

# **Georgia Department of Natural Resources**

2 Martin Luther King, Jr. Drive, S.E., Suite 1152 East Tower, Atlanta, Georgia 30334-9000

Noel Holcomb, Commissioner

Carol A. Couch, Ph.D., Director

Environmental Protection Division

Tel: 404.656.4713

March 22, 2005

Mr. Bill Hess  
Etowah Scenic River Committee  
236 Indian Cove Drive  
Dawsonville, Georgia 30534

Sent Via Fax to: 706.216.3795

Subject : Georgia Scenic River System  
Upper Etowah and Amicalola Rivers

Dear Mr. Hess :

You asked the Environmental Protection Division to provide your organization with our position on the impact designation of portions of the Amicalola River (Linsey Ford to the Etowah River) and the Upper Etowah River (approximately 6.8 miles within the City of Atlanta tract) as part of Georgia's Scenic Rivers System would have on wastewater dischargers and consumptive water users in the area. This letter is in response to your question.

As you are aware, the Georgia General Assembly is authorized under the Georgia Scenic Rivers System enabling legislation (12-5-532) to add waters to the System by Act or resolution. The Georgia Department of Natural Resources may recommend specific waters to the Governor and General assembly under the provisions of 12-5-353. Scenic rivers must be classified as either natural, pastoral, or recreational based on access and the degree of development along the river shoreline. My staff has advised me that you are considering pursuing recreational classification, and this response is based on that assumption.

Section 12-5-354 specifically prohibits construction of dams, reservoirs, or other structures impeding the natural flow of the waterway unless specifically authorized by an Act of the General Assembly. This section does not refer to either discharges of treated wastewater or consumptive use withdrawals from scenic rivers. To answer your question, our interpretation of this legislation is that designation of the Amicalola and Upper Etowah rivers as part of the Georgia Scenic River System would not have an impact on our evaluation and permitting procedures for water withdrawals and wastewater discharges unless structures associated with such facilities were to impede the natural flow of the rivers.

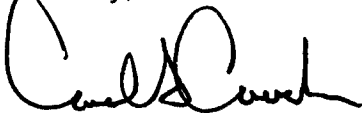
With this in mind, I would also make you aware of two sections of Georgia's Rules and Regulations for Water Quality Control, 391-3-6-.03(2) and 391-3-6-.03(6)(e) (copy attached), which reference to Outstanding National Resource Waters (ONRW) and Specific Criteria for Classified Water Usage, Scenic River. The first rule section requires that water quality in ONRWs be maintained and protected and that no new point source discharges or increases in pollutant discharges be allowed above permitted levels existing at the time of designation. The second rule section refers to waters with a use classification of Scenic River. For all waters designated as Scenic River under the Georgia Rules and Regulations for Water Quality Control, there shall be no alteration of natural water quality from any source.

That said, we know of no direct link between designation of the Amicalola or Etowah Rivers as part of the Georgia Scenic Rivers System legislation (12-5-532) and either a designation as ONRW or a water use classification of Scenic River under our Rules and Regulations for Water Quality Control. Unless the rivers were to be separately designated as ONRWs or classified as Scenic Rivers under our rules, our current water use classification and water quality standards would continue to apply to these waters, the permitted discharges, and the permitted water supply intakes.

One other consideration would be application of the Scenic River designation on traditional public uses of and access to the Amicalola and Upper Etowah Rivers in the Dawson Forest Wildlife Management Area, since the reaches for which you are seeking Scenic River designation are mainly within the Management Area boundaries. We do not anticipate any impacts on either the Management Area or its traditional public uses as long as these waters are designated recreational under the Georgia Scenic River System.

I trust this will answer your question regarding the impact of Scenic River designation on how we evaluate and permit dischargers and consumptive users. Please feel free to contact my office if you require additional information or clarification.

Sincerely,



Carol A. Couch, Ph.D.  
Director

Attachment

CAC/VW