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September 17, 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 September 12, 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 September 12, 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
- A list of deliverables for the upcoming reporting period if different from the schedule.

On-Site Activities

- 2008 Remediation work included:
 - ◆ Preparation of the center hydraulic control and containment (HCC) cell in anticipation of vault delivery the week of September 15th.
 - ◆ Below VDL excavation and backfilling with stabilization aggregate in 4th Street and Railroad Avenue east of 4th Street.
 - ◆ Preparing electrical package and finalizing slab design for remediation system building. Submitted building permit application for remediation system building.
 - ◆ 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.

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- 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.
- Piezometer, injection, and extraction well installation for the School pilot testing continued.
- Investigational drilling in the Former Maloney Creek West Wetland, the South Developed Zone and Former Maloney Creek East Wetland was performed.

Upcoming On-Site Work

- Additional below VDL excavation in the northern section of 4th Street and along Railroad Avenue where confirmation sample results exceed the applicable remediation level and excavation can be performed without undermining existing infrastructure and buildings (including beneath the Cascadia's drain field).
- HCC vault delivery is scheduled for the week of September 15th. Concrete foundation is scheduled to be poured for the center vault prior to installation.
- Grading for the remediation system building.
- An additional round of air samples will be collected at the School the week of September 15th.
- Piezometer, injection, and, extraction well installation for the pilot testing will continue in the Railyard.
- Levee plant maintenance is scheduled for Monday, September 15th.
- Delivery of anodized railing for the levee is scheduled for the week of September 15th. Anticipated delivery of plant cuttings for the levee in mid-October.

Raw Data

Raw data received during the reporting period have been posted via VPM.

Deviations

The restoration of the levee was not completed by July 31st 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. Ecology and BNSF have discussed revising Exhibit C of the CD. BNSF submitted their schedule recommendations to Ecology on Wednesday, September 10th.

We were informed the week of September 8th that the Corps of Engineers will not review BNSF's August 27, 2008, application for NRD restoration work until Jim Green returns in late September. This delay by the Corps in processing BNSF's timely application may cause BNSF to miss the October 19, 2008, deadline for completing the 'Turbidity Mitigation' work required by Section VXIII.G. of the Consent Decree.

Document Preparation

- Revising the Former Maloney Creek East Wetland Special Design Report and Restoration Plan based on preliminary Ecology comments.
- Preparing the Draft 2009 Engineering Design Report for submittal to Ecology on Monday, October 6th.

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- Preparing Revised Draft - Pilot Test Work Plan for submittal to Ecology on Wednesday, September 17th.

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
West Wetland Delineation	July 21, 2008	Review and comment; approval
JARPA	August 27, 2008	Review and permits from Ecology, Army Corps, and WDFW
Former Maloney Creek Zone – East Wetland Mitigation Memo	August 18, 2008	Review and meeting with ENSR

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). Grette Associates had an on-site meeting with WDFW on Tuesday, September 9th.

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, Jeanne Tran – 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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Dave Fischer – Landau
Halah Voges, Mike Byers, Steve Howard, John Guenther, Mark Havighorst, Winston Chen,
Joyce Sheldon, Ericka Camp, File 01140-204 and 01140-144 – ENSR