

## 2022-04-29 IR184988 Warning

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From: Lynch, Kyle ENV:EX <Kyle.Lynch@gov.bc.ca>  
To: mark@deepwaterrecovery.com  
Cc: Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Beckett, Matthew ENV:EX <Matthew.Beckett@gov.bc.ca>  
Sent: April 29, 2022 11:44:14 AM PDT  
Attachments: image003.jpg, image005.jpg, image006.jpg, image001.png, 2022-04-29 IR184988 Warning.pdf

Hello Mark,

Please find attached inspection reports for Deep Water Recovery Ltd. located 5084 Island Highway South, Union Bay.

The inspection for Deep Water Recovery Ltd. has resulted in an Warning (Level 2, Category A) for the following non-compliances:

- Environmental Management Act, Environmental Management Act 6 (2): Introduction of waste into the environment in the course of conducting a prescribed industry.

For your information, Warnings are prioritized for follow up inspections.

Please feel free to contact me if you have any questions.

P:\WANSHARE\ROB\Unauthorized sites 25400-75\UA 184988 Deep Water Recovery

**Please acknowledge receipt of this email by replying to this message (please "reply to all").**

*In doing so, you are confirming that you are able to read its contents and open all attachments. If you are not able to open the attachments, please indicate this immediately as this may affect legislated time limits that prescribe your rights or obligations.*

Regards



Kyle Lynch (A.Ag.) | Environmental Protection Officer

Compliance and Environmental Enforcement | BC Ministry of Environment and Climate Change Strategy  
2080 Labieux Road | Nanaimo, BC | V9T 6J9 | Tel: 250-645-9305

To report an act of pollution call the RAPP (Report All Poachers and Polluters) line at 1-877-952-7277 or #7277 on the TELUS Mobility Network or report the incident [online](#)

To report a spill call the Provincial Emergency Program at 1-800-663-3456

 @ComplianceBC More information about Environmental Compliance and how it is assessed can be found [here](#).



Report Date: April 29, 2022

File: UA184988

Report Number: 184988

Deep Water Recovery

5084 Island Hwy S, Union Bay, BC V0R 3B0

Dear Deep Water Recovery,

**Re: Warning Letter, Unauthorized Discharge, 5084 Island Highway South, Union Bay, BC V0R 3B0, Effluent**

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On January 27, 2022, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, located at 5084 Island Highway South, Union Bay, BC V0R 3B0. The inspection determined that Deep Water Recovery is out of compliance with the *Environmental Management Act*, Part 2 Prohibitions and Authorizations, Section 6(2) waste disposal. This Warning Letter lists the compliance verification information below.

By discharging waste under Environmental Management Act without a valid authorization Deep Water Recovery commits an offence under the *Environmental Management Act (EMA)*. Section 120(3) of *EMA* states as follows:

*120(3) A person who contravenes any of the following commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or imprisonment for not more than 6 months, or both: (a) section 6 (2), (3) or (4) [waste disposal];...*

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against Deep Water Recovery. The Administrative Penalties Regulation (EMA) (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the EMA as well as that of specified regulations under which administrative penalties can be assigned. Section 12(1) of the APR states as follows:

*12(1) A person who contravenes section 6 (2), (3) or (4), 7, 8, 9 (1) or (4), 11, 25 (2), 40 (1), (2), (3), (6) or (7), 48 (8), (10) or (15), 55 (1), 72 (1) or (2) or 76.2 of the Act is liable to an administrative penalty not exceeding \$75 000.*

I request that Deep Water Recovery immediately implement the necessary changes or modifications to correct the non-compliance(s) listed above with the *Environmental Management Act*. Further, I request that Deep Water Recovery notify this office in writing, by email or letter within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future.

Please submit your response to the Ministry's Compliance Mailbox at: [EnvironmentalCompliance@gov.bc.ca](mailto:EnvironmentalCompliance@gov.bc.ca).

