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December 31, 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 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 December 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:

- Continuation of West, Center and East Gate Vaults dewatering and treatment at the construction water treatment system.
- Substantial completion of McEvoy property restoration.
- Owner inspection of McEvoy House restoration.
- Electrical and piping installation on-going in remediation building.
- Control panel components delivered for remediation building.

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.
- Some site restoration will be completed in the spring.
- Continue demobilization of pilot test equipment from the School Remediation Pilot Test Plot on the railyard.

- Construction of replacement drainfield at the Cascadia.
- Air sparging vault installation on-going.
- Begin installation of the water treatment system controls in the remediation building.
- Joint utility trench installation scheduled to begin next week.

Raw Data

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

Deviations

BNSF submitted a formal request to Ecology requesting an extension of the Consent Decree –Exhibit C deadline for completion of levee restoration and submittal of the final as-built completion report for the levee work. The last panel of levee railing was installed on December 9th. The railing is complete to the satisfaction of the Town and the levee zone work is now complete.

Document Preparation

- Preparing operations and maintenance plans for systems installed in 2008 for submittal to Ecology on Wednesday, December 31st.
- Preparing construction plans and specifications for submittal to Ecology on Friday, January 16th.
- Revising the Draft 2007 Levee Interim Action As-Built report to reflect 2008 activities. BNSF is waiting for formal comments from Ecology on the draft document submitted in August 2007.

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; Remaining appendices submitted on December 18, 2008	Review and approval

Additional Remedial Design and Planning Activities

BNSF is preparing documentation for access agreements necessary for 2009 work for submittal to Ecology by Wednesday, December 31st.

As required by the Washington Department of Fish and Wildlife's Hydraulic Project Approval 11463-1 for the placement of boulders in the South Fork Skykomish River, a boulder monitoring plan is being

prepared for submittal to the Washington Department of Fish and Wildlife on Wednesday December 31st.

BNSF is coordinating staff schedules for setting the annual schedule review and update meeting.

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, Dan Davis File 01140-204 and 01140-144 – AECOM