



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 12 2019

OFFICE OF WATER

300183

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
December 16, 2019
Part of
Public Record

Dear Ms. Brown:

On behalf of the Environmental Protection Agency's (EPA) Office of Water, this letter is in response to the petition for declaratory order filed by the Association of American Railroads (AAR) on November 27, 2019. The EPA is aware that the AAR's petition raises important questions regarding the interplay of the Surface Transportation Board's (STB) jurisdiction over transportation by rail carrier and the applicability of the Clean Water Act (CWA) National Pollutant Discharge Elimination System permit program to incidental discharges of commodities from railcars. If the STB chooses to take further action with respect to the petition, the EPA respectfully requests that the agencies coordinate on the CWA-related issues raised in the petition, and that the STB allows interested stakeholders the opportunity to comment on the issues raised in the petition.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross", is positioned below the word "Sincerely,".

David P. Ross
Assistant Administrator