

# DRAFT WATER RESOURCES (JERSEY) LAW

## SCRUTINY HEARING of MONDAY JULY 19

### Summary Notes

(These notes are intended as a summary of the main points to emerge from the proceedings of July 19, not as a detailed minute or transcript)

#### 1 Solicitor General

Private session

#### 2. Environment and Public Services Committee

- The law is *required* and regarded as a priority for four principal reasons:
  1. The protection of a finite resource (both in quality and quantity) essential for the community is regarded as a priority and the Draft Water Resources Law as it is presented is based on international practice in controlling quantity and protection against the impact of over abstraction. Dispute may arise over present status of the resource but protection against potential future problems is also required
  2. The need to obtain more information about the water resources of the island and in particular the current pattern of abstraction to ensure that the appropriate form of technical regulation evolves
  3. The need to protect existing users
  4. The need to protect habitats and ecological systems from the impacts of decreasing surface water flows , levels or quality
- Control of water quality from the impact of discharges to the ground (and possibly ‘diffuse pollution’) is provided by the Water Pollution (Jersey) Law of 2000.
- Although the current conceptual understanding is of a relatively thin near surface (25-40m deep) the law is intended to apply to all underground water (shallow or deep, extracted from well or borehole) and to surface water
- There was extensive discussion of the data presented over the years in the *BGS* reports and the following points of agreement emerged:
  1. Shallow water resources only have been investigated and there has been no attempt to investigate deeper sources of groundwater. With the exception of the St Ouen’s and Grouville Sands, groundwater is abstracted from fissures in a geologically complex rock mass. *BGS* maintain that understanding is sufficient to allow resource management as a single system.
  2. For an average rainfall year of 880 mm rainfall. The equivalent of 130 mm of rain infiltrates to groundwater of this 32 mm is required to provide baseflow to streams and abstraction (although poorly constrained) accounts for a further 30 mm. At present therefore human and ecological needs require approximately 50% of the calculated average recharge and there are years when recharge is well below average perhaps even zero.
  3. Since monitoring started (Quality in 1990, levels in 1993) there has been no definitive indication of either systematically falling groundwater levels or deteriorating groundwater quality. This monitoring covers the dry year of 1996 (annual recharge calculated at 25 mm). Possible exceptions to this are seawater intrusion into the sand aquifer at Grouville and St Ouen’s (the St Ouen’s evidence is not unequivocal).
- Licence requirements are intended to apply to all abstractions exceeding 3 m<sup>3</sup>/day except multiple dwelling domestic where abstraction does not exceed 3 m<sup>3</sup>/day per unit. All abstractions will be obliged to register and existing abstractions will be given a 5 year time limited licence
- The guiding principles for regulation are defined in Article 16 of the Draft Bill, details of regulation will evolve as understanding improves

### **3. Jersey New Waterworks Company**

- Support the proposed law on the basis of , better regulation; protection from over abstraction and improving understanding
- Need for regulation based on acceptance of BGS position on over-abstraction (probably not modified since 1996) and the Company is unable to comment on the assessment of the overall water balance
- Few domestic water users exceed 3 m<sup>3</sup>/day usage and there is no special high domestic user tariff. The company policy is to promote metering (all new connections since July 2003 metered), impact of meters is initial reduction in usage which does not last very long. At present there are 27000 domestic accounts and 7000 commercial accounts
- Losses from the distribution system vary from 5% to 20%
- Groundwater abstraction is from St Ouen's Bay sands only and amounts to about 3% (575 m<sup>3</sup>/day or 125000 gpd) of the total, yield is constrained by contamination and potential saltwater intrusion.
- No evidence of decline of nitrate levels in surface water, nitrate problem is controlled by blending with desalinated water
- Much of reservoir storage is met from Winter runoff but 40 to 50 % comes from Summer stream flow. which is in turn maintained by groundwater baseflow.

### **4.Concern**

- Support for the proposed Water resources law based on the principle that water is a public interest commodity of finite quantity which needs to be protected for continuing use by future generations. This requirement is made more urgent because of concerns over climate change
- Existing users also need protection against possible commercial abstractions (e.g. Coca Cola in India). The proposed law provides a tool that permits government to deal with 'abuse'.
- All opinions are based on acceptance of BGS technical assessment and benefit of collecting further information accepted.

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