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December 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 December 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 December 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:

- Continuation of West, Center and East Gate Vaults dewatering and treatment at the construction water treatment system.
- Continued restoration of the McEvoy House and Whistling Post properties. Topsoil placed at McEvoy House and temporary shed electrical inspected by Labor and Industries.
- Air sparging vault installation on-going.
- Joint utility trench pre-construction meeting held on Monday, December 8th.
- Disconnection of electrical connections and hydraulic connections to the resistive thermal treatment system and the gradient control system at the School Pilot Test Plot on the railyard.
- Demobilization of equipment from the School Pilot Test Plot on the railyard.
- Final panel of the levee railing was installed.

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.
- BNSF inspection of McEvoy House restoration.
- Continue demobilization of pilot test equipment from the School Remediation Pilot Test Plot on the railyard.
- Installation of the final panel of the levee railing scheduled for the week of December 8th.
- Semi-annual site-wide groundwater sampling is scheduled for the week of December 15th. Well MW-38 has been damaged by the Town. BNSF is working with the Town to replace the well.
- Construction of replacement drainfield at the Cascadia.

Raw Data

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

Deviations

The levee railing was not installed before the November 30th deadline for levee restoration. BNSF submitted a formal request to Ecology requesting an extension of this Consent Decree –Exhibit C deadline.

Document Preparation

- Submitted the Former Maloney Creek East Wetland Special Design Report, and Restoration Plan, and Joint Aquatic Resources Permit Application (JARPA) to the U.S. Army Corps of Engineers on Wednesday, December 10th.
- Submitted partial electronic version of revised 2009 EDR to Ecology on December 12th. Complete revised 2009 EDR will be submitted to Ecology by December 19th.

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
CAP Amendment and Excavation Feasibility Evaluation Technical Memorandum	November 10, 2008	Review and comment; approval
Former Maloney Creek East Wetland Special Design Report and Restoration Plan	December 5, 2008	Review and approval
2009 Engineering Design Report Text	December 12, 2008	Review and approval

Additional Remedial Design and Planning Activities

Preparation and revision of the 2009 Plans and Specifications.

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 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