



Report Date: January 22, 2025

File: PAO 112057

Report Number: 238061

Deep Water Recovery Ltd.
5084 Island Highway S
PO Box 276
Union Bay, B.C.
V0R 3B0

Attn: Mark Jurisich, Operations Manager, Deep Water Recovery Ltd.

Re: An Administrative Penalty Referral

On January 14, 2025, Ministry of Environment and Climate Change Strategy (Ministry) Officer Jurgen Deagle (Officer Deagle) conducted an office-review inspection of the Deep Water Recovery Ltd. (DWR) ship breaking facility (Facility) located at 5084 Island Highway South, Union Bay, B.C.

The inspection was conducted to verify compliance with Pollution Abatement Order 112057 (Order) which requires DWR to: immediately stop the release or discharge of effluent with concentrations of copper, lead and zinc above BC Water Quality Guidelines (BC WQG) to the environment; to hire qualified professionals to assess site conditions; and to submit monitoring reports, updates, and recommendations to the Ministry. The Order does not provide authorization to discharge waste to the environment.

The Order was issued on March 15, 2024, and was last amended on January 10, 2025. The Order is currently under appeal to the Environmental Appeal Board (EAB) (EAB-EMA-24-A014(a)). DWR applied for a stay of the Order pending the outcome of EAB EMA-24-A014. On June 7, 2024, the EAB denied the stay application and the appeal of the Order is still in progress. On December 12, 2024, DWR was issued AMP 2024-43 for \$19,450 for failure to comply with Required Action 1 of the Order. On January 9, 2025, DWR appealed AMP 2024-43.

Prior to the Order, on January 23, 2023, the Ministry issued Information Order 111550 (IO) to DWR, which was cancelled on March 15, 2024. On October 11, 2023, DWR was issued AMP 2023-31 for \$500 for failure to comply with the IO. AMP 2023-31 is currently under appeal to the EAB (EAB-EMA-23-A025).

This Inspection Record is being referred for an Administrative Penalty for failing to comply with Required Action 1: Cease Discharge of Effluent Exceeding BC Water Quality Guidelines (BC WQG)

The Administrative Penalties Regulation (EMA) (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of EMA under which administrative penalties can be assigned. APR Section 12(4) states:

12 (4) A person who fails to comply with an order under the Act is liable to an administrative penalty not exceeding \$40 000.

Inspection Details:

This report assesses compliance with the Order from November 1, 2024, to December 31, 2024 (Inspection Period) and included review of the following documents:

- *Environmental Site Assessment Hancock Forest Management Union Bay Properties*, dated May 26, 2005, prepared by NTEX Resource Ltd. **(2005 Site Assessment)**
- *Preliminary Environmental Site Assessment Former 'Stage 3' Woodwaste Landfill Union Bay Industries Dryland Sort*, dated January 2008, prepared by TerraWest Environmental Inc. **(2008 Site Assessment)**
- *Site Activity and Discharge Identification Update Report*, dated April 4, 2024 prepared by Darryl Stowe, P.Chem, Senior Environmental Scientist, Envirochem Services Inc. **(Discharge Report)**
- *Deep Water Recovery Ltd.: Assessment of potential impact of unauthorized discharge*, dated August 1, 2024, prepared by Dwayne Minton, Ph.D., R.P.Bio, EIA Biologist, BC Ministry of Environment and Parks **(2024 Impact Assessment)**
- *Pollution Abatement Order 112057, Proposed Surface Water Sampling and Management Plan, Deep Water Recovery Ltd. 5084 Island Highway South, Union Bay, BC*, dated September 13, 2024, prepared by Darryl Stowe, Chem, Senior Environmental Scientist, Envirochem Services Inc. **(2024 Sampling Plan)**
- *Effluent Quality Mitigation & Treatment Plan Deep Water Recovery, Union Bay, BC Revision No. 1.3*, dated October 2024, prepared by Darryl Stowe, P.Chem, Senior Environmental Scientist, Envirochem Services Inc. **(2024 Treatment Plan)**
- *Pollution Abatement Order 112057 Surface Water Sampling and Monitoring Report October 2024*, dated November 1, 2024, prepared by Darryl Stowe, P.Chem, Senior Environmental Scientist, Envirochem Services Inc. **(October 2024 Monitoring Report)**
- *Surface Water Sampling RE: PAO 112057*, dated December 1, 2024, prepared by Gillian Helpard, P.Chem, President of Tsolum and Tsable Occupational Health and Safety Limited (TTOHS) **(November 2024 Monitoring Report)**
- *Memorandum of Correction for Water Sampling Report - 2024-11*, dated December 6, 2024, prepared by Gillian Helpard, P.Chem, President TTOHS **(November 2024 Monitoring Report Correction)**
- *Surface Water Sampling -December 2024 RE: PAO 112057*, dated January 1, 2025, prepared by Gillian Helpard, Chem, President TTOHS **(December 2024 Monitoring Report)**

