# EXHIBIT D

## LIST OF REQUIRED PERMITS

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Cleanup actions at the Site require the following permits:

- Permit for discharge of pollutants pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342. Ecology has issued National Pollutant Discharge Elimination System Waste Discharge Permit No. WA-003212-3 on May 4, 2006 for the discharge of industrial storm water and de-watering water resulting from BNSF cleanup activities in Skykomish.

- Permit for the discharge of dredged, excavated or fill material to waters of United States pursuant to Section 404 of the Clean Water Act, 33 U.S.C. § 1344 (which may be incorporated in a U.S. Army Corps of Engineers (USCOE) Nationwide 38 permit).

- Water Quality Certification from the State of Washington pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341(which may be incorporated in a USCOE Nationwide 38 permit).