

2016.06.28

**9 Deputy K.C. Lewis of St. Saviour of the Minister for Treasury and Resources regarding PFOS contamination in the west of the Island: [9534]**

As shareholder representative for the Ports of Jersey, would the Minister update Members on P.F.O.S. (Perfluorooctane Sulfonate) contamination in the west of the Island as a result of the firefighting media used at Jersey Airport in the 1990s and whether a settlement has been reached with bore hole owners in respect of that contamination?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

Approximately 76 residential and commercial properties were identified in the potentially affected area known as the plume area. Testing of water supplies is ongoing and almost half of these properties have shown only trace, or no P.F.O.S. readings - P.F.O.S. is the constituent that the Deputy was referring to - and it is unlikely that they ever will. Some other properties have previously tested positive, but are now clear. However, others have tested positive and continue to do so. The vast majority of properties have been connected to mains water at public expense and have had their water rates paid. Ports of Jersey have offered to connect the few remaining unconnected properties to the mains, whether affected or not. Given the sensitivity of the issue, the States had initially taken a very conservative view and put a wide regime in place, covering any property that could be affected whether actually affected or not. Ports of Jersey are currently reviewing each property to determine the degree to which it has been affected, if at all, and to negotiate with property owners on a case by case basis the appropriate settlement, if any. This strategy is working and I can tell Members that the first such settlement agreement has recently been signed.

**3.9.1 Deputy K.C. Lewis:**

The P.F.O.S. is lying within the aquifer so it is not until we get very, very heavy rainfall that it seems to come to the surface in both senses of the word again. In 2009, the Minister, in a different guise, told this Assembly that a solution was very close. In 2012, a legal document was produced and a settlement proposed to cover the next 25 years. In 2014, the airport wrote to owners talking about reaching a settlement. Why is this still ongoing? Now they have been incorporated, are Ports trying to renege on previous undertakings made to this Assembly, to the public and to affected owners?

**Senator A.J.H. Maclean:**

To take the last part of the question first, the Ports of Jersey are certainly not attempting to renege at all. What they are seeking to do is reach a settlement. As the Deputy pointed out, this matter has been ongoing for some considerable time. In fact, the pollution first occurred back in the 1990s. It is a difficult and complex matter involving, as I have mentioned already, quite a number of individual properties and individual owners or occupiers of those properties. Consequently, the initial idea was to try and reach a settlement with the group as a whole. As I pointed out, the Ports of Jersey are now taking a case by case approach to this and it is beginning to bear fruit. I am delighted that the first settlement agreement has been signed and I hope that any outstanding ones will be concluded also fairly quickly.

**3.9.2 The Connétable of St. John:**

I believe the States received from the manufacturers, or from the insurance, a considerable sum, £6 million, for the settlement of these claims. Has this money remained with the States or has it been passed to Ports in order to settle these claims?

**Senator A.J.H. Maclean:**

A very successful case was taken against the manufacturer of P.F.O.S. and that was settled and there was a settlement figure, which was paid to the States. That money, or a proportion of that money, was used for remediation, in particular a new fire training ground, and to ensure that there would not be such leakage of constituent parts that are of a dangerous nature for the water supply in the future.

**The Connétable of St. John:**

Sorry, could he answer the question?

**3.9.3 Senator P.F.C. Ozouf:**

Is the Minister aware that it was, in fact, you, when you were Attorney General, Sir, that gave legal advice and got a successful conclusion to this case?

**Senator A.J.H. Maclean:**

I am not quite sure of the relevance.

**The Bailiff:**

No, nor am I.

**Senator A.J.H. Maclean:**

I was, in fact, aware and congratulations, Sir, on a very fine effort [Laughter] on behalf of the people of Jersey. [Approbation]

**The Bailiff:**

Minister, the Connétable of St. John feels you did not completely answer his question in relation to whether the monies that had been received had been passed over to Ports of Jersey.

**Senator A.J.H. Maclean:**

I thought I did answer the question. I said that, in fact, it was not the Ports of Jersey at the time. That was before incorporation. The large part of the money was used for the remediation of the new fire ground. That is what happened and I thought I was clear in my previous answer.

**3.9.4 The Deputy of St. John:**

Could the Minister advise why the situation has changed? That in 2012 there was an agreement that was put together but now, in 2016, after incorporation to Ports of Jersey, each case is being dealt with on an individual basis?

**Senator A.J.H. Maclean:**

It was not, in fact, just 2012. This, as I have said, has been going on for a long time. Trying to reach agreement with a large range of individual owners and occupiers of properties in the affected or potentially affected area has proved difficult. The Ports of Jersey incorporation has not simply changed the matter other than the approach has changed. They have taken a view that it is easier to deal on a case-by-case basis. That is what they are seeking to do. In the intervening period, I should make it absolutely clear that the conservative view taken previously was ensuring public safety and that is why all properties in the affected area have been offered the opportunity to be connected to mains water. The majority have taken up that offer. More than £1 million has been spent on connecting those properties to the mains facilities. Those that did not want to connect were offered bottled water in the area. So, public safety has been at the forefront of this issue from the very start and continues to be so.

### **3.9.5 Deputy K.C. Lewis:**

I believe the award to the States of Jersey from the manufacturers of P.F.O.S. was just under £3 million. Surely this should have gone to the residents of the St. Ouen area who suffered from this P.F.O.S. As I alluded to earlier, the P.F.O.S. is in the aquifer, so it comes up, it rises and falls with heavy rainfall. Unless we get zero readings for the next 15 years, then surely it is not safe to drink. Is the Minister saying that the water is safe to drink? If not, will he insist that this agreement is honoured?

### **Senator A.J.H. Maclean:**

I have already stated that the settlement funds were used for remediation purposes in relation to a new fire training facility at the airport to ensure there is no future contamination of water supplies. I have also stated that properties that were affected or potentially affected in the area were offered connections to mains water. That has happened. I should also point out that there was an agreement to pay water rates on the mains connection for that period and that, indeed, is ongoing, subject to settlements being agreed with individual households. That process is, as I have already pointed out, progressing far more quickly now than it did previously with one settlement already in place. Of course, there is a concern about the water and its wholesomeness, I suppose is the right term to be used, and that is exactly why mains water connections were put in place and, indeed, bottled water was made available for those that did not wish to connect to mains.