Compliance Assessment

Based on the information reviewed, this report documents the non-compliances identified during this inspection. A compliance determination is included for any Order requirements that were referred for an Administrative Penalty in the previous inspection.

Requirement Description:

Pollution Abatement Order - Required Action 1

1. Immediately cease the release or discharge of effluent with concentrations of copper, lead and zinc above BC WQG levels to the environment.

Details/Findings:

The 2024 Impact Assessment states that run-off from the Facility enters Baynes Sound, a provincially significant ecological area. The Order prohibits discharge of effluent from the Facility that exceeds BC WQG for copper, lead and zinc.

On December 13, 2024, the Ministry issued Inspection Report (IR) 236755. That IR assessed compliance with the Order from November 1, 2024, to November 30, 2024, but noted that, "*Compliance with Action Item 1 for the month of November cannot be determined without additional information about the November 4, 2024, samples and without results from the November 16 and 25, 2024, sample results. Therefore, compliance with Action Item 1 is not assessed in this inspection report and November results will be assessed following submission of the next monthly report.*"

The December 2024 Monitoring Report included the sampling results for November 16 and November 25 discharges from the Facility at Sump 1, Sump 2, Sump 3, and results from "North Creek", upstream from the Facility. Therefore, these results can now be assessed. The results, presented in the Table below, show that discharges from all sumps failed to meet short-term and long-term BC Water Quality Guidelines on November 16 and November 25, 2024.

| Parameter | Sample Location Units | Sample Results | | | | | | | | Approved Guidelines | |
|---------------------------------------|--------------------------|-----------------------------|-------------|------------------|-------------|------------------|-------------|------------------------|-------------|--------------------------------------|---------------------|
| | | Sump 1 Discharge | | Sump 2 Discharge | | Sump 3 Discharge | | North Creek by Highway | | BC Water Quality Guidelines (Marine) | |
| | | Date Sampled 16-Nov-2024 | 25-Nov-2024 | 16-Nov-2024 | 25-Nov-2024 | 16-Nov-2024 | 25-Nov-2024 | 16-Nov-2024 | 25-Nov-2024 | Long Term Chronic | Short Term Acute |
| Copper (Total) | mg/L | 0.0134 | 0.0342 | 0.00815 | 0.0104 | 0.00757 | 0.0178 | 0.00264 | 0.00275 | 0.002 | 0.003 |
| Lead (Total) | mg/L | 0.000154 | 0.00304 | 0.000092 | 0.000234 | 0.00018 | 0.00109 | 0.000076 | 0.000198 | 0.002 | 0.14 |
| Zinc (Total) | mg/L | 0.248 | 0.281 | 0.0112 | 0.018 | 0.0461 | 0.0737 | 0.0032 | 0.0046 | 0.01 | 0.055 |
| Benzo(a) pyrene | µg/L | 0.0208 | 0.0183 | <0.0050 | <0.0050 | <0.0050 | <0.0050 | <0.0050 | <0.0050 | 0.01 | |
| Percent Survival in 100% (v/v) sample | % v/v | 90 | 80 | 100 | 100 | 100 | 100 | - | 100 | | |

Legend

| | |
|--------|--|
| 0.1234 | does not meet BC WQG Long Term Guideline |
| 0.1234 | does not meet BC WQG Short Term or Long Term Guideline |

The long-term guideline for copper (0.002 mg/L) was exceeded on November 16 and November 25, 2024, at all locations, including the background North Creek sample location. All Sumps 1, 2 and 3 discharges also exceeded the BC WQG short-term guideline for copper (0.003 mg/L), while the North Creek location met the short-term guideline. The highest copper levels, 0.0342 mg/L at Sump 1 on November 25, 2024, were 1600% over the long-term copper guideline and 1000% over the short-term guideline. The lowest on-site copper level, 0.00757 mg/L at Sump 3 on November 16, 2024, was 175% higher than the highest background level from North Creek, 0.00275 mg/L on November 25, 2024.

