

Jeff Starling
Secretary of Energy & Environment



J. Kevin Stitt
Governor

STATE OF OKLAHOMA
OFFICE OF THE
SECRETARY OF ENERGY & ENVIRONMENT

January 5, 2026

Submitted via: *The Federal eRulemaking Portal:* <http://www.regulations.gov>

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

RE: U.S. Environmental Protection Agency's (EPA's) and the U.S. Army Corps of Engineers' Proposed
Updated Definition of "Waters of the United States," EPA Docket ID No. EPA-HQ-2025-0322

Dear Administrator Zeldin:

Enclosed with this letter are comments submitted by my office and the Oklahoma Department of Environmental Quality (ODEQ) in response to the U.S. Environmental Protection Agency's (EPA) and the U.S. Army Corps of Engineers' Proposed *Updated Definition of "Waters of the United States,"* EPA Docket ID No. EPA-HQ-2025-0322 (November 20, 2025). Oklahoma appreciates this opportunity to provide comments on this proposal, as well as EPA's consideration of said comments.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Starling".

Jeff Starling
Secretary of Energy and Environment
State of Oklahoma

Comments on EPA’s and USACE’s Proposed Updated Definition of “Waters of the United States,” EPA Docket ID No. EPA-HQ-OW-2025-0322

Submitted by:

**Oklahoma Secretary of Energy and Environment and
Oklahoma Department of Environmental Quality**

The Oklahoma Secretary of Energy and Environment and the Oklahoma Department of Environmental Quality (together referred to hereafter as “Oklahoma”) welcome the opportunity to comment on the United States Environmental Protection Agency’s (“EPA”) and the Department of the United States Army Corps of Engineers’ (“USACE”) proposed rule entitled *Updated Definition of “Waters of the United States,”* which revises the definition of the Waters of the United States (“WOTUS”) under the Clean Water Act (“CWA”), 90 Fed. Reg. 52498 (November 20, 2025). Oklahoma appreciates that the proposed rule better aligns the definition of WOTUS with the United States Supreme Court’s decision in *Sackett v. EPA*, 598 U.S. 651 (2023). The proposed rule provides greater clarity, consistency, and predictability in implementing the CWA for the Federal government, States, Tribes, the public, and regulated entities. On behalf of the State of Oklahoma, please accept the following comments related to this rulemaking.

The proposed rule reflects the CWA’s cooperative federalism scheme by recognizing that States have the primary responsibility for overseeing and protecting the waters within their borders. Oklahoma already has a robust and comprehensive statutory and regulatory framework for “waters of the state” that is significantly broader than the prior WOTUS definitions. Under Oklahoma law, “waters of the state” is defined as “all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof.” 27A O.S. §1-1-201(20). Given the broad definition of Oklahoma’s waters of the state and the established programs already administered by Oklahoma’s environmental agencies, Oklahoma is well-positioned to protect its water resources, regardless of the definition of WOTUS.

The proposed rule respects Oklahoma’s right to protect the waters within its borders in a manner that is consistent with the United States Constitution and statutes, and it allows Oklahoma the flexibility to ensure public health, safety, and economic prosperity. The proposed rule allows Oklahoma to more efficiently manage its water resources to reflect Oklahoma’s unique local needs, conditions, and priorities. The proposed rule establishes a clearer division of duties between Federal and State regulators, consistent with 33 U.S.C. § 1251(b). *See*, 33 U.S.C. § 1251(b) (“It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use

(including restoration, preservation, and enhancement) of land and water resources . . .”) The clarity offered by the proposed rule benefits regulated parties, landowners, the public, States, and the Federal government by ensuring predictability. Improved predictability allows the States and the Federal government to perform their respective responsibilities more efficiently and effectively.

In addition to the statements above, Oklahoma encourages EPA to use advances in technology (such as satellite imaging, fly overs, artificial intelligence, etc.) to compile data into a mapping tool that would enable all parties to easily ascertain Waters of the U.S. This would provide more clarity to supplement and assist in applying the amended and new definitions in the proposed rule.

Oklahoma appreciates this opportunity to comment on the proposed rule and the agencies’ proposal of a framework that provides the necessary certainty and protects both water quality and the states’ role in the protection of such water quality within their boundaries.