



Updated Definition of Waters of the United States

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September 2026 Supplemental Notice of Proposed Rulemaking

On September 4, 2026, the U.S. Environmental Protection Agency and the Department of the Army (“the agencies”) announced the signing of a Supplemental Notice of Proposed Rulemaking (SNPRM) to gather input on additional regulatory alternatives they will consider alongside the 2025 *Updated Definition of “Waters of the United States”* proposed rule. A 30-day comment period for the SNPRM will open upon its publication in the *Federal Register* (FR). The purpose of this supplemental proposal is to provide an opportunity for public input on the new regulatory alternatives that the agencies will consider along with the regulatory revisions proposed in 2025 as they develop a final rule to fully implement the Supreme Court’s 2023 decision in *Sackett v. EPA*.

- Supplemental Proposed Revisions to the Updated Definition of “Waters of the United States” (Pre-publication Version) (pdf)
<https://www.epa.gov/system/files/documents/2026-09/wotus_snprm_9-2026_0.pdf> (498.96 KB)

Additional Materials

- Access Docket No. EPA-HQ-OW-2025-0322 <<https://www.regulations.gov/docket/epa-hq-ow-2025-0322>>
- Press release on the supplemental proposal <<https://epa.gov/newsreleases/epa-and-army-see-additional-input-proposed-waters-us-definition-while-advancing>>

-  Public Fact Sheet for the 2026 Supplemental Proposed WOTUS Rule (pdf)
<https://www.epa.gov/system/files/documents/2026-09/wotus_snprm_factsheet_508c.pdf> (131.69 KB)

November 2025 Notice of Proposed Rulemaking

On November 17, 2025, the agencies announced the signing of a proposed rule to revise the definition of “waters of the United States.” This proposal would implement the Supreme Court's decision in *Sackett v. EPA*. The agencies intend the proposed rule to play a key role in EPA’s Powering the Great American Comeback initiative by protecting water resources, strengthening cooperative federalism, and supporting American industry, energy producers, the technology sector, farmers, ranchers, developers, businesses, and landowners.

In developing the proposed rule, EPA and the Army reviewed and considered the extensive feedback and recommendations the agencies received from States, Tribes, local governments, and stakeholders throughout consultations and the pre-proposal recommendations docket and listening sessions.

On November 20, 2025, the proposed rule *Updated Definition of "Waters of the United States"* published in the *Federal Register* (FR). The 45-day comment period closed on January 5, 2026. Read comments on the proposed rule here. [🔗](#)

<<https://www.regulations.gov/document/epa-hq-ow-2025-0322-0001/comment>>

-  Proposed Rule: Updated Definition of "Waters of the United States" (pdf)
<https://www.epa.gov/system/files/documents/2025-11/updated_definition_wotus_nprm.pdf> (525.49 KB, November 20, 2025)

Additional Materials

- Supporting Materials are available in Docket No. EPA-HQ-OW-2025-0322 [🔗](#)
<<https://www.regulations.gov/docket/epa-hq-ow-2025-0322>>
- Press Release <<https://epa.gov/newsreleases/epa-army-corps-unveil-clear-durable-wotus-proposal>>

- Proposed Rule Fact Sheets
 -  Public Fact Sheet for the 2025 Proposed WOTUS Rule (pdf)
<https://www.epa.gov/system/files/documents/2025-11/public_factsheet_wotus_nprm.pdf> (161.71 KB)
 -  Agricultural Fact Sheet for the 2025 Proposed WOTUS Rule (pdf)
<https://www.epa.gov/system/files/documents/2025-11/ag_factsheet_wotus_nprm.pdf> (140.14 KB)
- Frequent Questions <<https://epa.gov/wotus/frequent-questions-wotus-proposed-rule>>
-  Proposed Rule Updated Definition of Waters of the United States Overview Presentation (pdf) <https://www.epa.gov/system/files/documents/2025-12/wotus-proposed-rule_508c.pdf> (9 MB)
-  Regulatory Impact Analysis for the Proposed Rule (pdf)
<https://www.epa.gov/system/files/documents/2025-11/11132.1-01-ow_wotus_nprm_ria_20251110_508.pdf> (2.98 MB)
- Public Outreach and Stakeholder Engagement Activities <<https://epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities>>
-  Federalism Consultation Report for the Proposed Rule (pdf)
<https://www.epa.gov/system/files/documents/2025-11/wotus_federalism_consultation_summary_final_nprm.pdf> (551.2 KB)
-  Tribal Consultation and Engagement Report for the Proposed Rule (pdf)
<https://www.epa.gov/system/files/documents/2025-11/summary_report_tribal_consultation_nprm_final.pdf> (721.13 KB)
-  Summary of Pre-proposal Listening Sessions (pdf)
<https://www.epa.gov/system/files/documents/2025-11/pre-proposal_listening_sessions_summary_report_final.pdf> (438.38 KB)

Last updated on September 4, 2026