The long-term guideline for lead (0.002 mg/L) was exceeded on November 25, 2024, at the Sump 1 discharge. All remaining sumps and North Creek met the short and long-term guidelines for lead.

The long-term guideline for zinc (0.01 mg/L) was exceeded on November 16, 2024, at Sump 1, and at Sump 1 and Sump 3 on November 25, 2024. The short-term guideline for zinc (0.055 mg/L) was exceeded on November 16 and November 25, 2024, at Sumps 1, 2 and 3. North Creek did not exceed the zinc guidelines for either sample event. The highest zinc levels, 0.281 mg/L at Sump 1 on November 25, 2024, were 2700% over the long-term zinc guideline and 400% over the short-term guideline.

On November 16 and 25, 2024, DWR discharged effluent with concentrations of copper, lead and zinc above BC WQG levels to the environment, therefore, DWR is out of compliance with Required Action 1.

This non-compliance is being referred for an Administrative Penalty.

The Ministry has previously found DWR out of compliance with Order Requirement 1:

- In IR 228922, August 2, 2024, the Ministry found that the DWR failed to comply with Order Requirement 1 during the period of April 17, 2024 to June 26, 2024. The response was a Referral for Administrative Penalty. On December 12, 2024, DWR was issued AMP 2024-43 for \$19,450 for failure to comply with Requirement 1 of the Order. This AMP has been appealed by DWR.

The Facility is located on a site in Union Bay which has a history of industrial land-use, including a log sort, wood waste landfill and coal storage. A provincial highway and former railway run along the upslope property boundary. Environmental Site Assessments in 2005 and 2008 found elevated levels of hydrocarbons and trace to low levels of metals in site soils.

DWR has stated in multiple phone calls, e-mails and the monthly reports, that contaminants present in discharge are not a result of their activities at the Facility. The November 2024 Monitoring Report stated, "*Site activities included manually dismantling large vessels. No activities were observed suspected of causing a release of contaminants into the environment.*" The November 2024 Monitoring Report Correction revised this statement to: "*there was no dismantling taking place during the site visit, and no recycling was taking place.*" The December 2024 Monitoring Report states, "*No dismantling, recycling, or servicing of vessels has taken place. [. . .] There were no activities observed on-site that are suspected of contributing to the levels of total metals and PAH present in the samples collected.*"

The December 2024 Monitoring Report stated that TTOHS attended the Facility on December 28, 2024, and collected samples from all three sump discharge locations, as well as a background sample from the north creek by the highway. The laboratory results for these samples were not presented in the December 2024 Monitoring Report. Compliance with Action Item 1 for the month of December cannot be determined without these results. Therefore, compliance with Action Item 1 for December is not assessed in this inspection report. **The Ministry will assess compliance of the December sampling event once laboratory results are submitted.**

Compliance:

Out

Actions to be taken:

- Immediately cease the release or discharge of effluent with concentrations of copper, lead and zinc above BC WQG levels.

Requirement Description:

Pollution Abatement Order - Required Action 3

3. Cause a Qualified Professional to complete an [updated](#) Effluent Sampling and Management Plan (Plan) and submit it to the Director for approval [by September 13, 2024](#). The Plan must be implemented, including any amendments to the plan identified by the Director, by a date specified in writing by the Director. This Plan must include:

- a) Ongoing inspection at least twice per week, of discharge status at each discharge location identified in the Report, with written records and photographs, and inspection of Facility to identify any other discharges that may arise, under the supervision of a Qualified Professional;
- b) Ongoing sampling at least once per calendar month and during or within 72 hours of a Significant Rainfall Event of:
 - Sump 1;
 - Sump 2;
 - Sump 3;
 - background location NC-HWY;
 - [any points of discharge to the foreshore including surface water run-off from unpaved areas outside the Sump catchments where vessel repair, maintenance, and/or dismantling activities have taken or are taking place;](#)
 - [any points of discharge from the foreshore where vessel repair, maintenance, and/or dismantling activities have taken place, and;](#)
 - any additional discharge locations identified by the Qualified Professional in the Report

for laboratory analysis of:

