



January 23, 2023

UA184988
Order Number: 111550

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

via email: mark@deepwaterrecovery.com

Attn: Mark Jurisch, Deep Water Recovery Ltd.

Information Order

GROUNDINGS FOR ISSUANCE

This Information Order is being issued under the authority of Section 77 of the *Environmental Management Act (EMA)*, SBC 2003, c.53 (the “Order”). The information required to be produced under this Order will be used for determining whether there are reasonable grounds for making a Pollution Prevention Order (*EMA* Section 81) or Pollution Abatement Order (*EMA* Section 83).

This order is issued as a result of actions or activities on or about the Deep Water Recovery Ltd. (DWR) facility located at 5084 Island Highway South, Union Bay which functions as a marine vessel dismantling and waste disposal operation (Facility). The Facility is located at 5084 Island Highway S., Union Bay, BC on the described land parcel:

PARCEL A (D.D. 27784N) OF LOT 11, NELSON DISTRICT, EXCEPT PARTS OUTLINED IN RED ON PLANS 397 R.W. AND 1414R, AND EXCEPT THOSE PARTS IN PLANS 7190, 8906, 21511, 22414, 28338, 29341, AND 29342

Ministry staff conducted an onsite inspection of the Facility on April 5, 2022 (IR 184988) and observed that it was composed of a mix of open gravel, beach front and asphalt pad. The asphalt area of the Facility is designed in such a way as it directs effluent from the Facility to three unlined collection basins. No treatment systems were observed connected to the unlined basins which drain directly to the marine environment.

Ministry staff conducted an onsite inspection of the Facility on August 17, 2022 (IR 193589) and observed that the wastes onsite included wood debris; steel scrap; unusable rusted material; septic system discharge; recreational vehicle effluent and surface water effluent. It was also confirmed at this time that there were no treatment systems connected to the unlined basins, which are designed to discharge directly to the marine environment when full.

Ministry staff conducted an onsite inspection of the Facility on October 27, 2022 (IR 199271), during a significant precipitation event in excess of 20 mm. Ministry staff observed an active discharge of effluent overflowing from two of the unlined basins into the tidal foreshore and marine environment. Ministry staff collected samples of the effluent discharging into the environment, which exceeded BC Water Quality Guidelines Aquatic Life - Marine (BCWQG) for total Copper, Lead, Zinc and Cadmium.

DWR does not currently have any authorization under the Environmental Management Act (EMA) to discharge waste into the environment from the Facility. However, on July 11, 2022, DWR applied for a new permit under EMA to discharge water from three settling ponds/sumps at a barge dismantling facility. (Job #416364). On November 24, 2022, the Ministry emailed DWR and provided the Application Instruction Document (AID), Information Requirements Table (IRT), and First Nation Consultation Spatial Overlay Engine (SOE) report for DWRs permit application. The status of DWRs permit application is 'Applicant Work Window' in which a methods package is due February 17, 2023. DWR's final application is due three months from the date of the approval of the methods package. However, before the Ministry makes a decision on this application, there may be discharges from the Facility impacting the receiving environment. The monitoring information required in this order will be used to determine whether there are reasonable grounds for making a Pollution Prevention Order or Pollution Abatement Order.

ORDER:

DWR is hereby ordered to provide the following information to the Director:

Item	Required action	Required by midnight on
1.	<p>Retain a qualified professional (QP) with expertise in environmental monitoring of waste effluent discharges.</p> <p>The QP is to develop and implement a sampling and monitoring plan for all current and potential points of discharge originating from the DWR site.</p> <p>The names and qualifications of the QP retained must be submitted to the Director along with completed with 'Declaration of Competency' and 'Conflict of Interest' statements located at</p>	January 31, 2023

	<p>https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/environmental-guidance-and-policy/professional-accountability.</p>	
2.	<p>Submit a ‘Sampling and Monitoring Plan’ to the Director for approval. The sampling and monitoring plan must identify all current and potential sources of effluent discharged from the DWR site and potential contaminants of concern. The Sampling and Monitoring Plan must include a sampling schedule of those discharge sources. The ‘Sampling and Monitoring Plan’ must include but not be limited to the following analysis</p> <ul style="list-style-type: none"> • 5 day Biological Oxygen Demand • Total Suspended Solids • pH • Total and Dissolved Metals • Rainbow Trout 96 hour lethality test. <p>Sampling must be conducted a minimum of once per calendar month and samples must be collected during or within 72 hours of a rainfall event. If no rainfall occurs within a calendar month, sampling may be conducted within the last three days of the required sampling period.</p>	February 28, 2023
3	<p>The ‘Sampling and Monitoring Plan’ must be implemented with the first samples collected prior to March 15, 2023.</p>	March 15, 2023
4.	<p>By April 15th, 2023, and by the 15th of each month thereafter a written report must be submitted to the Director which includes</p> <ul style="list-style-type: none"> • All analytical results including both field and lab QAQC data; • A summary of the monitoring results • Precipitation data and summary for the month. <p>The monthly reports must include an assessment of the results including a statement by a suitably qualified professional as to the environmental status of the effluent discharge and any potential impacts that the effluent discharge may have or had on the receiving environment, including comparison to relevant standard and objectives.</p>	Monthly starting April 15, 2023.

5.	All reports must be prepared and signed by a qualified professional operating within their scope of practise. All information required above must be submitted to the Director by email at environmentalcompliance@gov.bc.ca	Ongoing
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For the purposes of this Order, the following definition applies:

"Qualified Professional" means an applied scientist or technologist specializing in a particular applied science or technology, including agrology, biology, chemistry, engineering, geology or hydrogeology, who (a) is registered in British Columbia with the professional organization responsible for his or her area of expertise, acting under that professional association's code of ethics and subject to disciplinary action by that association, and (b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within his or her area of expertise as it relates to this order, or (c) is approved by the Director.

DUTY TO COMPLY

The requirements above must be undertaken on or before the associated "Required By" date. Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* [SBC 2003, c.53] and may result in legal action. I direct your attention to Section 120(10) of the *Environmental Management Act*, which reads:

"(10) A person who contravenes an order...that is given, made or imposed under this Act by a ...director...commits an offence and is liable on conviction to a fine not exceeding \$300 000 or imprisonment for not more than 6 months, or both."

Failure to comply with the requirements of this order may also result in an administrative penalty under the Administrative Penalties Regulation (*Environmental Management Act*) [B.C. Reg 133/2014] (Regulation). I direct your attention to Section 12(4) of the Regulation, which reads:

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

RIGHT TO APPEAL

This Order 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 that notice of this decision is given. For further information, 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.

MINISTRY CONTACT

If you have any questions, please contact the undersigned at 250-312-7179 or Jason.Bourgeois@gov.bc.ca , or Senior Environmental Protection Officer, Matthew Beckett at 250-645-9416 or Matthew.Beckett@gov.bc.ca .

Yours truly,

A handwritten signature in black ink, appearing to read "Jason B", with a stylized flourish extending to the right.

Jason Bourgeois
for Director, *Environmental Management Act*

Attachments:

Declaration of Competency
Conflict of Interest

Cc:

cory.bettles@envirochem.com