



Report Date: June 20, 2025

File: PAO 112057

Report Number: 244510

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

Dear Deep Water Recovery Ltd.,

Re: An Administrative Penalty Referral

On June 16, 2025, Ministry of Environment and Parks (Ministry) Officer Jurgen Deagle (Officer Deagle) completed an office- review inspection of the Deep Water Recovery Ltd. (DWR) ship repair and salvage facility located at 5084 Island Highway South, Union Bay, B.C. (Facility). The inspection was conducted to verify compliance with Pollution Abatement Order 112057 (Order) which was issued on March 15, 2024, and was last amended on May 6, 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 the appeal. On June 7, 2024, the EAB denied the stay application and the appeal of the Order is still in progress.

The Order does not provide authorization to discharge waste to the environment.

This Inspection Report is being referred for an Administrative Penalty for failing to comply with Order Required Actions 4(B), 4(C), 4(D), 4(E), 4(F), 4(G), 4(H), 4(I), 4(J) and 4(K).

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.

On December 12, 2024, DWR was issued AMP 2024-43 for \$19,450 for failure to comply with Required Action 1 of the Order and AMP 2024-42 for \$26,700 for contravening Section 6(2) of EMA for an unauthorized discharge of waste into the environment. AMPs 2024-42 and 2024-43 are currently under appeal to the EAB (EAB-EMA-25-G001).

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).

Inspection Details:

This inspection report assesses compliance during the period from May 16, 2025, through June 5, 2025 (Inspection Period) and included review of the following documents:

- Effluent Quality Mitigation & Treatment Plan Deep Water Recovery, Union Bay, BC Revision No. 1.3, dated October 2024, received October 31, 2024, prepared by Darryl Stowe, P.Chem, Senior Environmental Scientist, Envirochem Services Inc. (**2024 Treatment Plan**)
- PAO 112057 request for deadline extension, e-mail dated December 15, 2024, from Mark Jurisich, Operations Manager, DWR (**2024 Extension Request**)

**Ministry of Environment
and Parks**

Compliance and
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- PAO 112057 ENV Response Water treatment plan and site upgrades, e-mail dated December 16, 2024, from Jennifer Mayberry, Director of Compliance, BC Ministry of Environment and Parks (**2024 Extension Denial**)
- Sump Discharge Sampling - February 2025 RE: PAO 112057, dated March 15, 2025, prepared by Gillian Helpard, P.Chem, President TTOHS (**February 2025 Monitoring Report**)
- Sump Discharge Sampling - March 2025 RE: PAO 112057, dated April 15, 2025, prepared by Gillian Helpard, P.Chem, President TTOHS (**March 2025 Monitoring Report**)
- Sump Discharge Sampling - April 2025 RE: PAO 112057, dated May 15, 2025, prepared by Gillian Helpard, P. Chem, President TTOHS (**April 2025 Monitoring Report**)
- PAO 112057 Extension Request, letter dated May 30, 2025, prepared by Graham Walker of Borden Ladner Gervais LLP (**2025 Extension Request**)
- PAO 112057 Extension Request Denied, e-mail dated May 30, 2025, from Jennifer Mayberry, Director of Compliance, BC Ministry of Environment and Parks (**2025 Extension Denial**)
- www.youtube.com/@dronevideos1617/videos (recorded on May 29, 30, 31, June 1, 2, 3, 4, 2025), retrieved on June 5, 2025 (**Drone Videos**)
- Sump Discharge Sampling - May 2025 RE: PAO 112057, dated June 15, 2025, prepared by Gillian Helpard, P. Chem, President TTOHS (**May 2025 Monitoring Report**)

All Order requirements were assessed for compliance during this Inspection Period.

Compliance Assessment

Based on the information reviewed, this report documents the non-compliances identified during this inspection, as well as, the associated details/findings and any actions required.

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:

Order Requirement 3 required DWR to submit an Effluent Sampling and Management Plan (Plan). The Plan submitted by DWR in accordance with Order Requirement 3 has two parts, the "*Proposed Surface Water Sampling and Management Plan*" (2024 Sampling Plan) and the "*Effluent Quality Mitigation & Treatment Plan*." (2024 Treatment Plan)

The 2024 Sampling Plan was approved by the Director on September 20, 2024. That 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. In a January 10, 2025, e-mail, the Ministry amended the monitoring report due date to the 15th of each month.