- Total Suspended Solids
 - pH
 - Total and Dissolved Metals
 - Any additional COPC identified in the Report *[Discharge Report]*
- c) Ongoing sampling and analysis at least once per calendar month and during or within 72 hours of a Significant Rainfall Event of:
 - each Sump location;
 - [any points of discharge to the foreshore including surface water run-off from unpaved areas outside the Sump catchments where vessel repair, maintenance, and/or dismantling activities have taken or are taking place, and;](#)
 - [any points of discharge from the foreshore where vessel repair, maintenance, and/or dismantling activities have taken place;](#)

for Rainbow Trout Toxicity 96 hr LC50 in 100% effluent. 96 hr LC50 100% means that, in a static bioassay on rainbow trout, at least 50% of the test fish must survive 96 hours in 100% effluent; and

[Samples collected from the Sumps/treatment system\(s\) are to be collected at the point\(s\) of discharge to the environment. All samples collected must be collected upgradient of the marine environment.](#)

d) Actions proposed to eliminate the discharge of Total and Dissolved copper, lead and zinc in concentrations greater than BC WQG levels to the environment.

- a. [By October 31, 2024, submit to the Director for approval, an effluent quality mitigation and treatment plan to eliminate the discharge of Total and Dissolved copper, lead and zinc in concentrations greater than BC WQG levels to the environment, developed and implemented under the direction of a Qualified Professional.](#)
- b. [By October 18, 2024, submit to the Director for approval a design prepared by a Qualified Professional for a water treatment system\(s\) at the point of discharge on Sumps 1, 2 and 3 in order to cease the release or discharge of effluent with concentrations of copper, lead and zinc above BC Water Quality Guidelines \(BC WQG\) levels to the environment.](#)
- c. [Under oversight of a Qualified Professional, install the approved water treatment system\(s\) including any amendments to the design as identified by the Director, by December 15, 2024.](#)

** Text in blue is from the July 12, 2024, amendment.*

*** Dates have been updated to reflect due date extensions issued subsequent to the Order and amendment.*

Details/Findings:

On July 12, 2024, the Director issued an amendment to the Order (See Appendix 1). The amendment revised the due date for the Effluent Sampling and Management Plan, added additional sampling locations in the foreshore, required submission of an effluent quality mitigation and treatment plan and required DWR to design and install a water treatment system to eliminate the discharge of Total and Dissolved copper, lead and zinc in concentrations greater than BC WQG levels.

The original July 26, 2024, due date for submission of an updated sampling plan was extended several times. Ultimately the updated Effluent Sampling and Management Plan was due September 13, 2024. The 2024 Sampling Plan was submitted by DWR on September 13, 2024. The submission met the requirements of Section 3, and the 2024 Sampling Plan was approved by the Director on September 20, 2024. DWR has begun implementing the plan and submitted monthly reports on November 1, December 1 and January 1.

The due date for treatment plan submission was also extended, with the final date being October 31, 2024. DWR submitted the 2024 Treatment Plan and system design on October 31, 2024. The 2024 Treatment Plan was approved by the Director on November 7, 2024.

Required Action 3(d)(c) states, "*Under oversight of a Qualified Professional, install the approved water treatment system(s) including any amendments to the design as identified by the Director, by a date specified in writing by the Director.*"

In an October 1, 2024, e-mail, DWR stated there were challenges with installing the water treatment system and requested a deadline extension to the end of December. The Ministry's October 3, 2024, response stated that the deadlines for treatment plan implementation and water treatment system implementation would be specified once the plan and design were approved.

In the November 7, 2024, approval e-mail, the Director stated, "*in accordance with Requirement 3 of the Order, the approved water treatment system must be installed by December 15, 2024.*"

Section 2.2. of the 2024 Treatment Plan states, "*installation of the water treatment system will start immediately, once the system design has been approved for installation.*"

On December 13, 2024, DWR requested a 60-day extension for water treatment system installation. The Director denied the extension request on December 16, 2024.

Officer Deagle contacted the DWR Operations Manager, Mark Jurisich, via phone on January 16, 2025, to determine if the water treatment system was in place. The Operations Manager stated that the components of the water treatment system were on-site, but that it was not yet installed. As the system was not installed by December 15, 2024, DWR is out of compliance with Required Action 3.

