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10 January 2013

CERTIFIED – Return Receipt Requested

Ms. Sara Sparks
U.S. EPA Region VIII, Butte Office
Federal Building, Room 339
400 North Main Street
Butte, Montana 59701

Mr. Nikia Greene
U.S. EPA Region VIII, Montana Office
Baucus Federal Building
10 West 15th Street, Suite 3200
Helena, Montana 59626

Mr. Joe Griffin
Montana Department of Environmental Quality
P.O. Box 200901
Helena, Montana 59620-0901

Mr. D. Henry Elsen, Esquire
U.S. EPA Region VIII, Montana Office
Baucus Federal Building
10 West 15th Street, Suite 3200
Helena, Montana 59620-0901

Ms. Mary Capdeville, Esquire
Montana Department of Environmental Quality
P.O. Box 200901
Helena, Montana 59620-0901

Subject: December 2012 Monthly Activity Report for BNSF and Union Pacific
Butte Priority Soils Operating Unit
Unilateral Administrative Order-Docket No. CERCLA 08-2011-0011
K/J 1296019.00

Dear Ms. Sparks, Mr. Greene, Mr. Griffin, Mr. Elsen, and Ms. Capdeville:

Attached, please find the December 2012 Monthly Activity Report for BNSF Railway Company (BNSF) and Union Pacific Railroad Company (Union Pacific) on their activities concerning the Butte Priority Soils Operable Unit (BPSOU) of the Silver Bow Creek/Butte Area Superfund Site, as required by the BPSOU Unilateral Administrative Order.

If you have any questions or require further explanation concerning the above information, please call Chuck Soule at 253-835-6400.

Very truly yours,

KENNEDY/JENKS CONSULTANTS



Charles H. Soule
Technical Representative for
BNSF Railway Company
Union Pacific Railroad Company

Attachment

Ms. Sara Sparks, U.S. EPA Region VIII, Butte Office
Mr. Nikia Greene, U.S. EPA Region VIII, Montana Office
Mr. Joe Griffin, Montana DEQ
Mr. D Henry Elsen, Esquire, EPA
Ms. Mary Capdeville, Esquire, Montana DEQ

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cc: Joe Vranka, EPA – email
Henry Elsen, EPA – email
Sara Sparks, EPA – email
Nikia Greene, EPA - email
James Freeman, DOJ - email
Joe Griffin, DEQ – email
Mary Capdeville, Esq., DEQ – email
Dave Smith, BNSF – email
Brooke Kuhl, BNSF – email
Gary Honeyman, UP – email
Robert Bylsma, UP – email
Lindy Hanson, Atlantic Richfield – email
Jon Sesso, Butte Silver Bow – email
Bob Andreoli, Patriot/Rarus – email
Becky Summerville/ Datsopoulos McDonald & Lind – email
Leo Berry, BKBH – email
John Ashworth; Kell Alterman – email
Robert Lowry; Kell Alterman – email
John Gilmour; Jackson Gilmour Dobbs – email

**Monthly Activity Report for BNSF and Union Pacific
Butte Priority Soils Operable Unit
Unilateral Administrative Order
December 2012**

ACTIVITIES FOR DECEMBER 2012

Continued revising design documents in response to U.S. Environmental Protection Agency (EPA) and Atlantic Richfield comments regarding Kennedy/Jenks Consultants' *Draft Design Report, Third Cycle Best Management Practices, Butte Priority Soils Operable Unit* (Third Cycle BMP Design Report) dated 5 October 2012. Kennedy/Jenks Consultants will communicate with Butte-Silver Bow regarding the design for stormwater improvements along Kaw Avenue and with EPA for soil sampling associated with the railroad embankment along the Kaw Avenue ditch.

Prepared corrective action plans for operations and maintenance (O&M) activities based on historic inspection reports, including incorporation of October 2012 O&M inspection results. This also included revisions to specific designs for O&M-related erosion controls at Lower Yard (Site Index No. 992277 and vicinity) and Upper/Middle Yard (Site Index No. 992165) based on EPA comments regarding the 5 October *Draft Design Report, Third Cycle Best Management Practices*.

BNSF Railway Company (BNSF) remains in communication with parties identified by BNSF as having current and historical property interests that encompass the Clearwater Ditch near Continental Drive.

PROBLEMS ENCOUNTERED

None.

ACTIVITIES PLANNED FOR NEXT 2 MONTHS

The designs for Third Cycle best management practices (BMPs) and erosion controls at Lower Yard and Upper/Middle Yard will be revised as warranted based on EPA/Montana Department of Environmental Quality (DEQ) and Atlantic Richfield comments.

Construction completion reports will be prepared for paving the Middle Yard Repository and for prior stormwater BMP construction.

BNSF plans to remain in communication with parties identified by BNSF as having current and historical property interests that encompass the Clearwater/Continental Drive Ditch.

Documentation will be prepared for Butte Reclamation Evaluation System (BRES) inspections conducted in October 2012.