



Testimony in **OPPOSITION** of Senate Bill 688 – Environment – Stream and Floodplain Restoration Projects – Requirements and Limitations

Education, Energy, and the Environment Committee
February 27, 2026

Dear Chair Feldman and Members of the Committee,

We appreciate the opportunity to submit testimony in **STRONG OPPOSITION of SB 688** on behalf of Actaeon, LLC. We are a minority, woman-owned *family business* experienced in the construction and maintenance of aquatic habitat and water resource projects, including streams and floodplains. At Actaeon, our goal is to restore our ecosystems to the highest environmental and professional standard while rooted in a strong ecological foundation. SB 688 significantly impedes the ability of Maryland's watershed protection communities and partners, including local governments, non-profits, and private companies, to protect and restore our natural resources and meet water quality standards that improve the health of the Chesapeake Bay. Furthermore, this bill directly undermines the Clean Water Act and Whole Watershed Act. By prohibiting the use of stream restoration projects towards meeting MS4 permit and Chesapeake Bay TMDL requirements, SB 688 is firmly disagreeing with federal regulations under the Clean Water Act that require state and local governments to utilize adaptive, whole watershed approaches which reduce nutrient and sediment loading. This bill also directly contradicts the Maryland Whole Watershed Act, which is based on science-driven facts that show us how paramount in-stream and floodplain restoration techniques are in Maryland's impaired and impervious watersheds. Ultimately, it is our position that this bill harms the Chesapeake Bay, all Maryland tributaries and our vibrant community and economy.

The Consequences of SB 688

SB 688's aim to limit stream channel restoration practices in Maryland and emphasis on non-stream-based stormwater management practices is misguided. While we recognize the importance of these stormwater management practices, these are often most effective in combination with stream channel alterations and on their own cannot attain the level of value that stream restorations hold. We perform restoration work in some of the most degraded and overdeveloped watersheds in Maryland and regularly observe extreme bank erosion, channel scour and gully formation. The cause is increasing rates of development which rapidly increases impervious surfaces and piped stormwater that overwhelm natural streams. It is a narrow opinion that the singular use of stormwater management practices built at the source of stormwater runoff (i.e., before it enters a stream) will have effects on existing streams that are severely degraded. Regardless of the use of a stormwater management practice, such as a pond, to capture some runoff, our streams will continue to experience flowing water. Given the state of our streams, evidence which points towards a future of more extreme storm events and rapidly increasing imperviousness in our catchments, these practices alone will NOT be sufficient to reduce nutrient and sediment loading. If this bill is enacted, inevitable overflow events at these BMPs will simply lead to continual erosion of existing streams. **We present to the Committee the ecological, human health and economic consequences of SB 688:**

- Increased rates of erosion throughout Maryland catchments which will:
 - Continue to lower stream bottoms which drain groundwater, limit recharge, and ultimately dry out land and worsen drought conditions; and
 - Destabilize all property types and increase the risk of erosion and flooding.

- Increased nitrogen, phosphorus and sediment loading in downstream systems including the Bay which will:
 - Increase the risk of harmful algal blooms;
 - Increase rates of disease for fish and other key members of food webs;
 - Significantly decrease dissolved oxygen, leading to massive die offs of organisms such as vegetation, fish, shellfish, and other important invertebrates;
 - Decrease light penetration and ultimately smother submerged aquatic vegetation and other important benthic organisms; and
 - Threaten water resource usage such as drinking water and recreational and industrial use.
- Degrade local habitat which will:
 - Threaten protected and endangered species, including migratory birds which are protected under federal law;
 - Significantly reduce biodiversity since in-stream restoration practices are proven to improve biodiversity, especially in degraded systems^{1,2,3}; and
 - Decrease already struggling oyster⁴ and blue crab yields via habitat degradation and poor water quality conditions leading to negative economic outcome.
- Decrease construction jobs, STEM training opportunities and remove an important local economic support of material and supplies businesses.^{5,6,7}

