



Environment Act 2021

2021 CHAPTER 30

PART 5

WATER

Storm overflows

80 Storm overflows

(1) In Part 4 of the Water Industry Act 1991 (sewerage services), after Chapter 3 insert—

“CHAPTER 4

STORM OVERFLOWS

141A Storm overflow discharge reduction plan

- (1) The Secretary of State must prepare a plan for the purposes of—
 - (a) reducing discharges from the storm overflows of sewerage undertakers whose area is wholly or mainly in England, and
 - (b) reducing the adverse impacts of those discharges.
- (2) The reference in subsection (1)(a) to reducing discharges of sewage includes—
 - (a) reducing the frequency and duration of the discharges, and
 - (b) reducing the volume of the discharges.
- (3) The reference in subsection (1)(b) to reducing adverse impacts includes—
 - (a) reducing adverse impacts on the environment, and
 - (b) reducing adverse impacts on public health.
- (4) The plan may in particular include proposals for—

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- (a) reducing the need for anything to be discharged by the storm overflows;
 - (b) treating sewage that is discharged by the storm overflows;
 - (c) monitoring the quality of watercourses, bodies of water or water in underground strata into which the storm overflows discharge;
 - (d) obtaining information about the operation of the storm overflows.
- (5) When preparing the plan the Secretary of State must consult—
- (a) the Environment Agency,
 - (b) the Authority,
 - (c) the Council,
 - (d) Natural England,
 - (e) sewerage undertakers whose area is wholly or mainly in England, or persons representing them, and
 - (f) such other persons as the Secretary of State considers appropriate.
- (6) The Secretary of State must publish the plan before 1 September 2022.
- (7) The Secretary of State may at any time revise the plan, having consulted the persons referred to in subsection (5), and must publish any revised version.
- (8) The plan, and any revised version of it, must be laid before Parliament once it is published.

141B Progress reports on storm overflow discharge reduction plan

- (1) The Secretary of State must publish reports (“progress reports”) relating to the plan under section 141A.
- (2) A progress report is to contain the Secretary of State’s assessment of—
- (a) the progress made, during the period to which the report relates, in implementing the proposals in the plan (or any revised version of it), and
 - (b) the effect of that progress on the matters referred to in section 141A(1) (a) and (b).
- (3) The first progress report must relate to the period of three years beginning with the day on which the plan under section 141A is first published.
- (4) Subsequent progress reports must relate to successive periods of five years after the period referred to in subsection (3).
- (5) A progress report must be published within 12 weeks following the last day of the period to which it relates.
- (6) A progress report must be laid before Parliament once it is published.

141C Annual reports on discharges from storm overflows

- (1) A sewerage undertaker whose area is wholly or mainly in England must publish annual reports in relation to the undertaker’s storm overflows (“storm overflow reports”).

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- (2) A storm overflow report must specify, for each of the sewerage undertaker's storm overflows—
 - (a) the location of the storm overflow;
 - (b) the watercourse, body of water or underground strata into which the storm overflow discharges;
 - (c) the frequency and duration of discharges from the storm overflow in the period to which the report relates;
 - (d) where the information is available, the volume of each discharge in that period;
 - (e) information on any investigations that have taken place or improvement works that have been undertaken in relation to the storm overflow during that period.
- (3) Storm overflow reports are to relate to successive calendar years, starting with 2021.
- (4) A storm overflow report must be published by a sewerage undertaker before 1 April in the year after the calendar year to which it relates.
- (5) A storm overflow report must—
 - (a) be in a form which allows the public readily to understand the information contained in the report, and
 - (b) be published in a way which makes the report readily accessible to the public.
- (6) The duties of a sewerage undertaker under this section are enforceable under section 18 by—
 - (a) the Secretary of State, or
 - (b) the Authority, with the consent of or in accordance with a general authorisation given by the Secretary of State.

141D Environment Agency reports

- (1) The Environment Agency must publish annual reports in relation to the operation of storm overflows of sewerage undertakers whose area is wholly or mainly in England.
- (2) A report under this section must specify—
 - (a) the location of the storm overflows;
 - (b) the watercourse, body of water or underground strata into which the storm overflows discharge;
 - (c) the frequency and duration of discharges from the storm overflows in the period to which the report relates;
 - (d) where the information is available, the volume of each discharge in that period.
- (3) Reports under this section are to relate to successive calendar years, starting with 2021.
- (4) A storm overflow report must be published by the Environment Agency —
 - (a) before 1 April in the year after the calendar year to which it relates, and

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- (b) in such manner as the Environment Agency thinks fit.

