

2016.11.01

### **3.5 Senator S.C. Ferguson of the Minister for Infrastructure regarding the discharge limits for Total Nitrogen from the Bellozanne Sewage Treatment Plant: [9690]**

Has the department exceeded its discharge limits for total nitrogen from the Bellozanne sewage treatment plant into St. Aubin's Bay and, if so, by how much and for how long?

#### **Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):**

The department has exceeded its total nitrogen limit on the discharge from the sewage treatment works and has done so since the limit was first introduced in the late 1990s. This is not new information. On average, it is 4 times higher than the limit of 10 milligrams per litre that was imposed by the regulator, however, it can peak to over 6 times higher at certain periods. This stringent standard was introduced in the 1990s after an upgraded quote with an increasing population and was based on compliance with the European Urban Waste Water Treatment Directive. The limit was imposed as a precautionary measure at the time to protect St. Aubin's Bay. However, this was based on just one summer season of sampling and testing. Subsequent testing of the bay has shown that in fact no nitrogen removal would be required under the Urban Waste Water Treatment Directives.

#### **3.5.1 Senator S.C. Ferguson:**

Does the Minister consider that the proposed new plant will be sufficient to deal with this problem and does he perhaps not think that the population part of the policies of the Council of Ministers should be dealt with urgently in order to prevent recurrence of this as the new plant comes on stream?

#### **Deputy E.J. Noel:**

The new plant has been designed for a population based on gross. It has been designed for a population of 118,000 Islanders, plus further expansions of 20 per cent, that takes us up to a population, including visitors obviously, of some 140,000. You cannot just base the plant on those living in the Island, you have to base it on the population at any one time, including our tourism numbers.

#### **3.5.2 Deputy A.D. Lewis of St. Helier:**

There has been much speculation about the contribution that this outfall makes to the sea lettuce in St. Aubin's Bay, I wonder if the Minister could clarify as to whether this does contribute very much to that issue or not. There seems to be some conflicting information out there from your department and other independent bodies as to whether it is having much impact. I am sure it is one component of many that is contributing to it, perhaps the Minister could clarify.

#### **Deputy E.J. Noel:**

I am going to read out a few short quotes, if I may, to give on to this: "Despite recent opinions about the cause it is clear that the blooms were not just caused by human-made nutrients flowing into the harbour, as some people believe." A second quote: "Sea lettuce is a naturally occurring algae, the variation is abundant from year to year and place to place and is strongly influenced by uncontrollable factors, such as wind, tide and coastal currents which affect water temperatures and nutrient levels." I quote from an article that was published in New Zealand because this is not just a problem for St. Aubin's Bay, it is not just a problem for the French coast; it is a worldwide problem. To directly answer Deputy Andrew Lewis's question, I do not believe that the outflow from the sewage treatment works or indeed the outflow from the streams going into St. Aubin's Bay from our

water course are the sole cause of the blooms that we get in St. Aubin's Bay over the last few summers. They certainly add to the problem but they are not the cause. We have a report that was commissioned by the Department of the Environment by a firm, experts called Cascade, which clearly show that in fact as you go out towards the Minquiers and into the bay of Saint-Malo that nitrate levels continue to rise. Some 80-plus per cent of the nitrates in St. Aubin's Bay are coming from offshore Jersey.

### **3.5.3 Deputy M. Tadier:**

Notwithstanding what the Minister just said, I think that S.O.S.'s (Save Our Shoreline) research is at odds when we see pictures following the outflow where the green algae is there, almost like a tree coming out from the sewerage outlet, so I think that point is moot. But does the Minister agree with me that it is important to treat the cause here, not just the symptoms? I know that he supports user pays in Jersey increasingly but does he also support polluter pays in this instance?

### **Deputy E.J. Noel:**

I encourage Deputy Tadier to relook at those images produced by Save Our Shoreline because his interpretation is certainly not my interpretation. But I do agree with him that we do need to tackle the cause and the cause of the high nitrate levels in our water is because it is in our water, it is not because it is necessarily in our sewage treatment plant. When you have water coming out of your tap that is 40 to 50 milligrams per litre, then it is not surprising that the water that is coming from the sewage treatment plant will have a similar level of nitrates in that water.

### **3.5.4 Deputy M. Tadier:**

Supplementary. What work has been done to identify why we have high levels of nitrate and what solutions will the department work on, along with the Minister for Environment, to make sure that there is an incentive for those putting nitrates into the water table to stop doing that?

### **Deputy E.J. Noel:**

The Deputy should have availed himself of the information that has already been published by my colleague, the Minister for Environment. We are working with Jersey Water. We are working with the farming community to reduce nitrate levels and there have been some significant improvements over recent years.

### **3.5.5 Deputy M.R. Higgins of St. Helier:**

Just following up on an earlier comment made by the Minister, and just to see if I heard correctly: did the Minister say that the flow of nitrogen into the bay has exceeded almost from the time the plant was established and in breach of what the regulations were? If that is the case, what did the regulator do? Did they fine you? Did they take any action against the Department for Infrastructure or what?

### **Deputy E.J. Noel:**

Again, I am quite happy to confirm - it is not news - but since the limits were set in the 1990s we have not met those limits. But when you have your mains water coming out of the tap at 40 to 50 milligrams per litre you are not going to get your water coming out of the sewage treatment works at anything less.

### **3.5.6 Deputy M.R. Higgins:**

My question was about the regulator and the relationship between the regulator and the Minister's department. If you were exceeding the limits, what sanctions were available to the regulator and why were they not used?

**Deputy E.J. Noel:**

That is a question to the regulator, not to myself.

**3.5.7 Connétable J.E. Le Maistre of Grouville:**

Could the Minister confirm or otherwise that the limit set for the effluent going into the bay is one-fifth of that that is considered safe for drinking water?

**Deputy E.J. Noel:**

I know that our drinking water is typically between 40 to 50 milligrams per litre and that the amount of what we are putting into the bay from the sewage treatment works is at a similar level. But, yes, our regulated level is at 10 milligrams per litre, a quarter to a fifth of what the Constable has mentioned.

**3.5.8 Deputy M. Tadier:**

Can the Minister confirm whether in fact dispensations have been issued recently or historically in recent times so that Jersey Water can continue to give us the high nitrate water coming out of our taps without facing any kind of sanctions on them?

**Deputy E.J. Noel:**

Again, I am not the regulator and it is not a question for my department. But, as far as I am aware, I believe that Deputy Tadier is correct.

**3.5.9 Deputy M. Tadier:**

Would he be able to find out because I am sure Ministers work together and he works very closely, he has told us, with the Minister for Environment when these dispensations were made and whether that is a sustainable way forward? Surely we have laws and limits in place and if they can be constantly broken with impunity, then that must be not just a democratic problem but also a health problem for our residents.

**Deputy E.J. Noel:**

I do not need to ask Deputy Tadier's questions for him. He is quite capable of asking those questions directly to the department and getting those answers; they are in the public domain.

**3.5.10 Senator S.C. Ferguson:**

The Minister has placed great reliance on a particular report. Is the Minister aware of the approach taken in the report he quoted that the results were taken on one day in a straight line with no allowance for seasonality, no results done over a period and, as such, from the scientific point of view, the report is severely flawed?

**Deputy E.J. Noel:**

I take advice from a whole raft of experts and in this particular case the Senator is correct. The testing that was done was on one particular day and because of that I have asked for it to be redone by my department and that is something that we will be doing over the next few months and continually.