

10<sup>th</sup> July 2022

Mr A Scate  
Director General  
Infrastructure Housing and Environment

Richard Bell  
Treasurer of the States

Catherine Madden  
Office of the Chief Executive

Dear Andrew, Richard and Catherine

**Payment of water rates in the Plume area**

I write further to advice and discussions on the unresolved issues around payment of water rates for properties with borehole water affected by PFAS in the agreed Plume area [REDACTED]. The Ports of Jersey acquired the liability at the time of consolidation and has established and administered a scheme to pay water rates for certain properties. [REDACTED]

I believe that residents / property holders in the plume area whose water sources have been affected by PFAS (as a result of actions by a past government) and who have consequently been required to switch to mains water or another form of access to clean water, should not suffer a material detriment. The objective is to put the residents into the position that they were in prior to the contamination from the airport having taken place.

It was an election commitment of mine that I would try to resolve this in a fair way. Therefore, [REDACTED]

[REDACTED] I do understand that [REDACTED] and that other properties have changed hands and that water rates are no longer paid for these properties. This is appropriate only if due process has been followed [REDACTED]

Water rates are currently paid by Ports of Jersey for [REDACTED] properties, and Ports of Jersey has currently agreed to continue this until 2033. As you are aware, I had asked [REDACTED]

[REDACTED] IHE should continue to sample the water in the boreholes on a regular basis [REDACTED]

[REDACTED] In such cases, testing should continue for a further five years, in case levels change. [REDACTED]

The scheme will also need to make provision for what I would call an appeals mechanism, although I believe the preferred expression is a mechanism for review. When the Ombudsman is created, the scheme should pass this responsibility onto the Ombudsman, but in the meantime, I concur that it can rest with the Minister for the Environment in the first instance (provided the Minister is not advised by anyone party to the original decisions that are being appealed).

For the record I would like to make a few extra points :

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]
- 4) [REDACTED]
- 5) Obviously Covid has had a massive impact on our ability to resolve some of these long outstanding issues, however progress HAS been made with both the wider testing for PFOS (etc) by the Environment team, and most particularly, (with the support of the former Deputy Rowland Huelin, and the Connétable of St Peter, Richard Vibert) the recent agreement for the blood testing to take place (which I have been very pleased to have funded out of the budget of the Chief Minister).

I have consulted with the Minister for Economic Development who agrees with the proposed scheme and has countersigned the letter to indicate his agreement.

