

2015.04.14

3.4 Deputy M. Tadier of the Minister for Planning and Environment regarding the levels of nitrates in Jersey mains drinking water:

Is the Minister, as regulator of Jersey Water, content with the current levels of nitrates in Jersey mains drinking water and, if not, what steps is he taking to ensure that this situation improves before he considers re-issuing Jersey Water with a special dispensation to surpass legal nitrate levels again in December 2016?

The Deputy of St. Martin (The Minister for Planning and Environment):

As the Minister for Planning and Environment, I am committed to solving the historic high levels of nitrates in the Island streams, groundwater and drinking water, and finding solutions to this problem is long overdue. The Deputy is correct that my department is still required to issue a dispensation under the Jersey Water Law 1972 and this is because Jersey Water, the company, occasionally exceeds the E.U. (European Union) and local drinking water limit of 50 milligrams per litre of water despite their best endeavours to blend water sources. The department is working closely together with Jersey Water and the farming community to lower nitrates. The work is mainly aimed at tackling the application and control of nitrates on our land.

3.4.1 Deputy M. Tadier:

Will the Minister confirm that he is required to issue a dispensation to Jersey Water or is in fact that a choice? Is he obliged to issue a permit just because Jersey Water consistently failed to meet their nitrate levels at various points during the year? Or could his department and could he decide not to issue a dispensation to Jersey Water and, if so, what would the consequences of that be?

The Deputy of St. Martin:

To the best of my knowledge it is under my own remit as to whether I issue dispensations or not. But what I must say to the Deputy is I take advice from the Health Department as to whether this is acceptable or not and I would also point out to the Deputy that the issuing of dispensation is not something that just happens as a matter of course. I would point him to 2 sections of 3 years and just highlight to him the difficulties that we face here. In 2008 there were 19 orders issued, in 2010 there were 23, but in the year in between 2009 there were none at all. In 2012 I issued 28 orders. In 2014 22 orders, but in 2013 the year in between those 2, there was no necessity to issue orders at all. This is not a finite science. It is not something that happens every year. It is very, very difficult to resolve but I am determined to do it. I am determined to reduce nitrate levels and I am committed to doing that in the future.

3.4.2 Deputy J.A. Martin of St. Helier:

The Minister has stated about the problems with nitrates in a hearing with our panel and he also stated that a big problem was that there was 8 per cent of the population on boreholes and wells with 50 per cent of those being over the 50 per cent allowed of nitrates in the E.U. or local limits.

[10:15]

Could the Minister tell me who advises these people, what is he doing to protect their health and do they have any remit to this new nitrate working group, being Jersey Water, the potato industry, dairy industry and big producers, because if they are poisoning my well I would want to be able to sue them?

The Deputy of St. Martin:

The Deputy uses some very strong words and I would want to stand back from the word "poison" and say that nitrates in water are poison. Certainly I can point out to the Deputy that stream water in 1994 was only 70 milligrams. Since then it has declined to an average of 50 milligrams so we are very, very close to the E.U. limits. Limits which were reduced by 50 per cent not very long

ago. There is not much evidence to show that nitrates do anybody any harm but I would point out to the Deputy in the question about boreholes. Boreholes tend to be away from the mains services, naturally and therefore they are in the countryside and in the farming areas. There are a number of conditions which farmers need to adhere to, to receive single area payment, which is money that I grant to them every year, including farm manure and waste management plans, crop nutrient plans, farm water pollution plans, soil protection plans. I am sure the farmers in the Assembly and those outside will know there are forms to be filled in almost *ad infinitum* on this issue to receive single area payments. So I can assure Deputy Martin that stringent measures are in place to try to make sure that farmers do the best job they possibly can, better than they ever have done in the past, to protect private boreholes from contamination from nitrates.

3.4.3 Deputy J.A. Martin:

Supplementary. The question was about the health of the people. He is telling me what the perpetrators are doing but not about the people receiving the water. Are they informed? How do you protect their health?

The Deputy of St. Martin:

I would imagine it is up to the private boreholes. People with boreholes, many of them have the option to connect to mains services, many do not, but as I said to a previous answer, I would very much like to see it made easier for those people to access the mains water system. But if they are private landowners and owners of private boreholes who are concerned about the quality of their water they are at liberty to take samples and take them to the States analyst for verification.

3.4.4 The Connétable of Grouville:

Would the Minister confirm what I think he said earlier that the level of nitrates is falling due to the hard work of not least the agricultural industry and that despite the spikes on wet years that it is falling and is likely to go below the level that is required?

The Deputy of St. Martin:

Yes, I can confirm that. Nitrates in surface water increased to a peak in 1994, when the average was 70 milligrams per litre. It has since declined to 50 milligrams per litre last year.

