Statutes

Note: Please scroll down below the section descriptions to access full text of each section.

Chapter 468B

1999 EDITION

Water Quality

WATER POLLUTION CONTROL

468B.093 General permit for discharge of geothermal spring water to surface water. (1) The Director of the Department of Environmental Quality shall issue a general permit for the discharge of geothermal spring water to surface water. The general permit shall cover any activity with the following characteristics:

- (a) The chemical nature of the water is not changed;
  - (b) The temperature of the water remains unchanged or is reduced; and
  - (c) The surface water into which the geothermal spring water is discharged is the naturally occurring junction of the geothermal spring water and surface water.
- (2) Nothing in subsection (1) of this section shall be construed to preclude the director from issuing a general permit for any other activity involving the discharge of geothermal spring water.
- (3) As used in this section, "geothermal spring water" means water that emerges naturally from the earth as a result of gravity flow or artesian pressure and that is capable of being used for heating as a result of the naturally occurring thermal characteristics of the water. [1997 c.547 s.2]

69th OREGON LEGISLATIVE ASSEMBLY--1997 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 1767

A-Engrossed

House Bill 2413

Ordered by the House May 28

Including House Amendments dated May 28

Sponsored by Representative JONES; Senator TIMMS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

{ - Exempts certain water used for geothermal heating purposes from requirement to obtain discharge permit. - }  
{ + Requires Director of Department of Environmental Quality to issue general permit for discharge of geothermal spring water into surface water if certain conditions are met. + }

A BILL FOR AN ACT

Relating to water used for geothermal heating.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Section 2 of this Act is added to and made a part of ORS chapter 468B. + }

SECTION 2. { + (1) The Director of the Department of Environmental Quality shall issue a general permit for the discharge of geothermal spring water to surface water. The general permit shall cover any activity with the following characteristics:

(a) The chemical nature of the water is not changed;

(b) The temperature of the water remains unchanged or is reduced; and

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(3) As used in this section, 'geothermal spring water ' means water that emerges naturally from the earth as a result of gravity flow or artesian pressure and that is capable of being used for heating as a result of the naturally occurring thermal characteristics of the water. + )

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Oregon Revised Statutes

Note: Please scroll down below the section descriptions to access full text of each section.

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- (b) The temperature of the water remains unchanged or is reduced; and
- (c) The surface water into which the geothermal spring water is discharged is the naturally occurring junction of the geothermal spring water and surface water.

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(3) As used in this section, "geothermal spring water" means water that emerges naturally from the earth as a result of gravity flow or artesian pressure and that is capable of being used for heating as a result of the naturally occurring thermal characteristics of the water. [1997 c.547 s.2]

ORS 536.220 to

536.540