



Surface Transportation Board
Washington, D.C. 20423-0001

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December 19, 2019

ENTERED
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December 20, 2019
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Public Record

The Honorable Michael B. Enzi
United States Senate
379-A Russell Senate Office Building
Washington, DC 20510

The Honorable John Barrasso, M.D.
United States Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Liz Cheney
United States House of Representatives
1416 Cannon House Office Building
Washington, DC 20515

Dear Senator Enzi, Senator Barrasso, and Representative Cheney:

Thank you for your recent letter regarding the petition filed in Association of American Railroads—Petition for Declaratory Order, Docket No. FD 36369, which raises the issue of preemption of the Clean Water Act's discharge prohibition and related permitting requirements concerning rail cars. In the alternative to issuing a declaratory order, the Association of American Railroads asks that the Board institute a proceeding to consider public comments on that issue. We appreciate knowing your views on the matter.

While we cannot comment on the merits of the petition because it is currently pending before the Board, please know that we are carefully reviewing all filings submitted in the record. Your letter, along with this response, will be entered into the docket.

Again, thank you for taking the time to inform us of your views. If you or your staff have any questions, please contact us or Lucille Marvin, the Board's Director of the Office of Public Assistance, Governmental Affairs, and Compliance, at (202) 245-0238.

Sincerely,

Ann Begeman
Chairman

Patrick Fuchs
Vice Chairman

Martin Oberman
Board Member