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May 7, 2008

Brian Sato, P.E.
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

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

Dear Brian,

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 May 2, 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 Activities

- Installation of railing along the levee is in progress.
- Well abandonment within the 2008 excavation area was completed.
- NVL performed hazardous materials assessment on buildings to be relocated.
- Monthly fluid level gauging.

Upcoming On-Site Work

- Historic documentation, structural assessment, and landscape surveying of the McEvoy House is scheduled for the week of May 5th.
- Green Earthworks is scheduled to remobilize to the site the week of May 5th for the limited railyard excavation and demolition of the trailer on the BNSF property north of Old Cascade Highway.

Raw Data

- No laboratory data were received during the reporting period.

Deviations

- There are no deviations from the Consent Decree, CAP or schedule to report at this time.

Document Preparation

- Revising the Remedial Design Investigation Report, Compliance Monitoring Plan, Groundwater Monitoring Plan and HCC Special Design Report based on Ecology's comments.

Permitting

- Ecology indicated they do not have any preliminary comments on the Draft JARPA or Draft Former Maloney Creek Special Design Report. Therefore, we are preparing JARPA for submittal to Corps of Engineers.
- BNSF submitted a request to Ecology to modify their NPDES permit on March 7, 2008. BNSF is awaiting receipt of the draft NPDES permit.

Additional Remedial Design and Planning Activities

- BNSF is finalizing arrangements to relocate the residents affected by the 2008 construction.
- BNSF is finalizing access agreements for properties affected by the 2008 construction.
- Finalizing concrete vault and steel screens details prior to their manufacture.
- PSE and Verizon continue working on design of temporary by-pass and final configuration.

Brian Sato
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Sincerely yours,



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cc: Amy Essig Desai- Farallon Consulting
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Brad Petrovich, Louise Bardy, 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, Sarah Albano, Mark Havighorst, Winston Chen,
Joyce Sheldon, Ericka Camp, File 01140-204 and 01140-144 – ENSR