

ENSR
1011 SW Klickitat Way, Suite 207, Seattle, WA 98134-1162
T 206.624.9349 F 206.624.2839 www.ensr.aecom.com

May 14, 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 9, 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 9, 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

- Wilder Construction finished installing the levee railing.
- Historic documentation and structural assessment of the McEvoy House completed.
- Green Earthworks began the limited railyard excavation.
- Landscape surveying of properties affected by the 2008 work was completed.

Upcoming On-Site Work

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- Asbestos abatement and demolition of the trailer on the BNSF property north of Old Cascade Highway is scheduled for next week.
- Green Earthworks will complete the limited railyard excavation.

Raw Data

- Gauging data collected during the monthly gauging have been reported via VPM.

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, and Groundwater Monitoring Plan based on Ecology’s comments.

Documents Pending Agency Review

Document Title	Submittal Date	Awaiting Agency Action
NPDES permit modification request	March 6, 2008 (with follow-up information submitted on March 24, April 24 and May 9, 2008)	Issuance of draft permit for review and public comment
EDR Amendment #2	May 6, 2008	Review and comment; approval
Draft FMC SDR	April 17, 2008	Review and comment; approval
HCC Treatment building and system bid documents	May 5, 2008	Review and comment
Revised redline/strikeout text for HCC SDR	May 9, 2008	Review and comment; approval

Permitting

- 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.

Sincerely yours,

Brian Sato
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Sarah Albano, P.E.
Project Engineer
salbano@ensr.aecom.com

cc: Amy Essig Desai- Farallon Consulting
Angie Thomson, Lauren Stensland, Hillary Johnson - Enviroissues
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 Pischer- Landau
Mike Byers, Steve Howard, John Guenther, Halah Voges, Mark Havighorst, Winston Chen,
Joyce Sheldon, Ericka Camp, File 01140-204 and 01140-144 – ENSR