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August 6, 2008

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

**Subject: Progress Report for Week Ending August 1, 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 August 1, 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

- 2008 Remediation work included:
  - Overburden sampling was completed on July 23<sup>rd</sup>.
  - Driving sheetpile along Railroad Avenue using vibratory and impact hammers continued. Tie-backs continue to be installed.
  - The construction water treatment system is now operational, but not currently treating or discharging water.

- Preparing for excavation for the west and far west vaults.
- Marine Vacuum has mobilized in anticipation of the start of oil recovery activities.
- 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.
- A health and safety incident occurred on-site on Wednesday, July 30<sup>th</sup> when a crane hit a power line. No one was injured.

### Upcoming On-Site Work

- Overburden excavation, sheetpile driving, and installation of tiebacks will continue.
- Construction water treatment system will discharge the potable water that was used to charge the system early next week.
- Investigational drilling at the School during the week of August 4<sup>th</sup>.
- Below VDL excavation is scheduled to begin the week of August 4<sup>th</sup>. Oil recovery operations will begin as needed.
- Coordinating with PSE for a temporary drop of the power line at 3<sup>rd</sup> Street to enable sheetpile operations. This will result in power being out for approximately 10 hours.
- Modification of the Cascadia drainfield scheduled the week of August 4<sup>th</sup>.
- Anticipated delivery of anodized railing for the levee in September.

### Raw Data

Unvalidated 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 and anodizing of the railing taking longer than expected. BNSF submitted a letter requesting an extension for levee restoration and is responding to Ecology's request for more information.

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### 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 Air and Noise Monitoring Reports for Weeks 1 through 4 of construction to Ecology.

### 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 has contacted a helicopter company to determine the feasibility of helicopter placement of the boulders which would avoid all impacts to existing mature riparian trees and avoid a railroad track closure, both of which would be necessary to use a train-mounted crane. BNSF is determining the permitting requirements for this work.

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