The Ministry has previously found DWR out of compliance with Required Action 3:

- IR 230462, dated August 23, 2024
- IR 222735, dated April 22, 2024

However, the non-compliances in those IR's were not about water treatment system installation and were not considered when assessing the compliance category for this IR.

Compliance:

Out

Actions to be taken:

- Immediately install, commission and operate the approved water treatment system.

Requirement Description:

Pollution Abatement Order - Required Action 4

4. Implement the approved Plan on a date to be specified in writing by the Director.

Details/Findings:

There are two Plans approved by the Director. The 2024 Sampling Plan was approved by the Director on September 20, 2024. The approval stated the 2024 Sampling Plan must be implemented by October 1, 2024, and that the first monthly report was due November 1, 2024, and monthly thereafter. The 2024 Treatment Plan was approved by the Director on November 7, 2024. In the approval e-mail, the Director stated the approved Plan must be implemented on November 8, 2024.

2024 Sampling Plan Implementation

The main objective of the 2024 Sampling Plan is to monitor discharges for exceedances to the BC WQG. Samples will be collected at Sumps 1, 2 and 3, North Creek and any discharges identified in the foreshore. Sampling is to occur monthly and during or immediately after significant rainfall events. In addition, the 2024 Sampling Plan states there will be twice weekly inspections of the sumps and the foreshore area where the vessel Miller Freeman is currently located.

DWR completed sampling for the month of November on November 16 and 25, 2024. Laboratory results were not available in the November 2024 Monitoring Report but were provided in the December 2024 Monitoring Report. All required parameters were analyzed for the November samples. No foreshore discharges were identified and no foreshore discharge samples were collected.

Sampling for December occurred on December 28, 2024, which was within 72 hours of the only significant rainfall that month. Results are not presented in the December 2024 Monitoring Report, therefore, whether all required parameters were analyzed cannot be determined. DWR completed thirty-one of the required forty twice-weekly inspections (See Appendix 2).

The 2024 Sampling Plan states that each monthly report will include interpretation of laboratory analytical results. The December 2024 Monitoring Report did not include an interpretation of the analytical results.

In the November 2024 Monitoring Report, DWR included sample results for samples collected by Environment and Climate Change Canada. The November 2024 Monitoring Report did not specify whether the samples were taken from active discharges, the location these samples were taken, nor whether the samples were comparable with other site data. In the previous Ministry Inspection, IR 236755 (December 13, 2024), the Ministry specified in "Actions to be taken" that DWR ensure the next monthly report include discussion on the comparability of November 4, 2024, Environment Canada samples with other samples collected by DWR. This discussion was not included in the December 2024 Monitoring Report.

2024 Treatment Plan Implementation

The Director approved the 2024 Treatment Plan on November 7, 2024, and required the plan to be implemented by November 8, 2024. Action items included grading, drain installation, catchment area upgrades, installing a new oil-water separator and tarping of material re-located from the berm along the North side of the property.

The water treatment system is to be installed at Sump 1. According to the November 2024 Monitoring Report Correction, Sump 1 receives the majority of water from the paved area. In the 2024 Treatment Plan, DWR states, "*The catchment area for Sump 1 is the area where vessel repair, maintenance, and recycling will take place.*" The grading, drain installation and new oil-water separator occur in other parts of the Facility and will direct all Facility run-off to Sump 1 for treatment. The planned water treatment system is designed to treat this run-off before discharge.

In a December 15, 2024 e-mail, the DWR Operations Manager, Mark Jurisich, stated, "*part of the water treatment process requires us to divert water from the Southern side of the haul-out ramp to an area adjacent to the asphalt*

which it is then to be pumped onto the asphalt and drain in to the primary sump of the work yard where it would then pass through the water treatment system. In order for us to complete these earthworks we first need to remove the Miller Freeman vessel from the ramp which we are in the process of doing. [...] I will need 60 working days or at least till the end of February. We must move the Miller Freeman in order to clear the ramp, and then we can complete the work you have requested."

The December 2024 Monitoring Report states, "Deep Water Recovery is actively installing the water filtration system as outlined in the Mitigation Plan. DWR on-site work activities are solely focused around moving the vessels so DWR can complete the groundworks portion of the Mitigation & Treatment Plan."