The 2024 Treatment Plan was approved by the Director on November 7, 2024. In the approval e-mail, the Director stated that the approved Treatment Plan must be implemented by November 8, 2024 and that water treatment system to be installed by December 15, 2024.. On December 15, 2024, DWR requested a 60 day extension of the implementation date to allow them to install the water treatment system, complete earth works and divert water to Sump 1. This request was denied on December 16, 2024.

Multiple previous Ministry Inspection Reports (IR) determined DWR had not implemented components of the approved Plan and was out of compliance with Order Requirement 4:

- IR 235281, November 14, 2024, Warning Letter.
- IR 236755, December 13, 2024, Referral for Administrative Penalty
- IR 238061, January 22, 2025, Referral for Administrative Penalty
- IR 238568, February 28, 2025, Referral for Administrative Penalty
- IR 240675, March 25, 2025, Referral for Administrative Penalty
- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Order Requirement 5 requires the submission of a monthly monitoring report, including actions taken towards complying with Order Requirements 1 through 5. Subsection 5(c) requires that the report include a description of all effluent management activities, including any onsite treatment or offsite disposal. The February, March, April and May 2025 Monitoring Reports state that the water treatment system has been installed, but do not state that DWR has completed any of the other effluent management activities listed in the approved Plan.

As key components of the approved Plan had not been implemented, the Ministry issued an Order amendment on May 6, 2025. The amendment modified Order Requirement 4 by assigning a due date to specific actions proposed by DWR in their 2024 Treatment Plan. These amendments are labelled 4(A) through 4(M) and compliance with each is assessed in this inspection report. As DWR is out of compliance with 4(B) through 4(K), they are out of compliance with Order Requirement 4.

On May 30, 2025, DWR submitted a request to extend the commissioning of the water treatment system and to complete the site works described in the 2024 Treatment Plan. On May 30, 2025, the Ministry denied the extension request.

Compliance:

Out

Actions to be taken:

Immediately implement the approved 2024 Sampling Plan and 2024 Treatment Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(A)

4. Implement the approved Plan on a date to be specified in writing by the Director.
- (A) By May 15, 2025, Submit a Commissioning Report for the water treatment system prepared by a Qualified Professional, as detailed in Section 5.5 of the Plan.

Details/Findings:

DWR's 2024 Treatment Plan, submitted October 31, 2024, stated that commissioning the water treatment system had three stages, Clean Water Testing (1 week), Initial System Start Up (1 week) and Ongoing Maintenance and Inspection (ongoing). According to the plan, *"Once the system has been optimized, a Commissioning Report will be completed that summarizes the final system design, including as-built drawings where appropriate."*

The 2024 Treatment Plan was approved by the Ministry on November 7, 2024, with the requirement that water treatment system to be installed by December 15, 2024. The February 2025 Monitoring Report stated that the water treatment system was installed by February 15, 2025, and was in the commissioning phase. The March, April and May 2025 Monitoring Reports also stated that the water treatment system had been installed and was in the commissioning phase.

The 2025 Extension Request stated, *"Item A requires that the water treatment system be commissioned by a Qualified Professional. This has been done, however it appears the results are not significantly changed. Further calibration of the system has recently been undertaken. DWR is waiting for new lab results."*

Officer Deagle reviewed Ministry electronic records on June 16, 2025, and determined no Commissioning Report had been submitted.

As no commissioning report was submitted by May 15, 2025, DWR is out of compliance with Order Requirement 4(A).

The Treatment Plan did not state that DWR would submit the Commissioning Report to the Ministry. The Order, before the May 6, 2025 amendment, did not require its submission. Therefore, this is the first non-compliance for this requirement.

Compliance:

Out

Actions to be taken:

Immediately submit a Commissioning Report for the water treatment system, prepared by a Qualified Professional.

Requirement Description:

Pollution Abatement Order - Required Action 4(B)

4. Implement the approved Plan on a date to be specified in writing by the Director.
- (B) By May 31, 2025, increase the berm height at the north and south ends of the oil/water separator by a minimum of 10 cm (4 inches), as detailed in Section 2.0 and Figure 1 (Appendix A) of the Plan.

