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June 18, 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 June 13, 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 June 13, 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

- The temporary railing along the streetside of the levee has been replaced while sections of the railing are remanufactured. The new railing is expected to be ready for installation in mid-July.
- Overburden sampling began on Monday, June 9th.
- Strider continued site preparation work. This work included preparing the buildings and Town Park kiosk for relocation, preparing the soil handling facility, testing of the temporary water bypass line, installing temporary facilities and controls, and stockpiling sheetpile.
- Other on-site activities included photographing the exterior of buildings in the vicinity of the construction and abatement of asbestos containing material at the Depot.
- WSDOT replaced the United States Coast and Geodetic Survey benchmark (BM Z58) which was within the 2008 excavation footprint.

Upcoming On-Site Work

- Strider will continue to do site preparation work including grading the overburden stockpile area, paving the railroad crossings, preparing the buildings for relocation, stockpiling sheetpile, and patching of the soil handling facility.
- Converting well MW-17 (in the soil handling facility on the railyard) to flush mount.
- Verizon will be relocating the utility pole near the intersection of 5th and Railroad to facilitate the excavation.

Raw Data

Overburden sample results received during the reporting period have been posted to VPM.

Deviations

The restoration of the levee will not be complete by July 31 due to certain plant stock not being available. BNSF will submit a letter requesting an extension for levee restoration.

BNSF continues to discuss access issues with the Town related to work on the west end of RR Avenue and Sixth Street. BNSF also submitted 2008 EDR Modification #1 to Ecology proposing alternative mitigation for closure of the 5th Street crossing. If access or permits are denied for work currently scheduled for early June, this may lead to a delay in portions of the work.

Document Preparation

- Submitted revised School Comparative Physical Testing Study Work Plan to Ecology on Monday, June 9th.
- Submitted revised School Pilot Testing Schedule to Ecology on Thursday, June 12th.

- Submitted 2008 EDR Modification #1 to Ecology proposing alternative mitigation for closure of the 5th Street crossing. Ecology did not approve this modification, however BNSF asked Ecology to re-evaluate their response.
- Submitted and received Ecology approval of the 2008 EDR Modification 2 (changing the depot storage location).

Documents Pending Agency Review

Document Title	Submittal Date	Awaiting Agency Action
Draft 2007 Levee Interim Action As-Built Report	Initial submittal August 31, 2007; supplemental information submitted January 25, 2008	Review and comment; approval
NPDES permit modification request	Initial submittal March 6, 2008; supplemental information submitted March 24, April 24 and May 9, 2008	Issuance of final anticipated after public comment period closes on June 27, 2008.
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; revised figures and appendices submitted on May 30, 2008; revised Appendix B submitted on June 6, 2008	Text verbally approved as final by Ecology on May 30; awaiting written approval of text, figures and appendices
Draft Groundwater Monitoring Plan	May 17, 2008	Review and comment; approval
Compliance Monitoring Plan	June 5, 2008	Review and approval
Final Draft Comparative Physical Testing Work Plan	June 9, 2008	Review and approval

Permitting

- BNSF is waiting for Ecology comment on the Former Maloney Creek Special Design Report prior to submitting the Joint Aquatic Resource Permits Application (JARPA) for the 2009 cleanup work in the Former Maloney Creek Wetland.
- The Town Design Review Board approved the Historic Building (informational) Permit Applications for each of the buildings to be moved in 2008 on Wednesday, June 11th.
- BNSF is reviewing the NPDES permit during the 30-day comment period which ends on June 27th.
- Land clearing permit, grading permit, and right of way/use permit application for 2008 scope of work submitted to the Town on April 24, 2008.

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Additional Remedial Design and Planning Activities

- BNSF is finalizing access agreements for properties affected by the 2008 construction.
- Washington Department of Fish and Wildlife approved the boulder turbidity mitigation option from the November 2006 Turbidity Mitigation Plan (prepared by Grette Associates). BNSF is waiting for Ecology to assign a new project contact for this work.

Sincerely yours,



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Project Engineer
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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
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