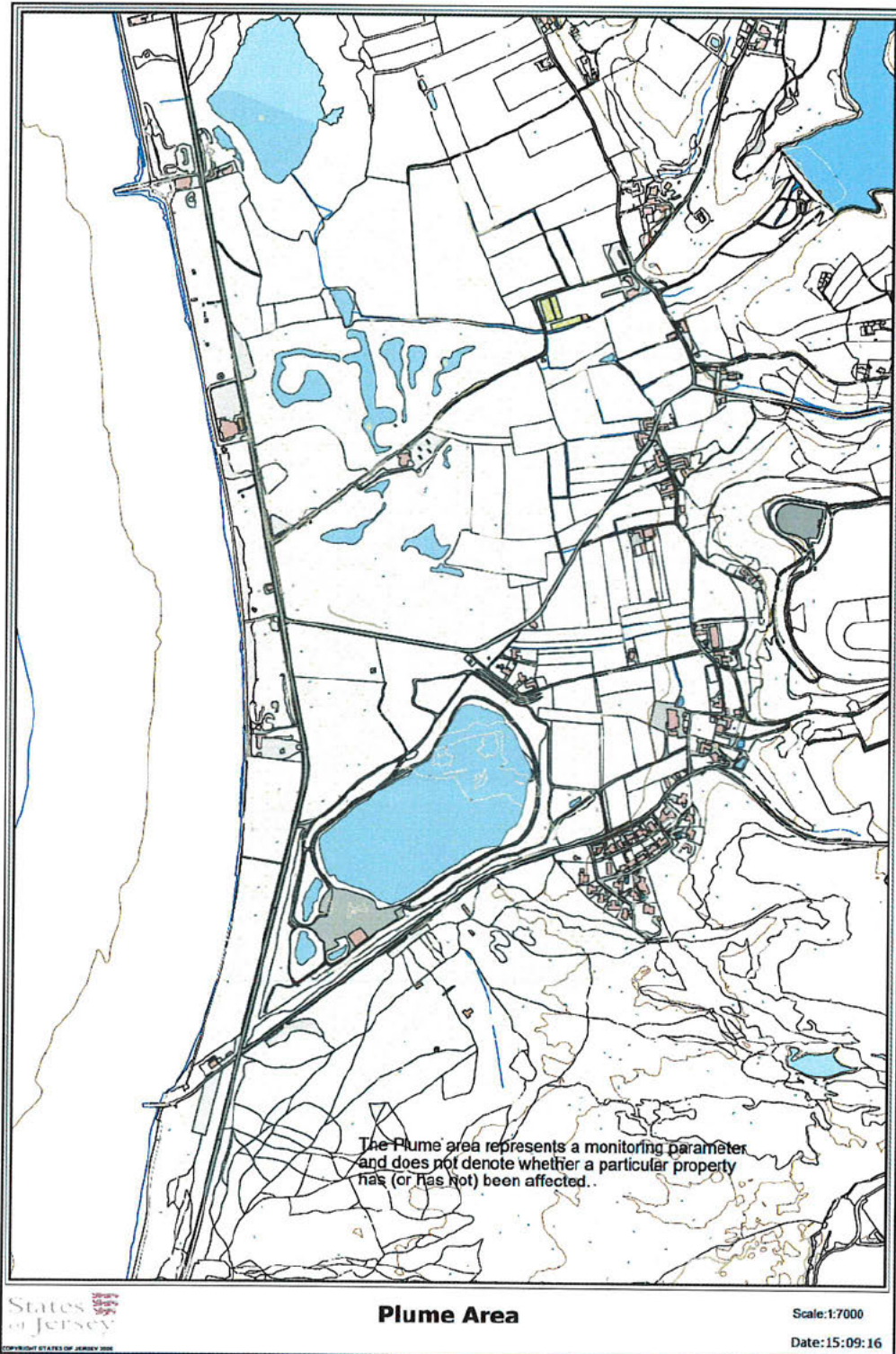
Accordingly we now request that you set in motion all of the necessary plans, [REDACTED] and agreements to enact such a scheme and that this is ready to be put in front of the new Council of Ministers for agreement / ratification as soon as possible.

Yours sincerely, [REDACTED]