As a result of this Warning, this authorization will be prioritized for follow-up inspection. The corrective measures will be reviewed by an Officer as part of the next inspection.

Finally, if you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of Deep Water Recovery and will be taken into account in the event of future violations.

Deep Water Recovery failed to comply with the *Environmental Management Act*, section 6(2) as outlined below.

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**Ministry of Environment  
and Climate Change  
Strategy**

Compliance  
Environmental  
Protection Division

Mailing Address:  
2080-A  
Labieux Rd  
Nanaimo BC V9E 6J9

Telephone: 250 751 3100  
Facsimile: 250 751 3103  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

## Inspection Details:

On April 5, 2022, Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officer Kyle Lynch and Oana Enick conducted an on site inspection of the Deep Water Recovery Ltd. (facility) located at 5084 Island Highway South which functions as a marine vessel dismantling and waste disposal facility in Union Bay, due to complaints received by the Ministry. In attendance during the site visit was the registered owner and operator of Deep Water Recovery Ltd., Mark Jurisch (owner).

Requirement Description:	<b>Environmental Management Act, Waste Discharge Regulation (320/2004) (EMA)</b>  2 (1): The industries, trades and businesses, and classes of industries, trades and businesses, listed in the Table in Schedule 1 and in column 1 of the Table in Schedule 2 are prescribed for the purposes of section 6 (2) of the Act.
Details/Findings:	<p>As confirmed during the on site visit and by the owner in a verbal conversation on April 5, 2022, the facility is operated as a marine vessel dismantling operation for derelict and decommissioned vessels (Photo 1). These vessels are accepted at the facility for dismantling and disposal and are considered waste/refuse under the Waste Discharge Regulation. The Vessels accepted for disposal at the facility are from a variety of commercial and institutional sources from provincial and international locations. Once these vessels are at the facility they are removed from the marine environment and brought out of the water at the facility onto a concrete pad, above the high tide line for dismantling. The dismantling process includes cutting the vessels into smaller sections and separating the various materials into their respective waste streams.</p> <p>All the materials and wastes produced during the dismantling of vessels are stored at the facility until transportation for disposal is conducted. During the inspection Mr. Jurisch informed the Officers that only barges had been dismantled at the facility historically, several ships (Photo 2) were stored in the marine environment until such a time as they were to be disposed of. At the time of inspection, the vessels at the facility that were in the process of being dismantled were unpowered barges.</p>
Compliance:	Not Determined
Requirement Description:	<b>Environmental Management Act, Environmental Management Act</b>  6 (2): Subject to subsection (5), a person must not introduce or cause or allow waste to be introduced into the environment in the course of conducting a prescribed industry, trade or business.

Details/Findings:	<p>During the site visit on April 5, 2022, it was observed that the operating areas of the facility was composed of a mix of open gravel, beach front and asphalt pad. As confirmed by Mr. Jurisch and observed during the on site inspection, the asphalt pad area (Photo 1/2) is where the bulk of the dismantling operation is conducted. The asphalt area of the facility is designed in such a way as it directs effluent from the facility to one of three water collection basins (Photos 3, 4 &amp; 5). The primary open water collection system (Basin 1) and two unlined collection systems were observed north (Basin 2) and south (Basin 3). Mr. Jurisch confirmed that Basin 1 was pumped out regularly, however, records pertaining to this removal were requested during the inspection, at the time of writing no records had been provided. No treatment systems were observed connected to the basins which drained directly to the marine environment.</p> <p>On April 25, 2022 a search of the Ministry's AMS data base was conducted and confirmed by the owner in a conversation on April 5, 2022, that no authorization or application has been submitted since the on site inspection for this facility. Refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources is a prescribed industry, listed under Schedule 1: Commercial waste management or waste disposal industry "means establishments primarily engaged in the commercial collection, handling, storage, treatment, destruction or disposal of waste soil, solids or liquids"; of the Environmental Management Act (EMA) - Waste Discharge Regulation. Therefore, the facility is operating as a prescribed industry and has no authorization on file. Any discharge resulting from these sources is regulated under the EMA and requires a waste discharge authorization. The introduction of waste to the environment from a prescribed industry without an authorization is prohibited, therefore; as the facility has allowed effluent waste to be introduced to the environment in the course of conducting a prescribed industry the facility is out of compliance with the requirements of this section.</p>
Compliance:	Out
Actions to be taken:	<p>Apply for a waste discharge authorization:  <a href="https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/apply">https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/apply</a></p>

#### Compliance History:

This is the first electronic compliance record for this authorization since January 1, 2012.

