

What is Antidegradation?

Antidegradation limits incremental lowering of water quality in lakes, rivers, and wetlands when applied during a permit review process. Any lowering of water quality must be found to be necessary to avoid substantial economic and social impacts. However, the surface water's uses and values established in State law, such as swimming, boating, and fishing, must always be maintained and protected. Also included among those uses and values are the use of a surface water by fish, wildlife, and other living things, as well as the physical habitat that supports aquatic life.

The antidegradation analysis and decision only occur as part of a permitting decision for a new or increased discharge to surface waters that are high quality. The antidegradation decision is shared with the public along with the draft permit decision. Antidegradation is required by the federal Clean Water Act and Vermont State Statute.



Antidegradation requires the maintenance of surface water uses and values such as swimming, boating, and fishing.

Frequently Asked Questions

What is a high quality water?

A high quality water is any lake, river, or wetland that meets or exceeds the minimum water quality criteria for its class. Surface waters can be considered as high-quality for some water quality parameters, like dissolved oxygen or temperature, and impaired for others, like total phosphorus.

How are cumulative impacts considered in an antidegradation analysis?

The existing quality of the receiving water, which reflects cumulative impacts resulting from upstream activities, is the benchmark upon which the proposed activity's impact to water quality is evaluated.

What economic and social factors could be considered in allowing lower water quality?

Examples include the median household income of affected community; economic gains or losses attributable to the proposed activity; contribution to social services; prevention or remediation of environmental or public health threats; the value of the water resources; and the impacts on environmental justice focus populations.

What permits require an antidegradation analysis and decision?

Any permit for a new or increased discharge when the activity being authorized must comply with the Vermont Water Quality Standards. This includes National Pollutant Discharge Elimination System (NPDES) direct discharge permits, NPDES Concentrated Animal Feeding Operation permits, state stormwater permits, wetland permits, and Section 401 Water Quality Certifications. For more information, visit <https://dec.vermont.gov/watershed/map/antidegradation>.

If water quality is being degraded in a river, lake, or wetland can antidegradation help stop it?

Maybe. Antidegradation only applies to high quality waters as part of a permitting decision for a new or increased discharge when compliance with the Vermont Water Quality Standards is evaluated. If the activity degrading water quality is not authorized through a permit, antidegradation would not apply. If the water is impaired for the parameter of concern, antidegradation would not apply. In this case, a separate evaluation of causes, and then development of a restoration plan is used.

Does antidegradation apply for authorizations under a general permit?

No. The antidegradation analysis and decision occurs when the general permit is issued. Activities that meet the conditions of the general permit and are authorized under the general permit also meet antidegradation.

How is the antidegradation analysis done for permits that rely on best management practices like stormwater permits?

For most activities authorized by a permit that relies on best management practices, antidegradation analysis is done at the time the best management practices are developed and the antidegradation decision is included in and noticed with the associated rule. Any permit issued under the best management practice rule (e.g., the Stormwater Management Manual Rule) would then meet the antidegradation requirements. The exception to this is in the highest quality watersheds. For activities that could impact the water quality in A(1) or B(1) rivers and lakes, an individual permit, including a site-specific analysis and antidegradation decision, is required.

If water quality data for a river or lake indicates it would meet or exceed the water quality criteria for a higher class – A(1) or B(1) – but the lake or stream has not been reclassified, would an individual permit be required?

Yes, if the Agency of Natural Resources has water quality data that supports reclassification or has received an administratively and technically complete petition to reclassify the surface water, and the proposed activity could impact the water quality, an individual permit would be required even if the surface water has not yet been reclassified.

Does antidegradation apply to agricultural activities, including permits for Small Farm Operations, Medium Farm Operations, and Large Farm Operations?

The Agency of Agriculture, Food, and Markets does not issue discharge permits; therefore, antidegradation does not apply. If the Required Agricultural Practices are implemented, there is a presumption that Vermont Water Quality Standards will be met.

Antidegradation applies only to NPDES Concentrated Animal Feeding Operation permits, which authorize certain discharges.

Does antidegradation apply to logging activities?

No. Logging activities do not require a permit therefore antidegradation does not apply. If the Accepted Management Practices for Maintaining Water Quality on Logging Jobs are implemented, there is a presumption that Vermont Water Quality Standards will be met.

Want to Learn More?

Visit <https://dec.vermont.gov/watershed/map/antidegradation>.

