



Local perception of a regulatory order Closing down an abstraction point as a crisis indicator?



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ABSTRACT

The closure of a drinking water catchment and deterioration of water quality raise questions about concepts such as water quality and territory. This prompts us to consider the interactions between resource and environmental policy, insofar as sensitivity to the standard of water used for human consumption is high and where its operation involves a large number of actors: state departments, public managers and private firms, land and water users and their representatives. Investigations by semi-directive interviews and surveys were conducted with users and water managers at three sites in Brittany (Finistère and in Ille-et-Vilaine) affected directly or indirectly by the Grenelle 1 bill. The results of the survey suggest that the crisis, if it exists, is attributed by the actors to the quantitative evolution of the resource and to regulations perceived as arbitrary in a context of poorly-controlled environmental dynamics. The socio-economic obstacles to quality improvement are frequently advanced in discussions, but management policies capable of removing these obstacles are very rarely mentioned. Instead, the stakeholders place their trust in technological solutions and work towards the political construction of functional solidarities.

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Introduction

Deterioration in the quality of untreated water at European level after the 1960s led to the imposition of increasingly restrictive European legislation aimed in particular at protecting water resources used for human consumption. Examples of this are Directive 75/440/EEC of 16 June 1975 relating to the quality of surface waters destined to be used as drinking water and Directive 80/778/EEC of 15 July 1980 relating to the quality of water for human consumption. French national legislation was being brought into conformity with European law, at the same time as France was using its own legal system to reinforce the requirements for protecting water resources, in particular by the introduction of protection perimeters for catchments (law of 3 January 1992). In spite of these more stringent regulations, water resources continued to deteriorate, as emphasized in many reports (Miquel, 2003; Keller, 2007). Several European Court of Justice Rulings blamed the French State for failures to observe the above-mentioned European

directives (Ruling of 8 March 2001, Ruling of 28 October 2004). The Grenelle 1 Bill of July 2009 responded to these European orders by drawing up a list of 507 suspended catchments, called “priority” catchments, since an action plan was set up to deal with them by the middle of 2012. Catchment closures operated at local level were therefore the result of a national initiative; this very centralized action interfered with a complex management of drinking water networks at regional and local level (Pahl-Wostl et al., 2008). The quality of water catchments became a subject of public action, causing controversy at several levels.

More precisely, the closure of a catchment underlines a problem of public health and territorial management, which we explored in a Water and Territories research programme (Hellier and Michel-Guilou, 2013). Closure involves local responsibilities in face of environmental change and questions the development models of drinking water services, which many authors think have arrived at their limits (Schneier and Petit, 2005; Barbier, 2011). So we need to answer questions about local ways of taking a supra-local environmental regulation into account. Is this situation which prohibits recourse to local resources perceived as a crisis by users and public managers and private operators of the water services, and if so, what sort of crisis is it (health, environmental, political)? What strategies are being implemented today in face of this decision

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Table 1
Catchments suspended and drinking water management on the three study sites: stakeholders and context.

Ploudalmezeau (Finistère)	Plouenan/Saint-Thégonnec (Finistère)	Montours (Ille-et-Vilaine)
<p>History and context of the suspension</p> <p>Several successive closures leading up to 1990. Several reasons:</p> <ul style="list-style-type: none"> - Exceeding the standards for raw waters; - Protection perimeter too complex and restrictive for a resource limited in quantity. 	<p>Water intake for Plouéan from the Horn suspended because of the European dispute over nitrates in 2009.</p>	<p>Water intake for Montours suspended because of the European dispute on nitrates in 2009 (Coesnon basin)</p>
<p>Consequences of the suspension</p> <p>Ploudalmezeau entirely importing supplies. Purchases of water (Kernilis plant)</p>	<p>Movement to a new water supply point on the Coatoulzac'h, a tributary of the Penzé. Import of a resource situated at the limit of the territory of the water authority of the Penzé Possible impact of this new supply point on the catchment of the Penzé also used by the local water authority</p>	<p>Two other supply points in the authority of AEP, Authority with a deficit. Purchase of water from the Town of Fougères and from the water authority of Antrain. Interconnections carried out by the SMPBC</p>

(security, protection, cooperation) and what measures carried out by companies to adapt to the situation can be identified?

