

24 March 2025

Dear Members of the Environmental Committee,

I am writing to respectfully urge you to vote against SB 722, Department of the Environment – Definition of Ecological Restoration.

I am a retired USEPA water quality expert who represented our country on these issues for over two decades. I strongly oppose this bill, which misrepresents the restoration objective of the Clean Water Act (CWA).

To remind you, the objective of the CWA (Section 101(a)) is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The authors of the Act made it clear that the ultimate goal is improving biological integrity, which is dependent on maintaining chemical and physical integrity as well (see *The Integrity of Water*, 1975). Without biological integrity, chemical and physical improvements are meaningless.

This emphasis is reinforced in the second of the two overarching goals of the Act (Section 101(a)(2)), which aims for “water quality that provides for the protection and propagation of fish, shellfish, and wildlife, and provides for recreation in and on the water”—commonly referred to as the “fishable/swimmable” goal. That’s the heart of the CWA: the means (chemical and physical integrity) exist to achieve the end (biological integrity and a functioning ecosystem).

The purpose of the CWA was never to improve chemical and physical parameters for their own sake, but rather to support and restore living resources—the biology.

The main effect of this bill is to allow a project to focus on either chemical, physical, or biological improvements, rather than requiring all three. That approach is incompatible with an “ecological” focus and contradicts the purpose of the Clean Water Act. You cannot have ecological restoration without biological restoration.

Moreover, this bill appears to allow projects to qualify as “restoration” simply by having goals, even if those goals are not met. It seems to reward intentions rather than outcomes, and allows credit to be given for efforts that may even result in more harm. Worse, it gives discretion to pursue one of three vague objectives without requiring real accountability or results.

The wording of this bill leaves me with two possible conclusions: either the authors and supporters do not understand ecological restoration and the Clean Water Act, or this is a handout to the stream restoration industry—offering funding and credits without requiring performance measures or tangible improvements in aquatic life. Just give them the money and trust that whatever they claim they’re doing is sufficient.

Wasting taxpayer money while further degrading our ecosystems—and then awarding credits for doing so—might make Donald Trump and Elon Musk proud, but it also makes Maryland an easy target for criticism and even for federal funding review under DOGE. We simply cannot afford giveaways with negative returns on investment.

Please ensure Maryland does better. Reject this scheme. Demand real environmental and ecological progress—measurable biological improvements, protection and propagation of aquatic life—not just bureaucratic bean-counting and waste. That’s what I spent my career at the EPA fighting against, and it’s what Maryland needs to fight now.

Sincerely,

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