



Environment Act 2021

2021 CHAPTER 30

PART 5

WATER

Storm overflows

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.

*Changes to legislation: There are currently no known outstanding effects
for the Environment Act 2021, Section 82. (See end of Document for details)*

- (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);
 - (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”.

Commencement Information

- I1** S. 82 not in force at Royal Assent, see [s. 147\(3\)](#)
- I2** [S. 82\(1\)](#) in force at 3.11.2023 for specified purposes by [S.I. 2023/1170, reg. 2\(a\)\(i\)](#)
- I3** [S. 82\(2\)](#) in force at 3.11.2023 for specified purposes by [S.I. 2023/1170, reg. 2\(a\)\(ii\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Environment Act 2021, Section 82.