In a January 16, 2025, phone conversation with Officer Deagle, the DWR Operations Manager stated that the water treatment system has not yet been installed.

Based on the December 15, 2024, email and the December 2024 Monitoring Report, the planned Facility improvements have not been implemented.

According to the 2024 Treatment Plan, a significant amount of leachate was generated from the wood-waste berm along the north of the site. The leachate appeared to be to be generated from rainwater percolating through the porous berm during the rainy seasons extracting contaminants from the wood waste. As of October, approximately 85% of the berm to the southern part of the site. The 2024 Treatment Plan stated that the relocated materials would be covered to prevent leachate generation. On January 16, 2025, the DWR Operations Manager told Officer Deagle that the relocated berm material has not been covered. They also stated that a contractor had collected samples of the material and were waiting for the results. The 2005 and 2008 Site Assessments found low potential for contamination from this berm.

DWR has not fully implemented the 2024 Sampling Plan or the 2024 Treatment Plan, in particular, not all twice-weekly inspections were completed, monthly sampling reports do not include interpretation of results, the site works and water treatment system are not installed, and the relocated waste has not been covered. Therefore, DWR is out of compliance with Required Action 4.

Compliance:

Out

Actions to be taken:

- Implement the 2024 Sampling Plan.
- Implement the 2024 Treatment Plan.

Requirement Description:

Pollution Abatement Order - Required Action 6

6. Each time a report, plan, or monthly report is submitted to the Director, the Qualified Professional(s) performing any of the following in response to this Order: performing work, authoring reports, authoring the Report and Plan, providing reporting, sampling, analyzing, constructing or modifying works, or providing opinions must complete and submit the attached Declaration of Competency and Conflict of Interest Disclosure Statement forms.

Details/Findings:

The December 2024 Monitoring Report was signed and sealed by Gillian Helpard, a registered professional chemist. The report included Declaration of Competency and Conflict of Interest Disclosure Statement forms for Ms. Helpard. DWR is in compliance with this requirement.

Compliance:

In

Compliance History:

- 2024-12-13 IR 236755 AMP: Pollution Abatement Order - Required Action 4 4, Pollution Abatement Order - Required Action 5 5, Pollution Abatement Order - Required Action 6 6
- 2024-11-21 IR 235281 Warning Codes and Regs: Pollution Abatement Order - Required Action 4, Pollution Abatement Order - Required Action 5
- 2024-08-23 IR 230462 Warning Codes and Regs: Pollution Abatement Order - Required Action 3
- 2024-08-02 IR 228922 AMP: Pollution Abatement Order - Required Action 1
- 2024-04-22 IR 222735 Warning 120(7): Pollution Abatement Order - Required Action 2, Pollution Abatement Order - Required Action 3, Pollution Abatement Order - Required Action 6

The Ministry of Environment Compliance and Enforcement Policy and Procedure (C&E Policy) prescribes common requirements and procedures for all Ministry staff to ensure consistent and risk-based assessment and response to noncompliance. Using the Non-Compliance Decision Matrix, the compliance determination for this inspection has been assessed as **Level 2, Category C, AMP**.

More information about Environmental Compliance, the Non-Compliance Decision Matrix, and reporting and data submission requirements can be found at the links below:

General compliance information:

www.gov.bc.ca/environmentalcompliance

Non-Compliance Decision Matrix information:

www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-law-enforcement/environmental-compliance/consequences-of-non-compliance#non-compliance-decision-matrix

Reporting and data submission requirements (send to: EnvAuthorizationsReporting@gov.bc.ca):

www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/comply

Please be advised that this inspection report may be published on the provincial government website within 7 days. Below are the attachments related to this inspection.

If you have any questions about this letter, please contact the undersigned.

Yours truly,



Jurgen Deagle
Environmental Protection Officer

cc: BC Conservation Officer Service - North Island Zone
Environment and Climate Change Canada
Ministry of Water, Land and Resource Stewardship

Attachments:
1) Appendix 1: July 12, 20224 Order amendment
2) Appendix 2: DWR December Discharge Inspections

Deliver via:
Email: Fax: Mail:
Registered Mail: Hand Delivery:

DISCLAIMER:

Please note that sections of the order, permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original order, permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit

<http://www.bclaws.ca>

If you require a copy of the original order, please contact the inspector noted on this inspection record.