3.4.5 Deputy A.D. Lewis:

Last year the Minister attended and spoke at a rather excellent conference on the rural economy. At that conference much was spoken about nitrates and alternative methods of fertilising fields. Can the Minister update us on where we are at with those alternatives and what more investigation has happened, and is there any possibility of future alternatives to the current nitrate supplements?

The Deputy of St. Martin:

There is no doubt by the results of tests that take place that the problems we have with nitrates occur at the end of the spring, which follows very shortly after the inorganic nitrogen supplied to the majority of the potato crop on the Island. So we are working with farmers, and it has already been alluded to, the nitrate working group is working very hard to try to reduce levels of nitrates in streams and I think what farmers have got to do is to look at the way they apply these fertilisers. As most people will know at the moment all the fertiliser is applied before the crop is put into the ground but I think farmers are going to have to work very much harder at finding ways of trickle feeding this nitrogen, whether it is split dressing, applying it in liquid form in the crop much closer to harvesting, but there are husbandry methods which can be employed which gives the crop a much better chance of taking up this nitrogen, and I think that is where our focus needs to be in the future.

3.4.6 Deputy G.P. Southern:

Notwithstanding the Minister's previous answer, is it not the case that the World Health Organisation is seeking to reduce nitrate levels from 50 down to 30 milligrams per litre?

The Deputy of St. Martin:

I can say to the Deputy that I am not aware of that. If that did happen we would have to take another view as to where our levels of nitrate in water were, but at the moment the E.U. drinking water limit is 50 and that is the level that we are at, but we are working to reduce it further.

3.4.7 The Connétable of St. Clement:

I wonder if the Minister is aware of how many health issues have been caused by nitrates in drinking water in, say, the last 20 years, throughout Europe and the British Isles, where perhaps testing regimes are not as conscientious as they are in the Channel Islands?

The Deputy of St. Martin:

I can say to the Assembly I am not aware of any issues of health that have been caused by nitrates. Many, many, many years ago there was a hint that one single blue baby syndrome might be ... the nitrate levels might have been responsible. That was never proven. As such, nitrates were set at a level which is now, as I said, been reduced to 50 milligrams. There is some new work I have to say to the Constable that has recently come out of Canada, which is going to be subject to review again. But this work, I am told, may well result in the Health Department saying to me that the issuing of delegations in the future may have to be on a more stringent basis. We know we have too many nitrates in our streams and we need to reduce them, but we do have an issue. Jersey Water can spend £30 million taking the nitrates out before they put the water into the mains system. T.T.S. (Transport and Technical Services) likewise will have to spend a huge amount of money, probably in the same region, about £30 million, to denitrify water before it is allowed to be put back into the sea. The easiest solution and the much simpler solution is to solve the problem by not putting the nitrates on to the soil in the first place and having them flushed into the mains system. That is the solution which my department working with us is seeking to do. It is not that we will not have inorganic fertiliser used on our agricultural crops but we just need to reduce it a little bit and make better use of it.

3.4.8 Deputy M. Tadier:

I am glad to see the penny has finally dropped. It is as if this is going to happen by magic though it would seem. The Minister says that he does not issue dispensations lightly yet during the quarterly hearings, which the transcript is available, when it was put to him whether in 2016 or after 2016 a further dispensation was likely to be given to Jersey Water the answer was yes. So pretty much it is already a done deal and can the Minister perhaps clarify and state whether he thinks that there is a need for a less cosy relationship between him, as regulator, and Jersey Water, as the offender in this particular issue, if action is to be taken then consequences need to be given to actions when targets are not met. Will the Minister undertake to consider not giving Jersey Water any further dispensation so that they can start to take action, impose fines as necessary and also work with the farming community to use both carrots and sticks and perhaps the occasional Jersey Royal Potato in order to gain, what we all want, a reduction in nitrates in drinking water?

The Deputy of St. Martin:

Jersey Water, who I do not enjoy a cosy relationship with, have the option of diluting the water they put into the mains with desalinated water. But as I have said to Members, this involves a great deal of cost. The company must demonstrate to me that they have taken all reasonable steps to limit exceeding 50 milligrams before I issue a dispensation order. But I am not sure if the Deputy is quite understanding what he is saying because if I do not issue a dispensation order I suspect that what we would have is no water in our mains services. If the Deputy wants me to turn off people's water supplies I am afraid I cannot give him that assurance because I am not prepared to do it. What I am prepared to do, however, is to work closely, as I have said, with the industry and with

other people and to make sure that we get this limit of nitrates per litre in our water streams and water courses down to an acceptable level where everybody can be satisfied.

Deputy M. Tadier:

I would rather have the desalination plant.

The Deputy Bailiff:

Could I remind Members that both questions and answers should be succinct.