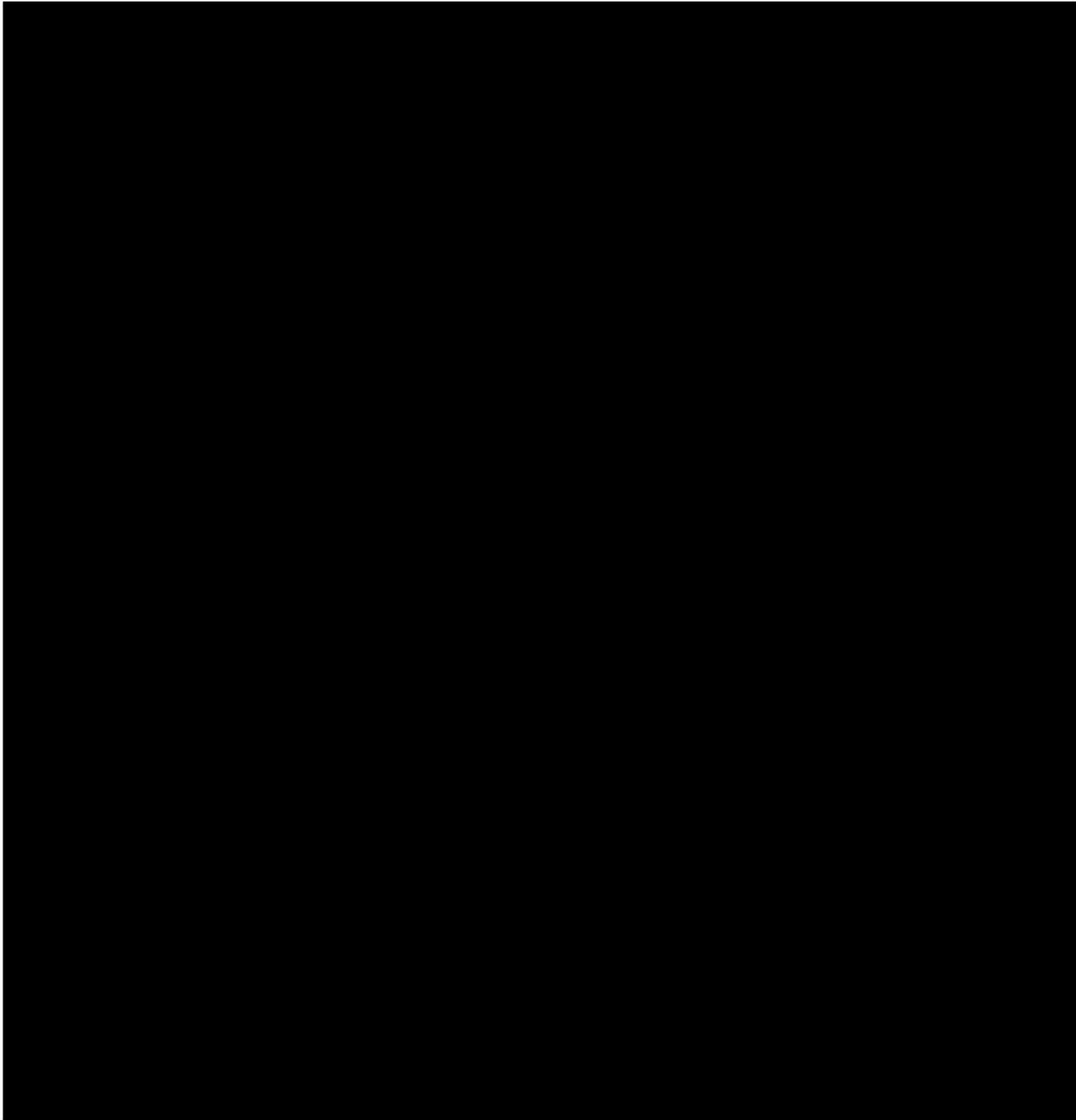
John Le Fondré  
Chief Minister  
Acting Treasury Minister

Lyndon Farnham  
Deputy Chief Minister,  
Minister for Economic Development,  
Tourism Sport and Culture