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization, therefore, compliance is noted only for the requirements or conditions listed in the inspection record.



July 12, 2024

Order Number: 112057

Via email: mark@deepwaterrecovery.com

Deep Water Recovery Ltd.
5084 Island Hwy S,
Union Bay, BC
V0R 3B0

Attention: Mark Jurisich, Deep Water Recovery Ltd.,

Pollution Abatement Order Amendment

Pollution Abatement Order 112057, issued on March 15, 2024, under Section 83 of the *Environmental Management Act (EMA)*, SBC 2003, C. 53 (the "Order") is hereby amended effective July 12, 2024, as follows:

1. Items 3(b) and 3(c) of the Order are amended by adding the following sampling locations:
 - a. Any points of discharge to the foreshore including surface water run-off from unpaved areas outside the Sump catchments where vessel repair, maintenance, and/or dismantling activities have taken or are taking place.
 - b. Any points of discharge from the foreshore where vessel repair, maintenance, and/or dismantling activities have taken place.

Samples collected from the Sumps/treatment system(s) are to be collected at the point(s) of discharge to the environment.

All samples collected must be collected upgradient of the marine environment.

2. Item 3(d) of the Order is amended by adding the following:
 - a. By July 26, 2024, submit to the Director for approval, an effluent quality mitigation and treatment plan to eliminate the discharge of Total and Dissolved copper, lead and zinc in concentrations greater than BCWQG levels to the environment developed and implemented under the direction of a Qualified Professional.
 - b. By August 15, 2024, submit to the Director for approval, a design prepared by a Qualified Professional for a water treatment system(s) at the point of discharge on Sumps 1, 2 and 3 in order to cease the release or discharge of effluent with

concentrations of copper, lead and zinc above BC Water Quality Guidelines (BCWQG) levels to the environment.

- c. Under oversight of a Qualified Professional, install the approved water treatment system(s) including any amendments to the design as identified by the Director, by a date specified in writing by the Director.
3. Item 3 of the Order is amended by requiring an updated Effluent Sampling and Management Plan be submitted to the Director for approval by July 26, 2024 and implemented, including any amendments to the plan identified by the Director, by a date specified in writing by the Director

In all other respects, Pollution Abatement Order 112057 remains in full force and effect.

RIGHT TO APPEAL

This decision may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date notice of this Order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

NOTIFICATION OF PUBLICATION

Please be advised that this order may be published on the ministry website in 7 days. The recipient of this Order is also notified that the Province intends to publish on the ministry website the entirety of any regulatory document provided under this Order and that:

- a) The Province will provide written notice to the Responsible Person of its intent to publish the Regulatory Documents at least fourteen [14] days prior to publication,
- b) The Province will not publish any information that could not be disclosed if it were subject to a request under section 5 of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 as amended from time to time.

Please be advised that this Order may also be published in the ministry's Quarterly Environmental Enforcement Summary and Natural Resource Compliance and Enforcement Database.

MINISTRY CONTACT

If you have any questions, please contact the undersigned at Jennifer.Mayberry@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read "Jennifer Mayberry", with a long horizontal flourish extending to the right.

Jennifer Mayberry
for Director, *Environmental Management Act*

Attachments:
QP Declaration of Competency Form
QP Conflict of Interest Disclosure Statement

Appendix 2: DWR Discharge Inspections

| | | Inspections | | | | | | | |
|--------------|-------------------------------|-------------|----------|-----------|----------|-----------|----------|-----------|----------|
| | | Sump 1 | | Sump 2 | | Sump 3 | | Foreshore | |
| | | Completed | Missed | Completed | Missed | Completed | Missed | Completed | Missed |
| Week 9 | November 27 -December 3, 2024 | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 2 |
| Week 10 | December 4-10, 2024 | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 2 |
| Week 11 | December 11-17, 2024 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 2 |
| Week 12 | December 18-24, 2024 | 2 | 0 | 2 | 0 | 2 | 0 | 2 | 0 |
| Week 13 | December 25 -31, 2024 | 2 | 0 | 2 | 0 | 2 | 0 | 2 | 0 |
| Total | | 9 | 1 | 9 | 1 | 9 | 1 | 4 | 6 |

| | |
|----------|----|
| Complete | 31 |
| Missed | 9 |