The examination of these problems will focus on sites in Brittany, a territory whose choice is justified by the severity of the tension between deterioration in raw water quality and difficulties in legitimizing State-Region water policies. In addition to this, it is essential to take into account the diversity to be found within the region in terms of pollution levels, actions implemented and types of local companies for instance (1). The crisis produced by regulatory decisions is perceived differently and calls into question the usual criteria for qualifying the quality of raw waters (2). The answers given express both the continuation of the logic of structural management of the resource and the establishment of local policies at catchment level with a view to longer-term change (3).

2. Methods

Several French regions are confronted by chronic nonpoint source pollutions, causing catchments to be closed, and even limiting the spread of urbanization, because water resources are not in conformity. Revived by the “green algae” phenomenon in the mid-2000s, public debate on nonpoint source pollutions is particularly lively in Brittany, centring on agricultural organizations that are divided, a Regional council that is proactive with respect to the State¹ and environmentalist associations that are very readily mobilized and organized².

So this first part aims at showing the extent to which the “Breton territorial field” is a very special context for researchers, insofar as action on the evolution of raw water quality is a particularly sensitive question. Proactive policies have already been carried out in this territory to make the resource safe, but for all this, the stakeholders (State services, public and private water service providers, land users, water users and their representatives) have so far come to no agreement among themselves as to how the environmental quality of this resource can be improved.

2.1. Region very early on confronted by nonpoint pollutions and deterioration in the quality of raw waters

As early as the 1970s, Brittany was confronted by deterioration in surface waters, caused in particular by an increase in the nitrate

¹ The Brittany region requested Water Policy delegation of authority from the French state, as an experiment. The response from the State is still awaited.

² The mobilisation goes back to the late 1950s and early 1960s, with the constitution of two major environmentalist associations, now called Bretagne Vivante and Eaux et Rivières de Bretagne.

content in the hydrographic network. Pollution reached maximum concentrations in the 1990s. This major environmental crisis in the region led to policies at regional scale to restore water quality in particular by means of Brittany Pure Water contracts (BEP). These recovery actions were centred on catchment basins which usually had a drinking water abstraction point. Indeed, in this region, most drinking water catchments relied on surface waters which were severely impacted by intensive agricultural activities (Ruiz et al., 2002; Molenat et al., 2008). In spite of financial efforts by the State and the Regional Council made during two five-year contracts (Fleury and Guyomarch, 2003), water quality was not improving, in particular regarding the expectations of drinking water consumers and environmental protection associations. What is more, media coverage about green algae being washed up in several Breton bays exacerbated in the public imagination the perception of this deterioration and the ineffectiveness of the policies that had been implemented for more than twenty years (culminating in the poster campaign of Natural France Environment in the Paris metro in early 2011).

The deterioration in the quality of raw waters led to a formal notice to the State at European level. The rulings of the European Court of Justice related in particular to Brittany; of the 37 catchment sites concerned at the outset, nine remained in dispute in 2009, therefore under suspension. What is more, about fifteen Breton catchments were suspended following the Grenelle law; they were monitored and regulatory constraints were applied to improve water quality. At local level, several associations taking over from user collectives attacked the water service providers in the courts for distributing water which did not comply with drinking water standards. Compensation was granted for the cost of purchasing bottled water. Consumers won their case at the Guingamp magistrates' court on 28 June 1995 (Lyonnaise des eaux), at the Rennes Court of Appeal on 14 November 1996 (Générale des eaux) and at the Final Court of Appeal on 30 May 2006. Private or public managers then turned against the State, and the liability of the State was sanctioned by the administrative court of Rennes on 2 May 2001 and 3 May 2007 for failure to apply environmental regulations.

These conflicts centring on the unreliability of the resource were accompanied by public questionings about the agricultural profession and dominant farming practices, in the framework of the Water Development and Management Schemes (SAGE), in municipal councils, and by the permanent scientific controversy maintained by pressure groups such as agri-food industry research institutes, farming unions and coordinations, environmentalist associations and collectives.

At regional level, the Brittany region is highly involved in attempting to grasp the processes by which pollution is spread and

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