



Public Pool Program

Subject: Hot Springs as Natural Bathing Places
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Issue:

A hot spring is a natural discharge of groundwater heated by the Earth's geothermal energy, with water temperatures typically higher than the surrounding environment. These, often mineral-rich, water sources are used for, but not limited to, therapeutic soaking, tourism, and scientific study. Common synonyms include thermal spring, warm spring, or geothermal pool. There are a wide variety of hot springs throughout Oregon, each having their own unique layout, usage, and access. There are number of hot springs in Oregon operated for swimming, recreational bathing, or wading. Many of these hot springs have historically been considered exempt from the requirement for pool plan review and licensing under the Oregon law exemption for "natural bathing places" (ORS 448.095).

Recently, hot springs operators have inquired whether plan review or licensing is required for planned modifications to their basins or bath houses. These questions prompted the need for additional clarification of the scope of the statutory exemption for "natural bathing places".

"Natural bathing places" is not further defined by the Oregon statute. OHA provides this document to help local public health authorities (LPHAs) determine whether a hot spring facility falls within the natural bathing place exemption.

Definitions:

- **Aquatic Venue:** Means an artificially constructed structure or modified natural structure where the public is exposed to water intended for recreational or therapeutic purpose and where the primary intended use is not watering livestock, irrigation, water storage, fishing, or habitat for aquatic life. Such structures do not necessarily contain standing water, so water exposure may occur via contact, ingestion, or aerosolization.
- **Flow-Through System:** Means tubs or basins are continuously filling with natural hot spring water. The continuous introduction of natural hot spring water distinguishes these from traditional pools and spas with recirculation systems.

- **Fill and Drain:** A basin that is drained and refilled with water between each bather.
- **Natural Bathing Place:** Includes natural bodies of water used for swimming, wading, or recreation. This may include lakes, rivers, oceans, ponds, and springs heated by geothermal activity with water temperatures above their surroundings.
- **Circulation System:** Means any man-made or non-natural system that causes water in a basin or tub to be recirculated back into a basin or tub.
- **Man-made Infrastructure:** Refers to any structure, system, or modification that is intentionally designed, constructed, or engineered by humans, rather than formed through natural geological or hydrological processes. In the context of a pool basin, this means the basin has been deliberately built, shaped, or altered using manufactured materials, as opposed to occurring naturally.

Criteria:

A hot spring facility is likely a natural bathing place if the facility:

1. Is in a fully natural surrounding with no man-made infrastructure; or
2. Has man-made infrastructure and:
 - a. Consists solely of a flow-through system, fill and drain system, or any combination of those systems; and
 - b. Does not have any circulation system.

If a facility has multiple basins and only some meet the criteria above, only the basins that meet the criteria are exempt.

These criteria are not exhaustive. You may contact OHA to discuss specific circumstances. OHA may update or amend this guidance.

References:

448.095 Natural bathing places exempt. No provisions of ORS 448.005 to 448.100 apply to natural bathing places.

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