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# Discharge of Plastic Sports Turf/Construction Site: Washington Department of Environmental Ecology Assesses Penalty to Pierce County Power Generator

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The Washington Department of Environmental Ecology (“WDEE”) issued a June 8th Notice of Penalty (“Notice”) to Electron Hydro, LLC, (“Electron”) for allegedly violating provisions of:

- Chapter 90.48.080 Revised Code of Washington (RCW)- Unlawful Discharge of Polluting Matter into Waters of the State
- Construction Stormwater General Permit WAR 306648 Condition S5.F. - Noncompliance Notification, and S9.D.9. - Control Pollutants

The Notice provides that Electron produces electricity by diverting water from the Puyallup River in Pierce County, Washington, through an elevated flume then back to the river through a powerhouse.

Electron is stated to have initiated construction last summer to replace its diversion dam and water intake structure. Such work is stated to have included building a temporary bypass channel to divert the river from the construction area.

Discarded plastic sports turf (“turf”) is stated to have broken away from an in-stream construction site. The company is stated to have installed sheets of turf as part of a lining for the bypass channel.

River rocks that shifted in the flow are stated to have breached a liner and discharged approximately 617 square yards of turf and an estimated 4-6 cubic yards of crumb rubber downstream. The company is alleged to have not reported the release to WDEE.

WDEE proposes to assess a penalty of \$501,000 for the discharge of the turf into the previously referenced waterbody. Further, WDEE is stated to be issuing an Administrative Order to address alleged ongoing water quality violations related to Electron operations.

Correction actions required include:

- A Water Quality Management Plan that addresses the issues of sediment, warm water temperatures, and toxic substances;
- A Hydroelectric Operations Water Quality Monitoring Plan for all waters influenced by the project;
- Immediate compliance with all conditions associated with the construction of the barrier dam and water intake structure; and

- The submission of an annual Water Quality Monitoring Report.

A copy of the Notice can be downloaded [here](#).