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December 16, 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 December 11, 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 December 11, 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

- The HCC system resumed normal operation on Tuesday, December 8th after an unexpected shut down on Friday, December 4th due to an electrical system malfunction.
- Continued operation of the air sparging system.
- AECOM completed the following monitoring activities, as described in the 2009 CMP:

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- 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.

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.
- Placement of transformer on 5th Street scheduled to be completed the week of December 14th.
- Pulling of electrical wire in conduit anticipated to be complete by year-end.

Raw Data

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

Deviations

There are no deviations to report at this time.

Document Preparation

- Preparing construction plans and specifications for 2010 remediation.
- Revising the draft 2010 Engineering Design Report in response to Ecology's comments.

Documents Pending Agency Review

Document Title	Submittal Date	Awaiting Agency Action
Final School Alternatives Evaluation Report	Electronic submittal on September 18, 2009; Response to comments submitted September 22, 2009	Review and approval
Dioxin Data for FMC Areas Memo	Electronic submittal on November 20, 2009	Review and comment

Additional Remedial Design and Planning Activities

Preparing investigation report presenting 2009 investigation results.

BNSF representatives contacting property owners regarding access for the 2010 remediation activities.

BNSF representatives are scheduled to meet with the Town of Skykomish to discuss the Town's proposed alternative mitigation for the Former Maloney Creek East Wetland on Tuesday, December 15th.

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Sincerely yours,



Sarah E. 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 – Ecology
Bruce Sheppard – BNSF
Chris Yates, Clint Stanovsky, Fred Black, Kevin Wiederstrom – Town of Skykomish
Craig Trueblood – K&L Gates
Daryl Petrarca – Adapt Engineering, Inc.
David Carson – Bell & Ingram, P.S.
Jeff Long, 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
Mike Byers, Rich Truax, Halah Voges, Steve Howard, John Guenther, Mark Havighorst,
Winston Chen, Joyce Sheldon, Ericka Camp, Dan Davis, Lisa Miller, File 60136319 –
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