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May 5, 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 April 30, 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 April 30, 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 this time
- A list of deliverables for the upcoming reporting period if different from the schedule.

On-Site Activities

- Continued operation of the hydraulic containment and control system. Replaced pump head in RW-6.
- Operation of the air sparging system.
- Repair of soil handling facility.
- Preparation of the Theater Building and Town Maintenance building for temporary relocation.
- Temporary relocation of the Community Center on Thursday, April 29th.

- Mobilization of oil recovery and construction wastewater system equipment and personnel to the site.
- Completed temporary water by-pass line on Wednesday, April 28th.
- Ground asphalt on 6th Street and demolished sidewalks in anticipation of excavation.
- Monthly air sparging system performance and protection monitoring completed.
- Baseline air and noise monitoring completed.

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.
- Hydraulic control and containment and air sparging systems operation.
- Relocation of the Theater and Town Maintenance Buildings is anticipated to be completed the week of May 3rd.
- Overburden sampling and archeological monitoring is anticipated to begin on May 3rd. Routine air and noise monitoring is scheduled to begin when excavation starts.
- Temporary relocation of overhead utilities (Puget Sound Energy and Verizon).
- Abandonment of wells located within excavation area between 5th and 6th Streets, within the bridge excavation prism, within the railyard excavation prism, along the northern boundary of the west wetland, and within the east end Hydraulic Containment and Control System excavation as described in the 2010 Groundwater Monitoring Plan.

Raw Data

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

Deviations

There are no schedule deviations to report at this time.

Document Preparation

- Received Ecology approval of the revised Annual Hydraulic Containment and Control System Operations Report- 2009 on Tuesday, April 27th.
- Revising 2009 As-Built Completion Report based on Ecology comments received April 16th.
- Submitted memorandum summarizing the Former Maloney Creek Zone West Wetland boundary well groundwater data to Ecology on Friday, April 23rd.

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Documents Pending Agency Review

| Document Title | Submittal Date | Awaiting Agency Action |
|--|--|------------------------------|
| Consent Decree and Cleanup Action Plan amendments for the Former Maloney Creek East Wetlands | Electronic submittal on April 14, 2010 | Initiation of public comment |
| Former Maloney Creek Special Design Report Amendment #1 and Hydrology Report | Electronic submittal on April 9, 2010 | Review and comment |

Additional Remedial Design and Planning Activities

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

Received the Department of Archeology and Historic Preservation Excavation Permit on Friday, April 30th.

Received grinding and striping plan from Washington State Department of Transportation (WSDOT) on Tuesday, April 27th as part of the WSDOT permit package.

U.S. Army Corps of Engineers concurred with the findings of the Biological Evaluations (BE) submitted in support of the Joint Aquatic Resource Permits Application (JARPA) and sent the BE to the U.S. Fish and Wildlife and National Marine Fisheries Service for informal consultation on Thursday, April 29th.

BNSF submitted a letter to Ecology requesting a modification to the National Pollutant Discharge Elimination System (NPDES) permit to allow for increased discharge during the summer.

Ecology, BNSF, and the Skykomish School District are scheduled to meet on Wednesday, May 5th.

Sincerely yours,



Sarah E. Albano, P.E.
Project Engineer
sarah.albano@aecom.com

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

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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
Mike Byers – Crete Consulting Inc.
Rich Truax, Halah Voges, Steve Howard, John Guenther, Mark Havighorst, Winston Chen,
Joyce Sheldon, Ericka Camp, Dan Davis, Lisa Miller, File 60136319 – AECOM

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