SB 688 Lacks Broader Perspective

Given the breadth of water resource concerns, it is our opinion that this **bill does NOT account for the ability for in-stream restoration practices to mitigate the numerous threats to hydrological conditions and ecosystem and human health in Maryland posed by growing rate of development.** About 830,000 Maryland residents rely on private wells, which pull from groundwater, for their drinking water.⁸ By impeding municipalities from being able to install in-stream restoration techniques and protect Maryland residents' access to groundwater, this bill is actively harming Maryland constituents. Under this bill, we will actively allow our stream channels to degrade and impact groundwater availability. This is not only an ecological issue, but a threat to human health since we rely on groundwater for drinking water and other uses. Furthermore, flooding was noted above as a major consequence of this bill. **Increasing the incidence of flooding**, especially in areas where this bill's stormwater BMP emphasis is less applicable (i.e., rural areas where in-stream and floodplain restoration are relevant and NEEDED), will **harm human safety and health**. Therefore, this bill is also in direct conflict with the 2023 Maryland Private Well Safety Act, which aims to protect Maryland residents' access to clean drinking water, especially those on the Lower Eastern

¹ The State of the Science and Practice of Stream Restoration in the Chesapeake: Lessons Learned to Inform Better Implementation, Assessment, and Outcomes. (2024, November 4). *STAC Publication (Number 24-006)*. https://www.chesapeake.org/stac/wp-content/uploads/2024/11/STAC-Report_Stream-Restoration_24-006-1.pdf

² Protecting and restoring habitats to benefit freshwater biodiversity. (2023, July 23). *Environmental Reviews*. <https://cdnsiencepub.com/doi/full/10.1139/er-2023-0034>

³ The role of stream restoration in enhancing ecosystem services. (2022, July 4). *Hydrobiologia*. <https://link.springer.com/article/10.1007/s10750-022-04918-5>

⁴ Maryland oyster season collapse prompts calls for federal disaster aid. (2026, February 8). *Baltimore Sun*. <https://www.baltimoresun.com/2026/02/08/maryland-oyster-season-collapse-disaster-relief/>

⁵ The Economic Case for Watershed Restoration. (2025, May 5). *Stroud Water Research Center*. <https://stroudcenter.org/news/the-economic-case-for-watershed-restoration/>

⁶ Assessing the size and growth of the US wetland and stream compensatory mitigation industry. (2023, Sept 27). *PLOS One*. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0285139>

⁷ Socio-economic Benefits of Habitat Restoration. (n.d.). NOAA. https://media.fisheries.noaa.gov/dam-migration/factsheet_socioeconomic_benefits_habitat_restoration.pdf

⁸ A Legislative Win for Marylanders Who Drink Private Well Water. (2023, April 11). *Center for Progressive Reform*. <https://progressivereform.org/cpr-blog/a-legislative-win-for-marylanders-who-drink-private-well-water/>

Shore where nitrate levels are increasing due to agricultural land use⁸. Nitrate is not the only concern following flooding events (which are common in agricultural areas, especially on the Coastal Plain of Maryland)⁸. Bacterial contamination rates in private wells are exceedingly common.

In a similar vein, sewer overflow events and failing infrastructure are becoming increasingly common⁹. Maryland sewer infrastructure has historically been designed to integrate sanitary sewer overflows into the natural topography of our catchment basins to facilitate the conveyance of sewer overflow away from human populations. As such, many Maryland sewer pipelines eventually intersect with streams. A large component of urban stream restoration also includes the need to restore or mitigate sewer or water line issues within relevant catchment areas. These projects are paramount in protecting drinking water and repairing failing infrastructure. This bill will severely limit the ability of MDE to fund programs like WSSC Water's Sustainable Sewer Solutions (S3) Program which aims to "rehabilitate aging sewer infrastructure, decrease sanitary sewer overflows, and protect local waterways."¹⁰ Ultimately, this bill will **harm the ability of the state of Maryland to protect ecological and human health**, and it **completely ignores the evidence-based, effective frameworks developed over decades by multitudinous numbers of scientists and professionals to protect and restore the Chesapeake Bay**.

Our Request

SB 688 is in conflict with the Clean Water Act, Maryland's Whole Watershed Act and Private Well Safety Act, threatens Maryland's already aging infrastructure and Maryland's restoration economy and ability to compete for federal funding, and would damage the human health and the health of the Chesapeake Bay demoting proven and effective science-supported restoration tools. For these reasons, we respectfully but vigorously urge the Committee to issue an **UNFAVORABLE report on SB 688**.

Respectfully submitted,



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⁹ The latest updates from the Potomac Interceptor Sewage Spill. (2026, February 20). *Potomac Conservancy*.
<https://potomac.org/blog/2026/1/30/potomac-interceptor-sewage-spill-updates>

¹⁰ Sustainable Sewer Solutions (S3) Program. (2026, January 21). WSSC Water. <https://www.wsscwater.com/S3-program#mc>