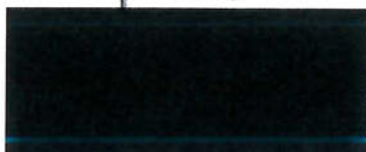
## Appendix A



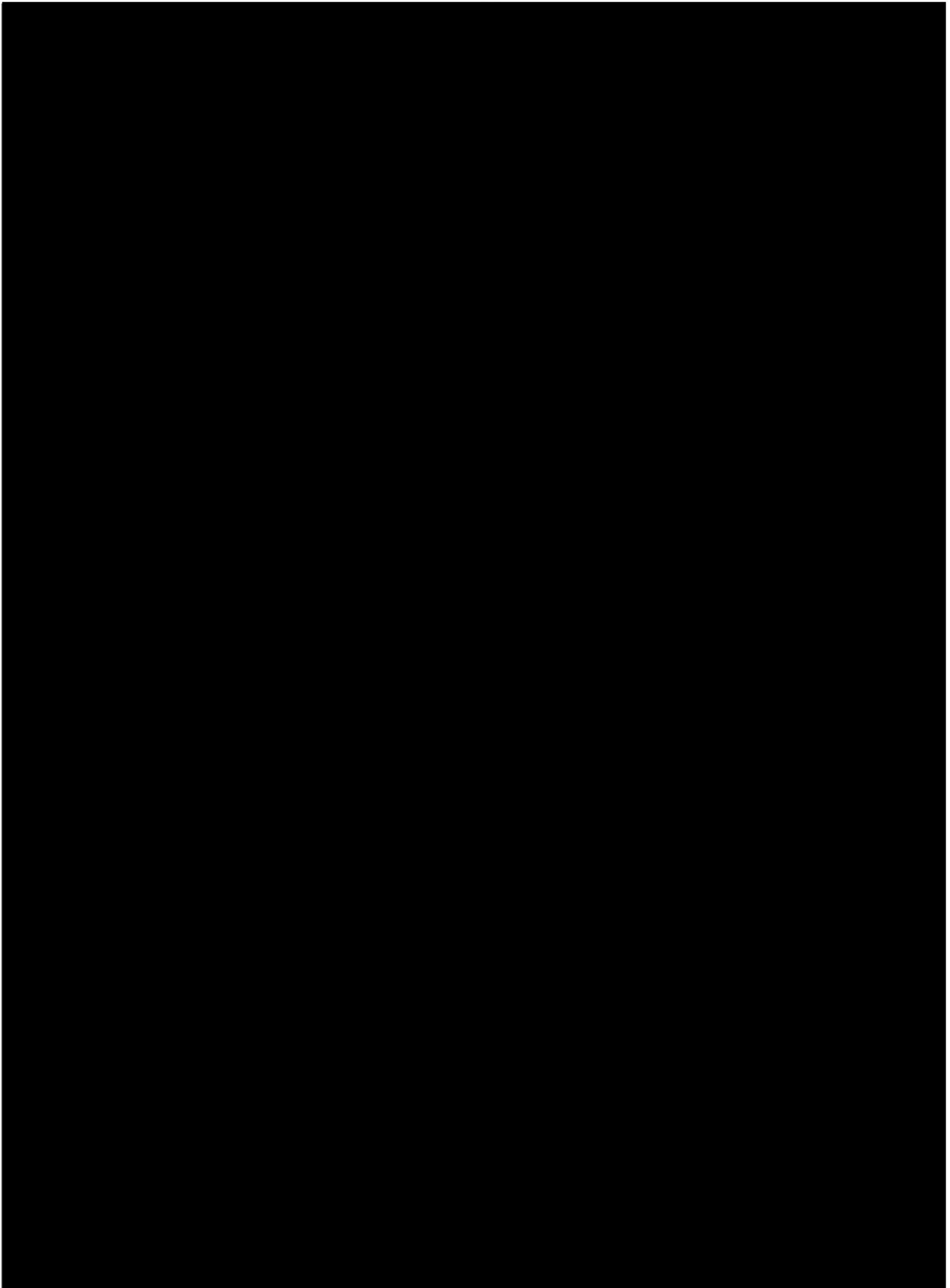
## Appendix B



Yours sincerely

A rectangular black box redacting the signature of the Chief Fire Officer.

Chief Fire Officer





JERSEY AIRPORT

Director

JERSEY AIRPORT  
Jersey, JE1 1BY, Channel Islands. Tel: 0534 46111  
Fax: 0534 46831 Telex: 4192112 AIRIER G



## Ports of Jersey

Jersey Airport  
St Peter, Jersey, JE1 1BY  
Tel: +44 (0) 1534 446000 (Jersey Airport)  
Tel: +44 (0) 1534 447788 (Jersey Harbours)



4 December 2014

Our ref: [REDACTED]

Dear Sirs

We are writing to you as the current owner of [REDACTED] (the "Property"), in respect of the legacy PFOS contamination in the area of your property. This matter has been unresolved for over 10 years, and various attempts have been made to bring it to conclusion. For a variety of reasons it still remains unresolved.

We have been doing a lot of work to understand the deep history and are actively reviewing the entire issue. We wish to try to reach a reasonable and satisfactory settlement with all property owners and believe the timing is right with the new Government being formed this year.

