



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

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Office of Proceedings
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December 19, 2019

The Honorable John Hoeven
United States Senate
338 Russell Senate Office Building
Washington, DC 20510

The Honorable Kelly Armstrong
United States House of Representatives
1004 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin Cramer
United States Senate
400 Russell Senate Office Building
Washington, DC 20510

The Honorable Greg Gianforte
United States House of Representatives
1222 Longworth House Office Building
Washington, DC 20515

The Honorable Steve Daines
United States Senate
320 Hart Senate Office Building
Washington, DC 20510

Dear Senator Hoeven, Senator Cramer, Senator Daines, Representative Armstrong, and Representative Gianforte:

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