Details/Findings:

The 2025 Extension Request stated, *"DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps."*

The February, March, April and May 2025 Monitoring Reports do not state that DWR has increased berm height. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. There was no indication in those videos that the berm height adjacent Sump 1 had been raised. Based on the Monthly Monitoring Reports,

the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(B).

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

DWR was previously reminded of the requirement for new and extended berms in:

- Inspection Report (IR) 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately increase the berm height at the north and south ends of the oil/water separator by a minimum of 10 cm (4 inches), as detailed in Section 2.0 and Figure 1 (Appendix A) of the Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(C)

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

- (C) By May 31, 2025, install an additional 6 meters of asphalt berm (of equivalent combined height) along southern asphalt surface perimeter near the foreshore, as detailed in Section 2.0 and Figure 1 (Appendix A) of the Plan.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has installed an additional 6 meters of asphalt berm along the southern asphalt surface. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. There was no indication in those videos that DWR had installed any additional berm. Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(C).

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

DWR was previously reminded of the requirement for new and extended berms in:

- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately install an additional 6 meters of asphalt berm (of equivalent combined height) along southern asphalt surface perimeter near the foreshore, as detailed in Section 2.0 and Figure 1 (Appendix A) of the Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(D)

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

- (D) By May 31, 2025, excavate and install three French Drains in the Sump 2 catchment area, as detailed in Sections 3.1 and 3.2 and Figure 1 (Appendix A) of the Plan.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has installed French drains. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. There was no indication in those videos that French drains had been installed in the Sump 2 catchment area. The Drone Videos show that a barge and the vessel "Miller Freeman" are located on the gravel pad area that is the Sump 2 catchment area.

Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(D).

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

DWR was previously reminded of the requirement for new drains in:

- IR 238061, January 22, 2025, Referral for Administrative Penalty
- IR 238568, February 28, 2025, Referral for Administrative Penalty
- IR 240675, March 25, 2025, Referral for Administrative Penalty
- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately excavate and install three French Drains in the Sump 2 catchment area, as detailed in Sections 3.1 and 3.2 and Figure 1 (Appendix A) of the Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(E)

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

(E) By May 31, 2025, grade the unpaved area of the Sump 2 catchment area from north to south, as detailed in Section 3.1 and Figure 1 (Appendix A) of the Plan.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has graded the Sump 2 catchment area. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. There was no indication in those videos that DWR had graded the Sump 2 catchment area. The Drone Videos show that a barge and the vessel "Miller Freeman" are located on the gravel pad area that is to be graded.

Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(E).

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

DWR was previously reminded of the requirement for site grading in:

- IR 238061, January 22, 2025, Referral for Administrative Penalty
- IR 238568, February 28, 2025, Referral for Administrative Penalty

- IR 240675, March 25, 2025, Referral for Administrative Penalty
- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately grade the unpaved area of the Sump 2 catchment area from north to south, as detailed in Section 3.1 and Figure 1 (Appendix A) of the Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(F)

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

(F) By May 31, 2025, install and operate a 1,300L oil/water separator at the north end of French Drain #3, as detailed in Section 3.2, Figure 1 (Appendix A), and Appendix B of the Plan.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has installed a new oil water separator. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. There was no indication in those videos that a new oil water separator had been installed. Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(F).

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

DWR was previously reminded of the requirement for a new oil water separator in:

- IR 238061, January 22, 2025, Referral for Administrative Penalty
- IR 238568, February 28, 2025, Referral for Administrative Penalty
- IR 240675, March 25, 2025, Referral for Administrative Penalty
- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately install and operate a 1,300L oil/water separator at the north end of French Drain #3, as detailed in Section 3.2, Figure 1 (Appendix A), and Appendix B of the Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(G)

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

(G) By May 31, 2025, following completion of items D to F, decommission Sump 2. The decommissioning process must include:

- i) removing vegetation and sedimentation from Sump 2;

- ii) sampling and laboratory analysis of the material removed from the sump;
- iii) disposal of the material removed from the sump at an authorized waste disposal facility; and
- iv) providing the Director with documentation of the disposal of the material removed and the completion of the decommission process.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has decommissioned Sump 2. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. The videos show that Sump 2 had not been decommissioned. Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(G).

