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February 20, 2008

Louise Bardy
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

**Subject: Progress Report for Week Ending February 15, 2008
BNSF Skykomish Cleanup - Consent Decree No. 07-2-33672-9**

Dear Louise,

This progress report is submitted on behalf of BNSF Railway Company (BNSF) pursuant to Section XI of Consent Decree No. 07-2-33672-9 (Consent Decree) for the week ending February 15, 2008 and provides:

- A list of on-site activities that have taken place during the week
- Detailed description of any deviations from tasks required by the Consent Decree not otherwise documented in project plans or amendment requests
- Description of all deviations from the Cleanup Action Plan (CAP) and schedule contained therein, during the reporting period and any planned deviations in the upcoming month
- For any deviations in the schedule, a plan for recovering lost time and maintaining compliance with the schedule
- All raw data (including laboratory analyses) received by BNSF during the reporting period and an identification of the source of the sample, unless Ecology agrees that submitting raw data is not necessary at that time, and
- A list of deliverables for the upcoming reporting period if different from the schedule.

Additionally, this report also provides a list of remedial design and planning activities as you requested in our meeting on Friday, January 11, 2008.

On-Site Levee Restoration Activities

- Levee railing installation and levee light fixture installation will take place once weather conditions allow. Currently the light fixtures are scheduled to be installed the week of February 25th.
- Due to above average snow pack, the remaining levee planting will likely take place in June or July due to the potential for higher than normal snowmelt to wash away the plants this spring. BNSF will formally request an extension of the deadline for completion of planting.

On-Site Remedial Design and Planning Activities

- No activity.

Upcoming On-Site Work

- Green Earthworks will remobilize to the site weather permitting for the additional limited railyard excavation.
- SHKS will complete historic documentation and structural assessment work on the McEvoy House pending access.
- BNSF has requested permission from Ecology to postpone the semi-annual groundwater sampling and gauging until March because a number of wells are inaccessible due to snow cover. Monthly gauging will not be possible in February due to inaccessible wells. Currently we anticipate performing the semi-annual and bimonthly monitoring concurrently in March.

Raw Data

- No data have been received during the reporting period.

Deviations

The revised draft HCC design details were presented to Ecology at the February 20th meeting (instead of 30 days after the December 28th comments, or January 22, 2008) in order to be able to incorporate final gate locations, recovery and extraction well configurations and pumping rates, final wall alignment and concrete vaults into the report. The design will be documented in the Plans and Specifications, addenda to the Plans and Specs and in the revised draft HCC Special Design Report to be submitted to Ecology on or near March 7, 2008.

BNSF will formally request an extension of the March 31, 2008 deadline specified in Exhibit E of the CD for completion of levee planting.

Additional Remedial Design and Planning Activities

- Revising the HCC Special Design Report based on comments received from Ecology on Thursday December, 28th and Thursday, January 10th. The revised draft HCC Special Design Report will be submitted to Ecology on or near March 7, 2008 to allow time for completion of plans and specifications and addenda to the plans and specs.
- Preparing 2007 Supplemental Design Investigation Report for submittal to Ecology.
- Preparing the NPDES modification package for submittal to Ecology.
- Plans and specifications will be issued to prospective bidders on Friday, February 22nd.

Sincerely yours,

Louise Bardy
Page 3



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cc: Amy Essig Desai- Farallon Consulting
Angie Thomson, Lauren Stensland, Hillary Johnson - Enviroissues
Brad Petrovich, Brian Sato, Ron Timm – Ecology
Bruce Sheppard – BNSF
Chris Yates, Clint Stanovsky – Town of Skykomish
Craig Trueblood – K&L Gates
Daryl Petrarca – Adapt Engineering, Inc.
David Carson – Bell & Ingram, P.S.
Desiree Gould – Skykomish School Superintendent
Gary West – Skykomish Resident
John Robinson – US Forest Service
Larry Johnson – Light Brigade
Michael Moore – Skykomish Environmental Coalition
Tom Bean – King County
Dave Fischer- Landau
Mike Byers, Steve Howard, John Guenther, Halah Voges Mark Havighorst, Winston Chen,
Joyce Sheldon, Ericka Camp, File BN050-19390 and 16423 – ENSR