



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

August 8, 2022

Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

RE: Clean Water Act Section 401 Water Quality Certification Improvement Rule
Docket ID EPA-HQ-OW-2022-0128

Dear Administrator Regan:

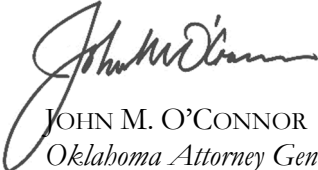
I submit these comments in response to your invitation in the above-captioned docket.

I agree with (1) the comments submitted by the Oklahoma Secretary of Energy and Environment and the Oklahoma Department of Environmental Quality and (2) the comments submitted by a coalition of states led by Louisiana. I join their respective comments by my letter here.

I write separately to address the issue of tribes being treated in a similar manner as a state. Oklahoma reads the proposed provisions regarding “treatment in a similar manner as a state” as still subject to the additional requirements of SAFETEA, Pub. L. 109-59, 119 Stat. 1144, 1937, when applied in Oklahoma. If EPA intended any other interpretation, Oklahoma would ask that such interpretation be made explicit, as Oklahoma would oppose any understanding that conflicts with SAFETEA.

I appreciate the opportunity to comment on your proposed rule, and I look forward to reviewing your response to the comments incorporated here by reference and to my additional comment.

Sincerely,


JOHN M. O'CONNOR
Oklahoma Attorney General