To this end a briefing paper is being prepared for the new Minister for Economic Development. This will be presented at the earliest opportunity following his appointment with the intention of being able to provide all relevant parties with the opportunity to reach a full and final settlement.

We would anticipate being able to respond to you early in the New Year and thank you for patience in this matter. We would remind you any water naturally occurring in, on or under the Property should not be used for Prohibited Purposes<sup>1</sup> until Regulatory Approval<sup>2</sup> is given.

Yours sincerely

[REDACTED]

Deputy CEO and Director of Resources

direct dial: +44 (0) 1534 446019  
email: [a.boulstouler@gov.je](mailto:a.boulstouler@gov.je)  
[www.portsjersey.je](http://www.portsjersey.je) | [www.jerseyairport.com](http://www.jerseyairport.com)

<sup>1</sup> Means (i) drinking or eating, (ii) cooking of any food, feedstuff, drink or beverage, (iii) washing, bathing (including recreational bathing) or showering including, but not limited to the washing or brushing of teeth, dentures or any other medical device or appliance, (iv) any food preparations (to include the washing of any food) (v) watering or feeding of any animal or livestock, and (vi) the supply of water naturally occurring in, on or under the Property as a food source for any of (i) to (v) above.

<sup>2</sup> Means a written and considered statement by the Minister for Health and Social Services (based on the scientific knowledge on the date of the making of the statement) the terms or the effect of which is that water naturally occurring in, on or under the Property is no longer unsuitable or unwholesome only as a result of the presence of substances which appear to be reasonably attributable to Jersey Airport's use of firefighting foam.



PORT OF  
JERSEY



JERSEY  
COASTGUARD





## Public Comments from Government

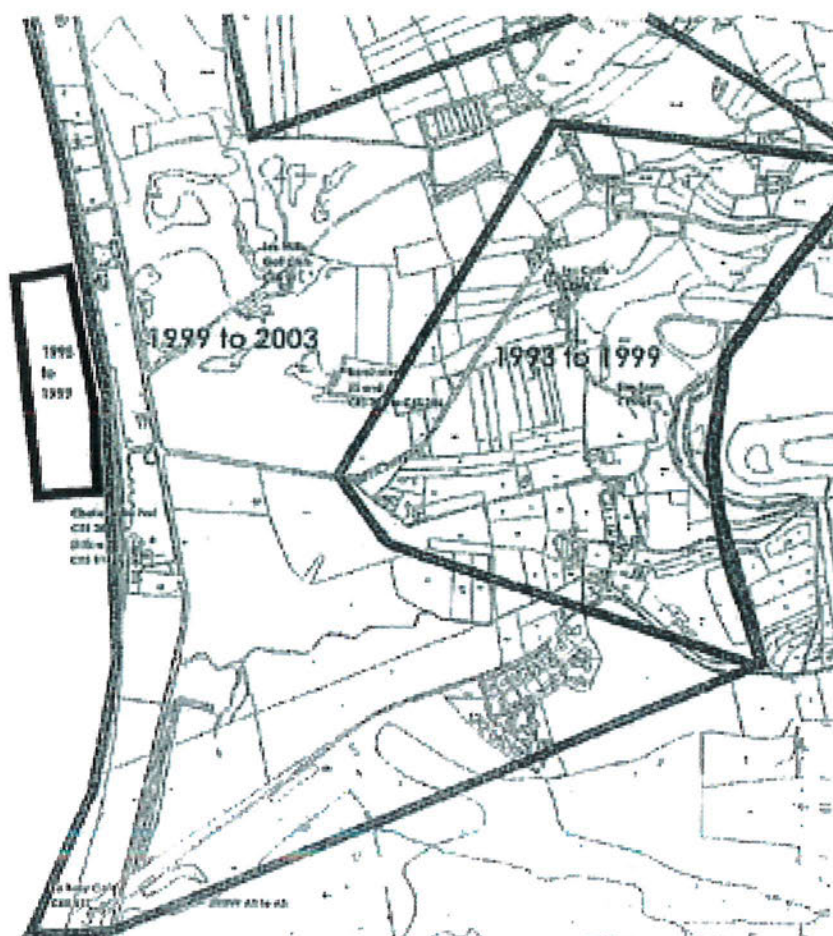
### Extracts from P.176/2004 Jersey Airport : Fireground Remediation – Deed of Settlement Main Proposition (Harbours and Airport Committee)

