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September 24, 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 19, 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 19, 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:
  - ◆ Delivery and installation of the hydraulic control and containment (HCC) vaults.
  - ◆ Pouring of concrete foundation in East Vault location.
  - ◆ Installation of two recovery wells, HCC-RW-05 and HCC-RW-06, between the West Cell and the HCC sheetpile wall.
  - ◆ Sanitary sewer and MSE wall installation in backfill in 4<sup>th</sup> Street north of Railroad Avenue.
  - ◆ Preliminary grading for the foundation of the Remediation Systems Building.
  - ◆ Backfilling with stabilization and structural fill, construction water treatment and oil recovery operations continued.
  - ◆ Exporting of impacted material via railcars continued.
  - ◆ Compaction testing of structural fill.

- ◆ Relocation of power pole near 312 Railroad Avenue 30 feet further east to complete 2008 excavation in the vicinity.
- ◆ 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.
- An additional round of air samples was collected at the school on September 13.
- Piezometer, injection, and extraction well installation for the School pilot testing continued on the Railyard.
- Investigational drilling in the Northwest Developed Zone was performed.
- Vegetation maintenance on the levee was performed on Monday, September 15<sup>th</sup>.
- Permanent levee railing was delivered. Wilder (now Granite Construction Incorporated) is scheduling a crew for installation.

### Upcoming On-Site Work

- Additional below VDL excavation in the northern section of 4<sup>th</sup> 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) to be completed the week of September 22<sup>nd</sup>.
- Continued backfilling, dewatering, water treatment, oil recovery, and railcar loadout operations.
- Excavation is nearing completion.
- Connection of the underground piping for the School pilot testing to the electrodes and piezometer, injection, and, extraction wells will occur in the Railyard.
- Regrade of the School test plots, installation of the test plot liner and 8 inches of crushed rock, and paving the test plots will occur in the Railyard.
- Installation of two power poles will occur in the Railyard for the School pilot test.
- 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 31<sup>st</sup> 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 10<sup>th</sup>.

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Jim Green (U.S. Army Corps of Engineers) is reviewing the NRD restoration work JARPA and will be submitting it to the United States Fish and Wildlife Services (USFWS) and National Marines Fisheries Service (NMFS). The delay by the Corps in processing BNSF's 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 6<sup>th</sup>.
- Submitted Revised Draft - Pilot Test Work Plan for submittal to Ecology on Wednesday, September 17<sup>th</sup>.

**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
Joint Aquatic Resources Permit Application (JARPA) for NRD boulder placement	August 27, 2008	Review and permits from Ecology, Army Corps, and WDFW
Revised Draft School Pilot Test Work Plan	September 17, 2008	Review and comment; approval

**Additional Remedial Design and Planning Activities**

The U.S. Army Corps of Engineers is reviewing the JARPA for NRD boulder placement and will be submitting it to USFWS and NMFS. Grette Associates is following up with the Town of Skykomish regarding the State Environmental Policy Act (SEPA) review of the JARPA.

ENSR presented the proposed new Depot location to the Town of Skykomish Design Review Board. The Design Review Board approved both the new Depot location and a shift 10 feet west of the Whistling Post.

Sincerely yours,



Sarah Albano, P.E.

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Project Engineer  
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cc: Amy Essig Desai – Farallon Consulting  
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Gary West – Skykomish Resident  
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