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June 2, 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 May 28, 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 May 28, 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 (HCC) system. HCC system carbon change out completed on Thursday, May 27th.
- Operation of the air sparging system.
- Construction waste water treatment system was operational and discharged.
- Oil control and recovery operations continued.
- Below vertical delineation line (VDL) excavation continued and backfilling operations continued in the Northwest Developed Zone (NWDZ).

- Load out of impacted material in rail cars continued.
- BNSF flaggers were on-site and the excavation at the east end of the HCC system began.
- Monthly air sparging system performance and protection monitoring was completed on Wednesday, May 26th.
- PSE poles on 4th Street and at the southwest corner of the Cascadia were removed.
- AECOM completed the following monitoring activities, as described in the 2010 CMP:
 - Protection monitoring required by MTCA regulations to confirm that human health and the environment are adequately protected during remediation activities.
 - 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.
 - Mitigation monitoring to demonstrate that the mitigation requirements defined in the CAP and Environmental Impact Statement are being met.

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.
- Continue below VDL excavation, oil control and recovery operations, and backfilling operations at the east end of the HCC system and in the NWDZ.
- Continue loading out impacted material in rail cars.
- Relocation/temporary removal of Verizon power poles located within excavation prism.

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

- Finalizing 2009 As-Built Report.
- Submitted 2010 Stormwater Pollution and Prevention Plan (SWPPP) to Ecology electronically on Friday, May 28th.
- Issued for Construction Plans and Specifications were submitted to Ecology on Wednesday, May 26th.
- Received Ecology comments on the FMC East Wetland SDR amendment on Friday, May 28th.

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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	Public comment was initiated May 12 th and will run through June 11 th .

Additional Remedial Design and Planning Activities

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

30 day comment period for the National Pollutant Discharge Elimination System (NPDES) permit modification allowing increased discharge during the summer will conclude on June 21st.

Joint Aquatic Resources Permit Applications (JARPA) for in-water work in the South Fork Skykomish River and the Former Maloney Creek wetlands are being reviewed by Washington State Department of Fish and Wildlife (WDFW), National Marine Fisheries Service (NMFS), and United States Fish and Wildlife Service (USFWS).

Bridge work pre-construction meeting with Washington State Department of Transportation, Strider, and AECOM scheduled for Thursday, June 3rd.

Preliminary review of the Fifth Street culvert inspection video indicates that while there is some corrosion in the culvert there is no significant cross-sectional deformation or collapse.

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.

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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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