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July 2, 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 27, 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 27, 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

- Overburden sampling continued this week. An updated table indicating which grids have been sampled and which grids are suitable for re-use has been posted with the daily log via VPM.
- 2008 Remediation work included:
 - Closing the 5th Street and Railroad Avenue intersection and opening the temporary public crossing at the west end of the construction area.

- Nickels Brothers moved the Depot on June 21st, the McEvoy House on June 24th, and the Whistling Post on June 27th to their temporary locations.
 - Overburden sampling on the southern half of Railroad Avenue has been completed. Overburden has been excavated along Railroad Avenue west of the intersection with 5th Street.
 - Driving sheetpile along the eastern jack and bore pit using a vibratory and an impact hammer. Some pre-excavation for sheetpile installation has been completed. Delivery of sheetpile continues.
 - Mobilizing the construction water treatment plant. Anticipated discharge on July 7th, assuming NPDES permit is issued by then.
 - Utility bypass crews working on installing the temporary construction bypass for power and communications.
- Levee Zone groundwater sampling was completed on June 24th.

Upcoming On-Site Work

- Installation of the final railing on the levee is anticipated to take place in July.
- Planting of ninebark container stock on the levee will take place as soon as river level conditions allow.
- Overburden excavation and sheetpile driving will continue.
- Finish construction of the construction water treatment plant.

Raw Data

Air monitoring 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.

Document Preparation

- Submitted revised Compliance Monitoring Plan and Sampling and Analysis Plan on June 25th and received Ecology approval of the revisions on June 27th.
- Submitted revised Air and Noise Monitoring Plan to Ecology on June 27th.

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- Producing final copies of the Hydraulic Containment and Control System Special Design Report, Compliance Monitoring Plan, and Sampling and Analysis Plan.
- Revising the Former Maloney Creek East Wetland Special Design Report and Restoration Plan and Groundwater Monitoring Plan based on Ecology comments.

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.
HCC Treatment building and system bid documents	May 5, 2008	Review and comment
Final Draft Comparative Physical Testing Work Plan	June 9, 2008	Review and approval

Additional Remedial Design and Planning Activities

- 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 selecting the location for the boulder placement and is preparing specifications on the construction and placement of the boulders as directed by Chance Asher of Ecology.

Sincerely yours,



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

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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 01140-204 and 01140-144 – ENSR