

# **Sewage (Inland Waters) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Rt Hon Philip Dunne MP, are published separately as Bill 16-EN.



# Sewage (Inland Waters) Bill

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[AS INTRODUCED]

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- 1 Amendment of the Water Industry Act 1991
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[AS INTRODUCED]

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# B I L L

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Place a duty on water companies to ensure that untreated sewage is not discharged into rivers and other inland waters; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Amendment of the Water Industry Act 1991

- (1) The Water Industry Act 1991 is amended as follows.
- (2) After Chapter I (appointment of undertakers) insert—

### “CHAPTER 1ZA

#### DUTY ON WATER COMPANIES: UNTREATED SEWAGE

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#### 17ZA Duty on water companies: untreated sewage (England)

- (1) A water company in England must take all reasonable steps to ensure that untreated sewage is not discharged into inland waters.
- (2) The Secretary of State, the Authority and the Environment Agency must exercise their respective functions under this and any other Act to seek to secure compliance with that duty. 10
- (3) In this Chapter, “water company” means any company holding an appointment under Chapter I of this Part (appointment of undertakers).

#### 17ZB Requirements in connection with section 17ZA duty

Reasonable steps to be taken by water companies in accordance with the duty under section 17ZA include, but are not limited to— 15

- (a) maintaining and publishing a register of combined sewer overflows (CSOs) and any other sewer catchment assets from which discharges of treated or untreated sewage may be made to inland waters; 20
- (b) publishing biannual reports on the operational status of those assets;

- (c) progressively installing capacity to monitor continuously all discharges of treated or untreated sewage into inland waters from those assets and publishing the data so obtained;
- (d) monitoring and publishing reports on the quality and duration of discharges made from CSOs; 5
- (e) as part of drainage and wastewater management plans, setting out steps to ensure that—
  - (i) biological or nature-based treatments are progressively installed where practicable and made operational at wastewater treatment works discharging to inland waters that do not otherwise provide for the tertiary treatment of effluent; and 10
  - (ii) reliance upon CSOs is progressively reduced; and
- (f) any requirements specified by the Secretary of State under section 17ZC(2)(b). 15

**17ZC Report on measures to assist water companies in fulfilling section 17ZA duty**

- (1) The Secretary of State must lay before Parliament a report on measures to assist water companies in fulfilling the duty in section 17ZA—
  - (a) within one year of this section coming into force; and 20
  - (b) in every calendar year after the year in which that first report is published.
- (2) Each report under subsection (1) must, for each of the measures listed in subsections (3) to (7) set out—
  - (a) the Secretary of State’s assessment of the contribution that measure could make to reducing treated and untreated sewage discharges to inland waters in England; and 25
  - (b) what steps, if any, the Secretary of State intends to take in connection with that measure, including any specific requirements on water companies in relation to their duty under section 17ZA. 30
- (3) Measures intended to separate surface water and sewage collection including—
  - (a) requiring all new developments of more than two residential or commercial buildings to have separate surface water and sewage collection systems; 35
  - (b) bringing Schedule 3 of the Flood and Water Management Act 2010 into force for England;
  - (c) requiring all new surface water collection systems to incorporate sustainable urban drainage systems (SUDS); 40
  - (d) requiring all major retrofitting or redevelopment projects of buildings where practicable to incorporate SUDS and separate surface water and sewage collection systems; and
  - (e) amending strategic guidance to the Authority to require it to facilitate capital expenditure on— 45

- (i) nature-based drainage systems, such as integrated constructed wetlands, and
  - (ii) SUDS.
- (4) Measures intended to reduce the volume of sewage produced by domestic properties, including— 5
  - (a) requiring by 2025 all domestic properties to have a metered water supply when being leased, rented or sold;
  - (b) requiring the Environment Agency to maintain a register of all private sewage treatment systems;
  - (c) amending Building Regulations to require efficient processing of grey water (sullage); 10
  - (d) requiring all new domestic and commercial outside ground-level surfaces where practicable to be made from permeable materials; and
  - (e) introducing water efficiency labelling on household appliances. 15
- (5) Measures to reduce the polluting content of sewage, including—
  - (a) establishing a regulatory standard for flushable products;
  - (b) prohibiting the use of plastics in sanitary products and wet wipes;
  - (c) reducing the use of microplastics in flushable products; and 20
  - (d) prohibiting the disposal of fats and oils into sewers by food service establishments.
- (6) Measures intended to reduce the impact of CSO discharges, including—
  - (a) requiring the Environment Agency to work with water companies in reducing harmful discharges from CSOs; and 25
  - (b) directing the Environment Agency to research the effects of CSO discharges on water quality in inland waters and water bodies.
- (7) Measures intended to promote improvements in bathing water quality in inland waters, including— 30
  - (a) setting statutory targets for the increase in the number of bathing waters classified as “good” or “excellent”;
  - (b) designating a minimum of two inland bathing waters, to include one in-river inland bathing water, in each water company area for each year of any price review period; and 35
  - (c) amending strategic guidance to the Authority to require it to facilitate capital expenditure on the improvement of water quality in inland bathing waters.

#### **17ZD Reports on performance against section 17ZA duty**

- (1) The Secretary of State must lay before Parliament a report on the performance of water companies against the duty in section 17ZA— 40
  - (a) within one year of this section coming into force; and

- (b) in every calendar year after the year in which that first report is published.
- (2) Reports under this section must include assessments of—
  - (a) the performance of the sewerage assets of each water company; and
  - (b) the quantities of treated and untreated sewage discharged into inland waters from those assets.”

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## **2 Extent, commencement and short title**

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Sewage (Inland Waters) Act 2020.

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Place a duty on water companies to ensure that untreated sewage is not discharged into rivers and other inland waters; and for connected purposes.

*Presented by Philip Dunne  
supported by Theo Clarke, Fay Jones,  
Caroline Lucas, Scott Mann, Mr Andrew Mitchell,  
Anne Marie Morris, Stephanie Peacock,  
Julian Sturdy, Derek Thomas, Sir Charles Walker  
and Bill Wiggin.*

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