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

DWR was previously reminded of the requirement to decommission Sump 2 in:

- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately following completion of items D-F, decommission Sump 2.

Requirement Description:

Pollution Abatement Order - Required Action 4(H)

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

(H) By May 31, 2025, install a four-inch asphalt berm along the northern perimeter of the existing asphalt surface area, as detailed in Section 4.2 and Figure 1 (Appendix A) of the Plan.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has installed a four-inch asphalt berm along the northern perimeter of the existing asphalt surface area. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. There was no indication in those videos that DWR had installed a four-inch asphalt berm along the northern perimeter of the existing asphalt surface area. Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(H).

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

DWR was previously reminded of the requirement for new and extended berms in:

- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately install a four-inch asphalt berm along the northern perimeter of the existing asphalt surface area, as detailed in Section 4.2 and Figure 1 (Appendix A) of the Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(I)

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

- (I) By May 31, 2025, fully cover the relocated berm soil stockpiles with impermeable cover to protect from precipitation and prevent the generation of leachate, as detailed in Section 4.2 of the Plan.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that relocated berm material has been covered. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. The Drone Videos show that the berm soil stockpiles have not been covered. Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(I).

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

DWR was previously reminded of the requirement to cover the stockpiled berm material in:

- IR 238061, January 22, 2025, Referral for Administrative Penalty
- IR 238568, February 28, 2025, Referral for Administrative Penalty
- IR 240675, March 25, 2025, Referral for Administrative Penalty
- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately fully cover the relocated berm soil stockpiles with an impermeable cover.

Requirement Description:

Pollution Abatement Order - Required Action 4(J)

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

- (J) By May 31, 2025, decommission Sump 3. The decommissioning process must include:
- i) removing vegetation and sedimentation from Sump 3;
 - ii) sampling and laboratory analysis of the material removed from the sump;
 - iii) disposal of the material removed from the sump at an authorized waste disposal facility; and
 - iv) providing the Director with documentation of the disposal of the material removed and the completion of the decommission process.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has decommissioned Sump 3. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. The videos show that Sump 3 had not been decommissioned. Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(J).

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

DWR was previously reminded of the requirement to decommission Sump 3 in:

- IR 241941, May 6, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately decommission Sump 3.

Requirement Description:

Pollution Abatement Order - Required Action 4(K)

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

- (K) By May 31, 2025, redirect discharge from Sump 3 to the catchment area of Sump 1, as detailed in Section 4.2 and Figure 1 (Appendix A) of the Plan.

Details/Findings:

The 2025 Extension Request stated, "*DWR has recently added, in addition to Tsolum & Tsable (Gillian Helpard), another consulting firm . . . the new consultant (SLR) is requesting 60 days to review all of the data and produce a modified plan . . . items B through M will not be addressed until the new CSAP Qualified Professional understands the issues and has had time to formulate proposed next steps.*"

The February, March, April and May 2025 Monitoring Reports do not state that DWR has redirected discharge from Sump 3 to Sump 1. Officer Deagle reviewed the Drone Videos of the Facility from May 29 to June 4, 2025. There was no indication in those videos that discharge from Sump 3 had been re-directed to the Sump 1 catchment area. Based on the Monthly Monitoring Reports, the May 30, 2025 Extension Request and review of the Drone Videos, DWR is out of compliance with Order Requirement 4(K).

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

DWR was previously reminded of the requirement to redirect all site discharge to Sump 1 in:

- IR 236755, December 13, 2024, Referral for Administrative Penalty
- IR 238061, January 22, 2025, Referral for Administrative Penalty
- IR 238568, February 28, 2025, Referral for Administrative Penalty
- IR 240675, March 25, 2025, Referral for Administrative Penalty
- IR 241941, May 6, 2025, Referral for Administrative Penalty
- IR 243398, June 4, 2025, Referral for Administrative Penalty

Compliance:

Out

Actions to be taken:

Immediately re-direct discharge from Sump 3 to the Sump 1 catchment area.

Requirement Description:

Pollution Abatement Order - Required Action 4(L)

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

(L) By May 31, 2025, install, commission and operate the water treatment system design as detailed in Section 5.0 (including subsections 5.1 through 5.5), Appendix C, and Appendix D of the Plan.

