

2.2. Deputy D.J.A. Wimberley of St. Mary of the Minister for Planning and Environment regarding licences for land reclamation, bio-remediation, ash disposal, aggregates recycling, green waste composting, and storage of asbestos at La Collette:

Could the Minister explain why licences for land reclamation by a bio-remediation, ash disposal, aggregates recycling, green waste composting and storage of asbestos at La Collette have still to be issued under the Waste Management (Jersey) Law 2005 which came into force in 2 stages in November 2006 and February 2007.

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

The Assistant Minister, the Deputy of Trinity, has special responsibility for the environment and the Deputy of St. Mary has kindly agreed that she may answer this question.

Deputy A.E. Pryke of Trinity (Assistant Minister for Planning and Environment - rapporteur):

The Waste Management (Jersey) Law 2005 included transitional provisions that allowed existing waste management sites to continue to operate until they are awarded waste management licensing, provided that they (a) have existed prior to the Law coming into force and (b) applied for waste management licence in the period stipulated in the Law. My department is currently assessing the very many licence applications made, including those from operators based at La Collette, before they determine them later this year. Members must realise that this is not a quick process. I am sure the Deputy is aware that the waste management licensing process is extremely complex. Its introduction has changed the face of the waste management industry in Jersey. It applies both to public and private sector operators and to all types of facilities. The ultimate goal is to reduce the impact of waste sites on the environment. Considerable care must therefore be taken to ensure that licence applications are reviewed and determined in an appropriate and robust manner. Best practice has to be considered in relation to every type of recovery and disposal process and unfortunately that takes time. I can assure the Deputy that my officers are making good progress with this matter. In the meantime the sites operating under the transitional provision allowances are under increasing pressures to conform with good environmental practice.

2.2.1 The Deputy of St. Mary:

I thank the Assistant Minister for that answer and about the stress she puts on the fact that care must be taken and best practice followed. But it does concern me that the Law was passed by the States in the middle of 2004 - on 8th June 2004 - which means that T.T.S. (Transport and Technical Services) knew from then that they would have to apply for a licence and the Law was registered in March 2005. That is a long time ago. Could the Minister tell the House when T.T.S. submitted the application for the licences? Particularly for land reclamation and ash disposal.

The Deputy of Trinity:

Taking the second part of the Deputy's question first, I am sorry, I have not got that information at hand but I will certainly get it and come back to him and to other Members if they wish it. As I said, this Law is very complex and it does take an awful lot of time but the most important thing is that when it did come into force - in 2006 - they had to apply under the transitional licence that had existed prior to the Law coming into force. We realise that there is some work still to do and that is what

we are undertaking and hopefully well within this year T.T.S. should have the appropriate licences.

2.2.2 Deputy G.P. Southern of St. Helier:

There is a phrase I believe: "Justice delayed is justice denied", similarly licences delayed are licences denied. The Assistant Minister stated that some of the organisations concerned are coming under increasing pressure to perform to best practice. What that effectively says is that we are not achieving best practice and we are achieving slack old standards that have been made illegal without a licence under this Law. When is she going to apply this Law? It has taken 2½ years now already.

The Deputy of Trinity:

I totally disagree with the Deputy. It is good practice and we must all aspire to having good practice and over the last years that practice has increased and we must meet the E.U. (European Union) as well. The department is working with all the relevant operators, both in the public and private sector to make sure that they all fulfil their obligation and come up to the standard required.

2.2.3 Deputy G.P. Southern:

Does the Assistant Minister accept that between 2 and 2½ years to administer and grant a licence is an extremely and outrageously long time to be considering anything?

The Deputy of Trinity:

How long is a piece of string, Deputy? Yes, you can say that but the most important thing is that to have the best practice in place, if it takes longer to get what we need in place, that is more important. That is aim of this Law.

2.2.4 Deputy P.V.F. Le Claire of St. Helier:

Could I ask the Assistant Minister if treated water that contains toxic ash has been released into the marine environment from La Collette, and has there been any effect upon the marine environment from this, especially the oyster fisheries?

The Deputy of Trinity:

That is a very detailed question and I am not able to give the Deputy that full information. I am quite willing to do that.

