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July 30, 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 July 25, 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 July 25, 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 on VPM.
- 2008 Remediation work included:
 - Walked along levee with Town and discussed plant maintenance.
 - Driving sheetpile along Railroad Avenue using vibratory and impact hammers continued. Tie-backs continue to be installed.

- Verizon raised their line at 5th and Railroad after sheet pile operations in the area.
- The construction water treatment system is now operational, but not currently treating or discharging water.
- ENSR completed the following monitoring activities, as described in the 2008 CMP.
 - **Protection monitoring** required by MTCA regulations to confirm that human health and the environment are adequately protected during remediation activities.
 - **Performance monitoring** required by MTCA regulations to demonstrate that cleanup action has attained the designated Cleanup Levels (CULs), Remediation Levels (RLs), and other performance standards.
 - **Mitigation monitoring** to demonstrate that the mitigation requirements defined in the CAP and Environmental Impact Statement are being met.

Upcoming On-Site Work

- Overburden excavation, sheetpile driving, and installation of tiebacks will continue.
- Compliance monitoring activities will continue.
- Anticipated delivery of anodized railing for the levee on August 8th.

Raw Data

Air monitoring data and overburden sampling data 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 submitted a letter requesting an extension for levee restoration and is responding to Ecology's request for more information.

Document Preparation

- Producing final copies of the Hydraulic Containment and Control System Special Design Report.
- Revising the Former Maloney Creek East Wetland Special Design Report and Restoration Plan based on Ecology comments.
- Submitted the West FMC Wetland Investigation Work Plan, West FMC Wetland Delineation Report, and JARPA to Washington Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Ecology on Monday, July 21st.

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- Received Ecology approval of method for evaluating APH data and approval to produce final hard copies of the Air and Noise Monitoring Plan on Thursday, July 24th.
- Requested dispute resolution on Friday, July 11th regarding the Draft Comparative Physical Testing Work Plan.
- Received Ecology's revised red-line strike-out version of the Draft Comparative Physical Testing Work Plan on Wednesday, July 23rd.
- Ecology rejected the Final Comparative Physical Testing Work Plan submitted on Monday, July 14th.

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 |
| HCC Treatment building and system bid documents | May 5, 2008 | Review and comment |
| Final Draft Comparative Physical Testing Work Plan | July 14, 2008 | Pending dispute resolution. |
| West Wetland Investigation Work Plan | July 21, 2008 | Review and comment; approval |
| West Wetland Delineation | July 21, 2008 | Review and comment; 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
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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
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