Details/Findings:

The 2024 Treatment Plan, submitted October 31, 2024, stated that commissioning the water treatment system had three stages, Clean Water Testing (1 week), Initial system start Up (1 week) and Ongoing Maintenance and Inspection (ongoing). According to the plan, *"Once the system has been optimized, a Commissioning Report will be completed that summarizes the final system design, including as-built drawings where appropriate."*

The 2024 Treatment Plan was approved on November 7, 2024, with the requirement that water treatment system to be installed by December 15, 2024. The February 2025 Monitoring Report states that the water treatment system was installed by February 15, 2025, was pumping water from sump 1 into a storage tank, and was in the commissioning phase. The March, April and May 2025 Monitoring Reports also state that the water treatment system has been installed and was in the commissioning phase, however, they note *"The WTS holding tank did not reach such capacity that treating and discharging water was required during the month."*

The 2025 Extension Request stated, *"Item A requires that the water treatment system be commissioned by a Qualified Professional. This has been done, however it appears the results are not significantly changed. Further calibration of the system has recently been undertaken. DWR is waiting for new lab results."*

February, March, April and May Monitoring Reports, submitted by DWR, state that the water treatment system has been installed. The 2025 Extension Request states that the water treatment system has been commissioned. None of the reports submitted indicate that the treatment system is operating as designed in the Plan, therefore, compliance with this requirement is not determined.

Compliance:

Not Determined

Actions to be taken:

Ensure the water treatment system is operated as detailed in Section 5.0 (including subsections 5.1 through 5.5), Appendix C, and Appendix D of the Plan.

Requirement Description:

Pollution Abatement Order - Required Action 4(M)

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

(M) Once the water treatment system is operational, accumulated solids in the Holding Tank must be removed by vacuum truck. As per Section 5.2. of the Plan, the removed solids will be sampled for laboratory analysis, then sent to a waste disposal facility authorized to accept the waste type. Records of the volume of solids removed, laboratory results and disposal location will be maintained by DWR and made available for inspection upon request. - Ongoing Requirement

Details/Findings:

The March, April and May 2025 Monitoring Reports state that, *"The WTS holding tank did not reach such capacity that treating and discharging water was required during the month."* The system will take time to accumulate solids requiring removal. As the system was not operating in February and did not treat water in March, April or May, no solids will have accumulated and this requirement is not applicable.

Compliance:

Not Applicable

Compliance History:

- 2025-06-04 IR 243398 AMP: Pollution Abatement Order - Required Action 4
- 2025-05-06 IR 241941 AMP: Pollution Abatement Order - Required Action 1, Required Action 4
- 2025-03-25 IR 240675 AMP: Pollution Abatement Order - Required Action 4
- 2025-02-28 IR 238568 AMP: Pollution Abatement Order - Required Action 1, Required Action 3, Required Action 4
- 2025-01-23 IR 238061 AMP: Pollution Abatement Order - Required Action 1, Required Action 3, Required Action 4
- 2024-12-13 IR 236755 AMP: Pollution Abatement Order - Required Action 4, Required Action 5, Required Action 6
- 2024-11-21 IR 235281 Warning: Pollution Abatement Order - Required Action 4, Required Action 5
- 2024-08-23 IR 230462 Warning: Pollution Abatement Order - Required Action 3
- 2024-08-02 IR 228922 AMP: Pollution Abatement Order - Required Action 1
- 2024-04-22 IR 222735 Warning: Pollution Abatement Order - Required Action 2, Required Action 3, 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, Administrative Penalty Referral**.

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.

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

Yours truly,



Jurgen Deagle
Environmental Protection Officer

cc: BC Conservation Officer Service - North Island Zone

Attachments:

- none

Deliver via:

Email: ☒ Fax: ☐ Mail: ☐
Registered Mail: ☐ Hand Delivery: ☐

**Ministry of Environment
and Parks**

Compliance and
Environmental
Enforcement Branch

Mailing Address:
2080-A Labieux Rd
Nanaimo BC V9T 6J9

Telephone: 250 751 3100
Facsimile: 250 751 3103
Website: www.gov.bc.ca/env

DISCLAIMER:

Please note that sections of the 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 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 permit, 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.