



September 11, 2020

Thom Fischer
Electron Hydro LLC
1800 James Street Suite 201
Bellingham, WA 98225

Subject: Electron Hydro Facility Compliance, Shoreline Substantial Development Permit
Application 858766 and 858765

Mr. Fischer,

After evaluation of events and consideration of the documents submitted in response to the County's Stop Work order, it is the County's determination that the Stop Work Order will remain in effect. Pierce County will require Electron Hydro take advantage of summer low flow conditions and perform the following steps immediately:

1. Any stabilization required at the site must be within the original footprint in the original permit.
2. Remove partially buried concrete culverts placed vertically and filled with rubble located in bladder dam foundation area and presently being used as a coffer structure.
3. Temporarily secure the existing 116-year-old wooden diversion structure for the wet season as to prevent it from collapse and causing damage downstream.
4. Place heavy rounded rip-rap at outlet of Fish Ladder to create a step pool configuration that restores fish passage through the ladder. Your August 16 plan will suffice.
5. Empty the Conex boxes currently being used to isolate the work area from the active channel and remove all fill from within. Fill material must be trucked out or crane slung out of channel.
6. Remove Conex boxes entirely from channel working in an upstream direction so as to preserve a dry exit path before river assumes new course.
7. Once the active channel is dewatered, remove all artificial turf and HDPE liner present using an excavator positioned on the east shore and manpower as necessary. Place all liner and turf material in an empty Conex box located on the east shore. Once filled, the Conex box will be crane slung across channel and removed from site and disposed of properly.
8. Super-sacks should be positioned at top of channel to direct flow to the west to ensure all flow is off the liner and either directed into the fish ladder or eastward toward bladder dam construction site. Place super-sacks as needed.

9. Remove all Conex boxes and concrete culverts from the active river channel as well as any other remaining debris and construction related materials.
10. To further ensure protection of fish stocks, Electron Hydro shall block off the entrance to the flume to whatever extent necessary so that the river **cannot** enter at any time.
11. Any materials placed in this temporary fix should be inventoried and removed. Removal should be monitored to make sure ALL materials are in fact removed from the river.
12. Once site is clean, crane sling out any super-sacks that remain.
13. Commission an independent site monitor to oversee work and observe fish ladder inlet and outlet for proper operating conditions. **This person must be approved by Pierce County and must be onsite whenever river channel related activities are underway.**
14. Electron Hydro shall provide access to the Puyallup Tribe for monitoring at the Tribe's discretion and at any time.

Electron Hydro will be required to prepare a new plan for permits that outlines a responsible construction sequence and meets approval of all agencies. After approval, Electron Hydro will be required to follow the plan and notify the permitting agencies of any and all departures. The plans shall be submitted to the county along with new permit applications. Electron Hydro must initiate consultation for Endangered Species Act coverage and comply with all environmental laws and regulations.

The deposit of FieldTurf and its crumb rubber component in the Puyallup River for this project is tragic and demonstrated inexcusable decision making. Pierce County will require that Electron Hydro, LLC. take all necessary steps to clean up the environmental damage caused by its actions and prepare the project for the upcoming winter. Please continue to communicate your next steps as we move forward in the process. If you have any questions, contact Dave Risvold at dave.risvold@piercecountywa.gov or 253-798-7036.

Be advised that compliance with the mitigation requirements outlined above will not absolve Electron Hydro or any individuals or entities acting on its behalf from civil or criminal liability arising out of the environmental damage that has been caused by their actions.

Sincerely,



Bruce F. Dammeier
Pierce County Executive

Cc:

Bill Sterud, Chair, Puyallup Tribe
Doug Richardson, Chair, Pierce County Council
Jacalen Printz, US Army Corps of Engineers
Carol Serdar, WA Department of Ecology
Chris Cziesla, Principal Marine/Fisheries Biologist, Confluence EC
Gwen Lentes, Program Manager Region 6, WA Department of Fish and Wildlife
Dennis Hanberg, Director, Pierce County Planning and Public Works