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January 6, 2010

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

**Subject: Progress Report for Week Ending January 1, 2010
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 January 1, 2010 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

- Shut-down operation of the hydraulic containment and control system at Ecology's request on Thursday December 31st following notification of effluent samples containing extended diesel range hydrocarbons at 280 µg/L and 230 µg/L on December 22nd and 29th. Letter regarding potential noncompliance with NPDES Permit was sent to Ecology on December 31st.
- Continued operation of the air sparging system.

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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.
- Pulling of electrical wire in conduit to Hotel.

Raw Data

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

Deviations

BNSF sent a letter to Ecology requesting an extension of the December 31 Consent Decree deadline for obtaining access agreements for 2010 construction activities on December 30th.

Document Preparation

- Preparing construction plans and specifications for 2010 remediation for January 15h submittal.
- Addressing Ecology December 18th comments on the revised draft 2010 EDR.
- Preparing Hydraulic Containment and Control System Special Design Report Addendum and Former Maloney Creek East Wetland Special Design Report Addendum.

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

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Additional Remedial Design and Planning Activities

Preparing investigation report presenting 2009 investigation results.

Preparing annual groundwater monitoring report presenting groundwater monitoring results from October 2008 through September 2009.

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

Preparing Joint Aquatic Resources Permit Application materials for work at the west end of the levee for submittal to the U.S. Army Corps of Engineers.

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
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 and Charlotte Mackner- Skykomish Residents
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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