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 non-compliance. Using the Non-Compliance Decision Matrix, the compliance determination for this inspection has been assessed as Level 2, Category A, Warning Unauthorized 6(2).

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](http://www.gov.bc.ca/environmentalcompliance)

-Non-Compliance Decision Matrix information:

[www.gov.bc.ca/environment/how-compliance-is-assessed](http://www.gov.bc.ca/environment/how-compliance-is-assessed)

-Reporting and data submission requirements (to be sent to [EnvAuthorizationsReporting@gov.bc.ca](mailto:EnvAuthorizationsReporting@gov.bc.ca)):

<https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/comply>

**Ministry of Environment  
and Climate Change  
Strategy**

Compliance  
Environmental  
Protection Division

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Telephone: 250 751 3100  
Facsimile: 250 751 3103  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

Please be advised that this inspection report may be published on the provincial government website within 7 days.

Below are attachments related to this inspection.

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

Yours truly,

Kyle Lynch  
Environmental Protection Officer

cc:

**Attachments:**

1) Photo Record Deep Water Recovery April 5, 2022.pdf      Photo  
Record

**Deliver via:**

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

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**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.

Authorization: UA184988	Client Name: Deep Water Recovery
NRIS IR #: 184988	(April 5, 2022) Site Inspection Photos

Photo 1:

A vessel (barge) moored on the asphalt pad above the high water mark.



Authorization: UA184988	Client Name: Deep Water Recovery
NRIS IR #: 184988	(April 5, 2022) Site Inspection Photos

Photo 2:

Several vessels (ships) in storage adjacent to the site until disposal can be arranged.



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Photo 3:

Basin 1, is the central and main water collection basin, located in the middle of the Site.





Authorization: UA184988	Client Name: Deep Water Recovery
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Photo 4:

Basin 2, is the northern most water collection basin.



Authorization: UA184988	Client Name: Deep Water Recovery
NRIS IR #: 184988	(April 5, 2022) Site Inspection Photos

Photo 5:



Document : Photo Record Deep Water Recovery April 5, 2022.pdf

Document comment: Photo Record

## Re: 2022-04-29 IR184988 Warning

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From: Mark Jurisich <mark@deepwaterrecovery.com>  
To: Lynch, Kyle ENV:EX <Kyle.Lynch@gov.bc.ca>  
Cc: Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Beckett, Matthew ENV:EX <Matthew.Beckett@gov.bc.ca>  
Sent: April 30, 2022 8:10:49 PM PDT  
Attachments: image005.jpg, image006.jpg, image001.png

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Kyle,

My apologies I got distracted and forgot to acknowledge your email.

Kind Regards,  
Mark R. Jurisich  
*Operations Manager - Canada*



If you received this email in error, please advise the sender (by return email or otherwise) immediately. You have consented to receive the attached electronically at the above-noted email address; please retain a copy of this confirmation for future reference.

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**From:** Lynch, Kyle ENV:EX <Kyle.Lynch@gov.bc.ca>  
**Date:** Friday, April 29, 2022 at 11:44 AM  
**To:** Mark Jurisich <mark@deepwaterrecovery.com>  
**Cc:** Compliance Admin ENV:EX <Compliance.Admin@gov.bc.ca>, Beckett, Matthew ENV:EX <Matthew.Beckett@gov.bc.ca>  
**Subject:** 2022-04-29 IR184988 Warning

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