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October 1, 2008

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Northwest Regional Office  
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Bellevue, WA 98008-5452

**Subject: Progress Report for Week Ending September 26, 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 26, 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:
  - ◆ Completion of below VDL excavation including below the Cascadia Inn drainfield and east of 3<sup>rd</sup> Street.
  - ◆ Delivery and installation of the hydraulic control and containment (HCC) vaults.
  - ◆ Pouring of concrete foundation in East Vault location.
  - ◆ Installation of recovery wells HCC-RW-01, HCC-RW-02, HCC-RW-03, and HCC-RW-04.
  - ◆ Removal of temporary sheetpiles from HCC vaults.
  - ◆ Construction of remediation building started.
  - ◆ 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.
- ◆ 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.
- Connection of the underground piping for the pilot testing to the electrodes and piezometer, injection, and extraction wells occurred in the Railyard.
- Regrade of the pilot test plots, installation of the test plot liner and 8 inches of crushed rock, and paving the test plots occurred in the Railyard.
- Wilder (now Granite Construction Incorporated) is scheduling a crew for levee railing installation.

### **Upcoming On-Site Work**

- Continued backfilling, dewatering from the HCC vaults, water treatment, and railcar loadout operations.
- Oil recovery crew preparing for demobilization.
- McEvoy House scheduled to be returned to original location late the week of September 29<sup>th</sup> with foundation construction scheduled for the week of October 6<sup>th</sup>.
- Whistling Post scheduled to be moved from temporary location the week of October 13<sup>th</sup>.
- HCC Sheetpile permeation grouting scheduled for the week of September 29<sup>th</sup>. Continued removal of HCC temporary sheetpiles from vaults.
- Additional investigational drilling in South Developed Zone and Northwest Developed Zone scheduled.
- Air sparging well installation scheduled for the week of October 6<sup>th</sup>.
- Water line trenching and installation will occur in the Railyard for the School pilot test.
- Resistive thermal heating equipment delivery will occur in the Railyard for the School pilot test.
- Installation of two power poles will occur in the Railyard for the School pilot test.
- Installation of 3 groundwater extraction wells 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.

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### 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>.

Jim Green (U.S. Army Corps of Engineers) reviewed the NRD restoration work JARPA and submitted it to the United States Fish and Wildlife Services (USFWS) and National Marine Fisheries Service (NMFS) on September 18th. 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.
- Reviewing and revising the Draft 2009 Engineering Design Report for submittal to Ecology on Monday, October 6<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 is scheduled to present the proposed Depot location to the Town Planning Commission on Monday, September 29<sup>th</sup>.

Sincerely yours,

Brian Sato  
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