

2.7 Deputy R.G. Le Hérissier of the Minister for Planning and Environment regarding the discharge permit application for the “treated brackish water” from the excavation pit at la Collette:

Can the Minister assure the Assembly that D.P.(B) 2009/03/01 - the Discharge Permit application for the treated brackish water from the excavation pit for the incinerator at La Collette - will be treated on its merits and in accordance with the law and not be influenced by possible delays to the construction of the energy from waste plant?

Senator F.E. Cohen (The Minister for Planning and Environment):

Deputy Le Hérissier has kindly agreed that the Assistant Minister with special responsibility for the environment may answer this question.

The Deputy of Trinity (Assistant Minister for Planning and Environment - rapporteur):

I can assure the good Deputy that the Discharge Permit application to which he refers will be treated on its own merits and, more importantly, in accordance with the law. Contractual delays are not a matter which will be taken into account. The application will be determined under the Water Pollution (Jersey) Law 2000 by my Environment Division officers in their regulatory capacity. Once they have considered all the pertinent environmental factors, they may refuse the application, award a Discharge Permit which could potentially have conditions attached restricting levels of chemical determents, expended solids or hydrocarbons. If a consent is granted, it is aimed to ensure that any discharge does not harm the receiving aquatic environments. It will not be driven by considerations relating to the construction of the energy from waste plant.

2.7.1 Deputy R.G. Le Hérissier:

Can the Assistant Minister outline the Chinese walls that are in place in the Planning and Environment Department to ensure that there is total independence and separation of decision-making in this instance.

The Deputy of Trinity:

In this instance it comes under the Water Pollution Law in the Environment Division which is separate to the Planning Department because it is one particular Law. By law, that Discharge Permit application has to be advertised in the Jersey Gazette which was done.

2.7.2 Deputy P.V.F. Le Claire:

I have a question, Sir. It is quite succinct. But procedurally I am asking if it can be directed to the Minister rather than the Assistant Minister.

The Deputy Bailiff:

If the Minister seems to be happy, yes.

Deputy P.V.F. Le Claire:

As the Assistant Minister has no knowledge or is not willing to express knowledge of any oyster contamination at this stage, is the Minister aware of any oyster contamination and any block on sales of oysters in the Island at present? If so, what is the information behind that?

Senator F.E. Cohen:

I am not going to answer this question in the States publicly. What I will do is to circulate a confidential note to States Members later in the day. This is an ongoing sensitive matter and there are many issues that need to be considered that may relate to oysters and the sale of oysters.

2.7.3 The Connétable of St. Helier:

Would the Assistant Minister agree with me that the perception of an independent regulation for this process would be greatly enhanced if the regulator were to operate from a different set of buildings than is currently the place where we have Jersey civil servants it would appear both regulating and organising these matters?

The Deputy of Trinity:

The Environment Division operates out of Howard Davis Farm. It is a law under the Water Pollution (Jersey) Law and they have to abide by the law which the States have put in place. They have to abide by that and they have to go through due process as well as the applicant has to go through due process which at the moment they are going through.

2.7.4 Senator S. Syvret:

Can the Assistant Minister for the Environment honestly tell the Assembly that she is content with the various regulations and processes she has described when it is crystal clear to anyone who has studied this matter that we have a contamination - a pollution - and a threat to our marine environment? So much so in fact, as we have just heard not quite admitted from the Minister himself, that there is contamination risk to the Island's oyster beds. How much more evidence does the Assistant Minister and indeed the other relevant Ministers need before they face the fact that we have a disaster on our hands?

Senator F.E. Cohen:

May I just make a point here? I certainly did not say what Senator Syvret has alluded to. The point is that there are issues relating to oysters. They may or may not be related to the matter of this question. I will be circulating a note to States Members later in the day.

The Deputy Bailiff:

Very well. Senator Syvret asked a question of the Assistant Minister.

The Deputy of Trinity:

There is a raft of legislation which I highlighted in a report at the beginning of the year. There are some omissions. One of them is the Emissions Law. But we are looking at that and hopefully that will be in place to come to the States later on in this year.

2.7.5 The Deputy of St. John:

Could the Assistant Minister through her Minister please give a full report to the Environment Scrutiny Panel of any contamination that is found; an extension basically on what the Minister has said so that the Environment Scrutiny Panel is fully aware of what is going on?

The Deputy of Trinity:

Yes. We have a good working relationship with Scrutiny and I do not think they have been denied any information and I hope that continues.

2.7.6 The Deputy of St. Mary:

I am very concerned about the proposed method for treating the water that is in this brackish water which as we know has lead, copper, iron and so on in it in the solution. I just wonder whether the Minister agrees that the proposed solution - the solution that appears to be on the cards - of 2 settlement tanks followed by a hydrocarbon separator will reduce the amount of contamination at all. My chemistry does not run to it but it does not seem to be a solution to me.

The Deputy of Trinity:

It is a very difficult subject. As it is advertised within the *Jersey Gazette*, the whole purpose is that people can put their submissions into that procedure. I would urge the Deputy of St. Mary to do that. By Article 10 of that law it has to be displayed for 28 days and it was in the *Jersey Gazette* of 14th March. There are strategy consultees which are Health and Social Services and Jersey Harbours but anybody can also put their own submissions.

2.7.7 Deputy G.P. Southern:

Would the Assistant Minister or the Minister state for Members the grounds on which the Minister has just refused to give an answer to a question in public but instead has decided to opt for a confidential answer to States Members? On what grounds has he based this decision?

Senator F.E. Cohen:

I think that will become self evident when the Deputy receives the note later in the day.

2.7.8 Deputy P.V.F. Le Claire:

Is the Assistant Minister in direct contact with the Health Minister in regards to the marine environment and any possible pollutants to the marine environment that could be ingested by humans in and around Jersey? If so, what procedures are in place to communicate these to the Health Department and what have occurred most recently in relation to these discharges?

The Deputy of Trinity:

There are procedures in place. I have not personally been in correspondence with the Minister. That is done at officer level and that will continue. If there was any breach, we have it in law and we will take action if necessary.

2.7.9 Deputy R.G. Le Hérissier:

I wonder if the Assistant Minister could tell us who will make the decision about the application and from whom will that person take advice in making that decision?

The Deputy of Trinity:

The decision will be made after looking at the facts from the statutory consultees as well as any submissions that come in from organisations or any person that writes in and, in fact, will be based on science and within the law. It will be the department makes the decision.

Deputy R.G. Le Hérissier:

Who in the department? Which officer?

The Deputy of Trinity:

Can I name that officer, Sir? It is the Head of Water Pollution.