141E Interpretation of Chapter 4

- (1) In this Chapter, references to a storm overflow of a sewerage undertaker are to any structure or apparatus—
- (a) which is comprised in the sewerage system of the sewerage undertaker, and
 - (b) which, when the capacity of other parts of the system downstream or of storage tanks at sewage disposal works is exceeded, relieves them by discharging their excess contents into inland waters, underground strata or the sea.
- (2) References in this Chapter to discharges from a storm overflow do not include discharges occurring as a result of—
- (a) electrical power failure at sewage disposal works,
 - (b) mechanical breakdown at sewage disposal works,
 - (c) rising main failure, or
 - (d) blockage of any part of the sewerage system downstream of the storm overflow.
- (3) Section 17BA(7) (meaning of sewerage system of a sewerage undertaker) applies for the purposes of subsection (1).”

81 Reporting on discharges from storm overflows

In Chapter 4 of Part 4 of the Water Industry Act 1991 (as inserted by section 80 above), after section 141D insert—

“141DA Reporting on discharges from storm overflows

- (1) Where there is a discharge from a storm overflow of a sewerage undertaker whose area is wholly or mainly in England, the undertaker must publish the following information—
- (a) that there has been a discharge from the storm overflow;
 - (b) the location of the storm overflow;
 - (c) when the discharge began;
 - (d) when the discharge ended.
- (2) The information referred to in subsection (1)(a) to (c) must be published within an hour of the discharge beginning; and that referred to in subsection (1)(d) within an hour of it ending.
- (3) The information must—
- (a) be in a form which allows the public readily to understand it, and
 - (b) be published in a way which makes it readily accessible to the public.
- (4) The duty of a sewerage undertaker under this section is enforceable under section 18 by—
- (a) the Secretary of State, or

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- (b) the Authority, with the consent of or in accordance with a general authorisation given by the Secretary of State.
- (5) The Secretary of State may by regulations make provision for exceptions from the duty in subsection (1) or (2) (for example, by reference to descriptions of storm overflows, frequency of discharge or the level of risk to water quality).
- (6) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (7) The Secretary of State may not make regulations under this section unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, each House of Parliament.”

82 Monitoring quality of water potentially affected by discharges

- (1) In Chapter 4 of Part 4 of the Water Industry Act 1991, after section 141DA insert—

“141DB Monitoring quality of water potentially affected by discharges from storm overflows and sewage disposal works

- (1) A sewerage undertaker whose area is wholly or mainly in England must continuously monitor the quality of water upstream and downstream of an asset within subsection (2) for the purpose of obtaining the information referred to in subsection (3).
- (2) The assets referred to in subsection (1) are—
 - (a) a storm overflow of the sewerage undertaker, and
 - (b) sewage disposal works comprised in the sewerage system of the sewerage undertaker,where the storm overflow or works discharge into a watercourse.
- (3) The information referred to in subsection (1) is information as to the quality of the water by reference to—
 - (a) levels of dissolved oxygen,
 - (b) temperature and pH values,
 - (c) turbidity,
 - (d) levels of ammonia, and
 - (e) anything else specified in regulations made by the Secretary of State.
- (4) The duty of a sewerage undertaker under this section is enforceable under section 18 by—
 - (a) the Secretary of State, or
 - (b) the Authority, with the consent of or in accordance with a general authorisation given by the Secretary of State.
- (5) The Secretary of State may by regulations make —
 - (a) provision as how the duty under subsection (1) is to be carried out (for example, provision as to the type of monitor to be used and where monitors must be placed);
 - (b) provision for exceptions from the duty in subsection (1) (for example, by reference to descriptions of asset, frequency of discharge from an asset or the level of risk to water quality);

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- (c) provision for the publication by sewerage undertakers of information obtained pursuant to subsection (1).
- (6) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (7) The Secretary of State may not make regulations under this section unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, each House of Parliament.”
- (2) In section 213 of the Water Industry Act 1991 (power to make regulations) in subsection (1), for “or 105A” substitute “105A, 141DA or 141DB”.

83 Reduction of adverse impacts of storm overflows

In Chapter 4 of Part 4 of the Water Industry Act 1991, after section 141DB insert—

“141DC Reduction of adverse impacts of storm overflows

- (1) A sewerage undertaker whose area is wholly or mainly in England must secure a progressive reduction in the adverse impacts of discharges from the undertaker’s storm overflows.
- (2) The reference in subsection (1) to reducing adverse impacts includes—
 - (a) reducing adverse impacts on the environment, and
 - (b) reducing adverse impacts on public health.
- (3) The duty of a sewerage undertaker under this section is enforceable under section 18 by—
 - (a) the Secretary of State, or
 - (b) the Authority with the consent of or in accordance with a general authorisation given by the Secretary of State.”

84 Report on elimination of discharges from storm overflows

- (1) The Secretary of State must prepare a report on—
 - (a) the actions that would be needed to eliminate discharges from the storm overflows of sewerage undertakers whose areas are wholly or mainly in England, and
 - (b) the costs and benefits of those actions.
- (2) The Secretary of State must publish the report before 1 September 2022.
- (3) The report must be laid before Parliament once it is published.