#### 2. Background

- 2.1 Prior to 1991, a large, rectangular steel tank in a concrete surround was used as the fire training and exercise area. Waste oil from the Island's garages was poured into the pit, ignited and then extinguished with water – no foam was used in these exercises at any time.
- 2.2 In 1991, to meet more demanding training requirements for United Kingdom Airport Fire Services, a one-third scale metal aeroplane was purchased as a training rig and installed in the FTG. Heating oil was sprayed out of various ports in the engine, wing and wheel areas thus creating different scenarios of a much more realistic type for Airport Fire Fighters to train with.
- 2.3 When the rig became operational in late 1991, appliances started to discharge foam on a regular basis during all training sessions. It was the discharge of this foam on a regular basis and the passage of that foam in the groundwaters and rainwater falling on the FTG and moving through the shale that gave rise to the water pollution to the west of the Airport.


#### APPENDIX I

Pollution extent over time



**Comments by the Environment and Public Services Committee (23/11/2004) :**

**COMMENTS**

1. The pollution control measures in place at the old Fire Training Ground (FTG) set up were unsound in that they relied upon a soakaway arrangement to dispose of fire fighting residues. Irrespective of the additional contamination caused by the fire fighting foam the arrangement would not be deemed satisfactory today for the disposal of fire residues.
2. Pollution and harm has been caused by the release of pollutants from the FTG and this has been mitigated by connecting affected properties to mains water supplies where the householder has agreed to this course of action.
3. The main pollutants of concern, Perfluorooctyl sulphonate (PFOS) and Perfluorohexyl sulphonate (PFHS) are persistent in the environment and the attenuation of their concentration in groundwaters is likely to be very slow.
4. The remediation measures to deal with the pollution were reasonable and were approved by the regulator.
5. 
6. As long as the reinstated FTG site is operated within its design parameters and no further pollutants move outside the site into controlled water, including surface water and groundwater, the site will be compliant with the provisions of the Water Pollution (Jersey) Law 2000.

