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December 3, 2008

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Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

**Subject: Progress Report for Week Ending November 28, 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 November 28, 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:
 - Started decontamination of soil handling facility on the railyard.
 - Continuation of West, Center and East Gate Vaults dewatering and treatment at the construction water treatment system.
 - Continued installation of the HCC utility trench along Railroad Avenue.
 - Continued restoration of the McEvoy House and Whistling Post properties.
 - Performed additional metals excavation on the Javier, Elrod, and Sladek properties.
- 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. Noise monitoring has been discontinued since soil load-out activities have been

completed. All air monitoring activities have been discontinued pending start-up of the air sparging system (anticipated for mid-January).

- 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.
- The resistive thermal pilot test system at the School Remediation Pilot Test Plot on the railyard was turned off with Ecology approval on Wednesday, November 26th.

Upcoming On-Site Work

- Continue to de-water the west, center and east gate vaults and treat pumped groundwater with the construction water treatment system.
- Joint utility trench installation.
- Continue restoration activities for the Whistling Post and McEvoy House properties.
- Conduit installation and electrical work for the HCC system and within the treatment building.
- Complete decontamination of the stockpile pad on the railyard, inspect the pad, and breach the berms.
- Demobilization of pilot test equipment from the School Remediation Pilot Test Plot on the railyard.
- Additional metals excavation on Javier and Elrod properties.

Raw Data

Data received during the reporting period have been submitted via virtual project manager.

Deviations

The levee railing manufacturer (SAPA) is anodizing the last railing panel. The installation of this panel depends on SAPA's anodizing schedule and delivery. SAPA's delivery schedule for the final panel will not meet the November 30th deadline for levee restoration. A letter requesting an extension to this consent decree deadline is being sent.

Document Preparation

- Revising the Former Maloney Creek East Wetland Special Design Report and Restoration Plan based on preliminary Ecology comments.
- Revising the Draft 2009 EDR based on Ecology comments.

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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
Revised Draft School Pilot Test Work Plan	November 13, 2008	Review and approval
CAP Amendment and Excavation Feasibility Evaluation Technical Memorandum	November 10, 2008	Review and comment; approval

Additional Remedial Design and Planning Activities

BNSF representatives met with Washington State Department of Transportation personnel on Wednesday, November 26th.

BNSF representatives met with Town of Skykomish personnel on Tuesday, November 25th.

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