2.2.5 Deputy P.V.F. Le Claire:

The Assistant Minister has been appointed the Minister in charge *de facto* because of a decision by the States not to have an Environment Minister. If she is not able to answer this specific question about contamination about oyster fisheries today, is she really in charge of this brief? Is anybody really in charge of the environmental brief?

The Deputy of Trinity:

That is a very specific question about the water contamination affecting the oyster farms and I would rather have more information behind that and give the right answer.

2.2.6 Deputy F.J. Hill of St. Martin:

The Assistant Minister just answered saying: "How long is a piece of string?" when asked how much time is given to work on the particular Law. Can the Assistant

Minister inform the House how much time really is being devoted on this Law or is it just done part-time when that person has time?

The Deputy of Trinity:

No, we have staff who are very professional in their work who do do this Waste Management Law and I have every faith and confidence but, as I said, it is a very complicated Law and it is not only in the private sector but it is public sector operators too and it needs to be right.

2.2.7 Senator S. Syvret:

The answer to the question asked by Deputy Le Claire, as far as the discharging of the contaminated water into the marine environment is concerned, is, yes, it is occurring and it has been analysed. Does the Deputy not recognise that what we are seeing here is a gross failing of the States of Jersey - yet another one - in its ability to properly regulate itself and respective departments? **[Approbation]** There is probably, I think it is fair to say, going to be no greater ever case of the handling of toxic waste, toxic land, toxic material being moved around and relocated in the history of Jersey. If the Law - that we knew was going to come into effect since 2004 - has not yet been properly replaced to deal with this mass dumping of contaminated toxic waste that is happening now then frankly what is the department doing?

The Deputy of Trinity:

The Law is in place and, as I have said a couple of times, it does take time to get all the operators up and working. We have ... as a report to your proposition back in 2008, Senator, I did give a paper about what different type of laws are in place and staff at Environment, as I said, they are very professional and they are doing a job but it does take time.

2.2.8 Senator S. Syvret:

Just a supplementary on that. Does the Deputy not accept that at present the States of Jersey are committing criminal offences, under a variety of heads of legislation? **[Approbation]**

The Deputy of Trinity:

No, I do not.

2.2.9 Deputy R.G. Le Hérisier:

When the Assistant Minister investigated the matter, did the Assistant Minister accept the explanation that it was complex or did she find that there were some very clear and specific reasons for the delay?

The Deputy of Trinity:

I think the most important thing here is that, as I said, best practice needs to be done, and by E.U. waste management law too. So it is ... each section is so complicated and we need to make sure, as I said, that we have it in place and it is robust and that it is fit for purpose.

2.2.10 Connétable A.S. Crowcroft of St. Helier:

Has the Assistant Minister seen the photographs taken by Save our Shoreline showing pools of toxic water in both the Castle Quays site and the La Collette site which are

able to permeate through to the sea depending on the tide? Is this best practice and would it be acceptable if it was happening in Trinity? **[Approbation]**

The Deputy of Trinity:

No, I cannot comment when I have not seen those particular photographs. Perhaps he would like to pass them on to me.

The Connétable of St. Helier:

I will happily do so.

2.2.11 Deputy A.K.F. Green of St. Helier:

Would the Assistant Minister give us an assurance that from today no discharge of this as described brackish water will take place until we are sure that it is safe to do so?

The Deputy of Trinity:

Yes, I can. I would like to hope I can. Yes, I can be sure.

2.2.12 The Deputy of St. Mary:

I find it very concerning, and I think we all may do, that a law that is passed to protect the environment and the people of Jersey takes 4 years for anything to happen and on the basis that this is a major, major pollution issue what is going on at Castle Quay and La Collette, bearing in mind that what is being taken to La Collette from Bellozanne is regular consignments of toxic and very light fly ash which is liable to fly away in the wind, it really concerns me. My final question to the Assistant Minister is whether in the interests of open government and in view of the sensitivity of this issue and the importance of the various considerations that Members have raised today, will the Minister publish to Members the applications in full for the licenses for ash dumping and land reclamation from T.T.S. and the ensuing correspondence and minutes and, in particular, the conditions which are going to be imposed by the Minister for Planning and Environment?

The Deputy of Trinity:

Yes.

The Deputy of St. Mary:

I did not hear the answer.

The Deputy Bailiff:

Yes, she said. Then we come to a question which the Deputy of St. Martin will ask of the Chief Minister.