

2025.03.18

4.1 Deputy K.L. Moore of the Minister for the Environment regarding a reverse osmosis system to treat water and to remove PFAS and nitrates (OQ.54/2025);

Will the Minister advise what progress has been made towards the introduction of a reverse osmosis system to treat water and to remove P.F.A.S. (per- and polyfluoroalkyl substances) and nitrates?

Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):

I am committed to ensuring the safety and quality of our water supply and protecting public health and that is why I have asked the independent P.F.A.S. scientific panel to prioritise water regulation and treatment options as the first phase of report 4. At a meeting that will be held in public of the panel on 30th April, there will be a focus on presentations from Jersey Water on its progress on water treatment options. Water treatment experts will also give evidence on current and emerging treatment options at this meeting, helping to understand what treatment solution would work best in Jersey. I anticipate an interim report from the panel in the summer, which will allow me to recommend a more stringent regulatory standard for P.F.A.S. levels in mains water and to inform the treatment solutions adopted by Jersey Water to achieve this new standard. Standards, treatment and water management methods are already in place to manage nitrate levels but it may well be the case that a solution for treating P.F.A.S. will also benefit water quality as a whole.

4.1.1 Deputy K.L. Moore:

I am grateful to the Minister for his answer. In relation to his comment regarding nitrates, how does he believe his continuing derogation on the level of nitrates in public water balances with his commitment to assuring the best possible quality?

Deputy S.G. Luce:

It was quite recently that I was asked to grant or otherwise a derogation for nitrates in water. The Deputy will know that it is some 10 years now since we started the action. What was then a nitrate working group of the farming industry, it is now called the Action for Cleaner Water Group and which has had great success over the years in reducing nitrate levels. I am not aware that we have had any incidents of nitrates above levels for many, many years now, but Jersey Water still applied to me for this derogation. The last I believe that they will ever apply for. I was happy to grant it on the basis that for a number of years we have not got anywhere near the nitrate levels and it is there very much just as a backstop.

4.1.2 Deputy I. Gardiner of St. Helier North:

Following the Minister's answer about introduction of stricter regulations in Jersey. Would the Minister advise where we are currently - Jersey - as a jurisdiction compared to other world jurisdictions for the P.F.A.S. regulation; if you are thinking about Europe, U.K. (United Kingdom) and other states?

Deputy S.G. Luce:

Jersey currently has a level which is the same ... I believe we meet E.U. (European Union) levels and the guidance also in the U.K. we take into account, and Jersey water levels for P.F.A.S. in water is below those consistently. If one looks around the globe, I believe there are varying levels of acceptable P.F.A.S. levels in water. But the job of the independent panel is to review all those levels to see where other countries around the globe are and to report back in the summer as to where they consider a new satisfactory level should be and how we might get there.

4.1.3 Deputy I. Gardiner:

Would the Minister advise when he is expecting to introduce these new regulations, following the summer report, if it will be needed?

Deputy S.G. Luce:

It is my expectation, as I have said, to receive this report from the panel in the summer about water. I will then need time to consider where any new regulatory level may be set, and then of course I will have the most important thing. I will have to speak with Jersey Water about how quickly we can achieve that new level. The Deputy needs to know that in the U.K., for example, it would be normal to give a region 5 or 6 years' lead-in time. The new infrastructure that will be needed to achieve these levels is not something that is going to be built in 6 months. It is going to be a considerable piece of development and we will need to consider very carefully where that goes and how it is built.

4.1.4 Deputy M. Tadier of St. Brelade:

Does the Minister know whether a derogation that has been asked for has ever been refused by himself or by previous Ministers? If not, what other disincentives are there for a water company to regulate its behaviour if no such derogations have ever been denied?

Deputy S.G. Luce:

I am not aware that a derogation has ever been refused, but it may well have been in the past that a good warning was given that no derogations would be further issued for some particular thing, and I cannot think what it would be. I believe that the derogation is there just to allow the company to very, very, very occasionally, should it need to, exceed by some small amount or by accident an exceedance. I am not sure what the penalties would be of going over the limit if there is no derogation in place.

4.1.5 Deputy M. Tadier:

A derogation can be asked for but it does not have to be granted. I think that is the point that is coming out. Is the Minister prepared more widely, whether it is to do with P.F.A.S. was the original question, for compensation to be given eventually if needed either as an *ex gratia* payment to those who have potentially suffered from Government's involvement in P.F.A.S. in the water or indeed for possible legal challenges that result in a lawsuit against the Government.

Deputy S.G. Luce:

I have not had any conversations with any officers or others about compensation at this point and certainly I would want to get to the very end of the reports that come back from the independent P.F.A.S. panel before that is even considered.

4.1.6 Deputy J. Renouf of St. Brelade:

The Minister talks about the infrastructure that may be needed to reduce levels. Currently Project Breakwater is examining long-term infrastructure spending. Would the Minister consider whether or not to include P.F.A.S. remediation as part of Project Breakwater?

Deputy S.G. Luce:

I have had some very, very initial discussions with the Chief Minister about how the funding for any new treatment works might be found but at this point it is far more important to me to get the new regulations right, to get the quality of the water correct, and worry about who pays for it later. I have spoken with Jersey Water about that and, as the Deputy has just stated, it will be a considerable expense in very broad terms, and these are very initial stages. Some indications would state that it is around £20 million for each of the 2 treatment works we have currently in Jersey. It may be that those treatment works fall away and we build a new treatment work somewhere else on the Island to serve the whole Island. For me, the money is the secondary consideration. The most important thing is getting the quality of the water right.

4.1.7 Deputy J. Renouf:

I agree that getting the quality of the water right is a priority, but my understanding is that Project Breakwater is the long-term planning vision for infrastructure spending in the Island, and therefore would it not make sense to include P.F.A.S. remediation as an item within it?

Deputy S.G. Luce:

It may well do, but we need to remember that, at this point in time, although we are a large shareholder in Jersey Water, and Jersey Water remains a private company, and as such it would be under normal circumstances incumbent upon that company to go away and spend the money on any infrastructure works if necessary, and see how their balance sheet survives and where they get the money from to pay for it.

4.1.8 Deputy K.L. Moore:

The Minister is well aware that this matter has been ongoing for some time and therefore the residents particularly, and those with higher levels of P.F.A.S. in their blood systems, are extremely anxious. Will he commit, once he has received report 4, to a specific timeframe for delivering actions and will he also reassure the Assembly that he has the resource available to him to meet his Ministerial objective of delivering a plan for regulation within a short timeframe?

Deputy S.G. Luce:

There are a number of questions there. All I can do is assure the Assembly and the Deputy that as soon as I get the information required I will be considering it and speaking with Jersey Water about where the new acceptable levels for P.F.A.S. will be. At that point I will also have to consider how quickly that has to come into force. But, as I said previously, we need to be aware of the fact that if a new treatment works is required it will not be something which will appear overnight, and certainly not in a couple of years.

Deputy K.L. Moore:

Sir, I do think perhaps the Minister missed the question, which was about timeframe and resource. Just a commitment that there is resource dedicated to it.

Deputy S.G. Luce:

Obviously I will commit to a timeframe. Jersey Water will have to be aware of that if we are going to have a new treatment works the resource will have to be found. I know it is secondary to the importance of the quality of the water but money will have to be found and discussions will have to be had between Jersey Water and Government to see how the funding is going to be put in place.