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May 6, 2009

Brian Sato, P.E.
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

**Subject: Progress Report for Week Ending May 1, 2009
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 May 1, 2009 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

Remediation work included:

- Continuation of west, center and east gate vaults dewatering and manual operation of HCC treatment system in the remediation building. Continuation of twice weekly gauging.
- Operation of the air sparging system. Crawl space air monitoring was also completed this week. Air monitoring will continue weekly through May 26th per the 2008 Compliance Monitoring Plan.
- Completed installing electrical components, vault, and skimmers for recovery wells RW-7 and 8 on the Railyard.
- Continued installing topsoil and grading as part of restoration for 2008 work.

- Potelco completed installing the Town's street lights with the exception of the two lights that will be installed after completion of work east of the intersection of 5th Street and Railroad Avenue.
- Surveying work for remediation design and as-built reporting was completed.
- Removed the fence around the School Pilot Test Plot on the railyard.

Upcoming On-Site Work

- Site restoration to be completed at a later time includes: final paving of roads, installation of curb and gutter, final sidewalks, and installation of the irrigation system in the Town park.
- Continue HCC operations in manual mode including twice weekly gauging in the vicinity of the hydraulic containment and control system and NPDES sampling of the manually operated hydraulic containment and control system.
- Installation of topsoil east of the Whistling Post Tavern, weather permitting, once owner completes painting.
- Replacement of the eastern fence at the McEvoy House is scheduled for the week of May 4th.

Raw Data

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

Deviations

There are no deviations from the consent decree schedule to report at this time.

Document Preparation

- Submitted the Ecology approved Final Comparative Physical Testing Study Report to Ecology on Thursday, April 23rd.
- Submitted the Ecology approved Final Bridge Coordination Report to Ecology hard copy on Wednesday, April 29th and electronically on Thursday, April 30th.
- Submitted the Draft 2007-2008 Annual Site-Wide Groundwater Monitoring Report to Ecology electronically on Wednesday, April 29th. Hard copies of the tables and figures were submitted on Wednesday, April 29th.

Documents Pending Agency Review

Document Title	Submittal Date	Awaiting Agency Action
2007-2008 Levee Interim Action As-Built Completion Report	Electronic: January 28, 2009 Hardcopy: February 12, 2009	Review and approval
Draft Former Maloney Creek West Wetland Special Design Report	Electronic: March 31, 2009	Review and comment
Draft 2008 As-Built Completion Report	Electronic text and appendices, hard copy figures and tables: March 31, 2009	Review and comment

Document Title	Submittal Date	Awaiting Agency Action
Draft 2007-2008 Annual Site-Wide Groundwater Monitoring Report	Electronic text and appendices, hard copy tables and figures: April 29, 2009	Review and comment

Additional Remedial Design and Planning Activities

BNSF is working with property owners on outstanding access agreements and preparation for temporary relocation.

BNSF is evaluating cost proposals for the 2009 and 2010 remediation and restoration work in the northwest developed zone, mobile laboratory services for the 2009 construction season, and hazardous material survey of buildings to be relocated or demolished.

BNSF and Ecology discussed coordination between the School and overall project at their weekly meeting on Tuesday, April 28th.

BNSF representatives had their bi-weekly conference call with the Town on Wednesday, April 29th.

BNSF is preparing to relocate the post office operations to a temporary relocation at the end of May.

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, 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, Kimberly McCullough – Skykomish School District
Gary West – Skykomish Resident
Henry Sladek- Cascadia Inn Owner
John Robinson – US Forest Service
Larry Johnson – Light Brigade
Lorna Goebel- Skykomish Resident
Michael Moore – Skykomish Environmental Coalition
Tom Bean – King County

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Halah Voges, Mike Byers, Steve Howard, John Guenther, Mark Havighorst, Winston Chen,
Joyce Sheldon, Ericka Camp, Dan Davis, Lisa Miller, File 01140-204 and 01140-222 – AECOM