## Extract of comments by the Health and Social Services Committee (18/1/2005)

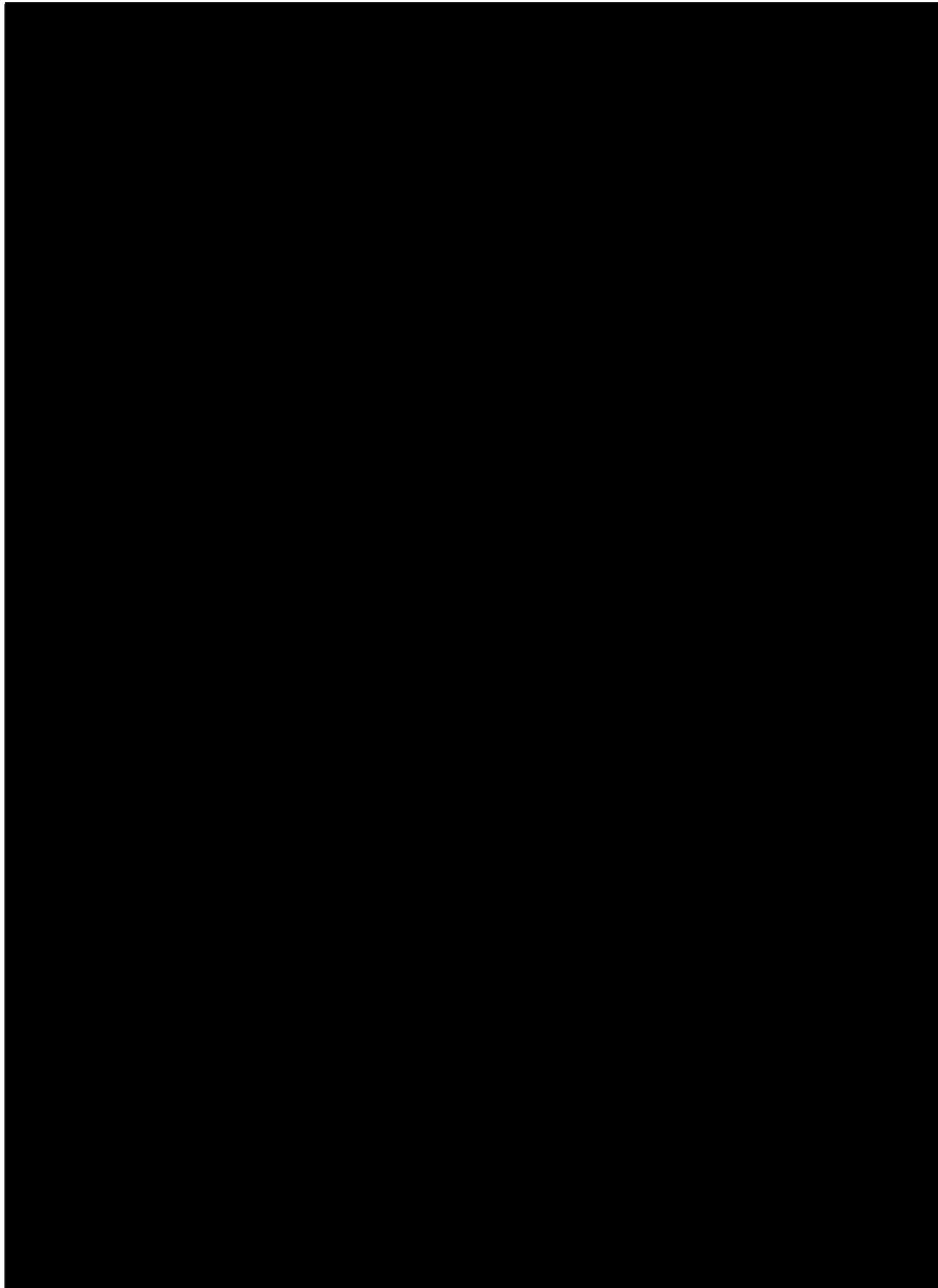
PFOS is a persistent organic pollutant. Residues will be found widely across the Island and in the tissues of Islanders. The significance to human health is unclear but current research suggests reason for concern. In addition to the human health issues, there may be reason for wider environmental concern.

These concerns are accentuated in St. Owen's Bay. It seems likely that these raised levels will continue for the foreseeable future.

It is undesirable that water from contaminated boreholes is used for human consumption. The list of commercial and residential properties within the plume of pollution should be updated and where bore-hole water is used for

human consumption, properties should be connected to the mains water supply. Where water is used for other purposes, the potential environmental and health significance of this should be investigated. The need for this exercise, which will need to continue for an unknown number of years, and any further remediation required, follows the use of PFOS at the Fire Training Ground. These future financial implications should have been taken into consideration as part of any financial settlement.

The science of PFOS and related chemicals is in its infancy. It is likely that within, say, 10 years, we will know far more about the health impact of this chemical on human health. Early pointers are that PFOS may have significant effects; it is certainly far too soon to say it is "safe". This level of uncertainty makes it unwise for the States to assume that PFOS represents no threat to human health or to the environment when the Assembly considers this settlement.





**"Prohibited Purpose"**

means (i) drinking or eating, (ii) cooking of any food, foodstuff, drink or beverage, (iii) washing, bathing (including recreational bathing) or showering including, but not limited to, the washing or brushing of teeth, dentures or any other medical device or appliance, (iv) any food preparations (to include the washing of any food) (v) watering or feeding of any animal or livestock, and (vi) the supply of water naturally occurring in, on or under the Property to a third party for any of (i) to (v) above.

