

Ofwat by email  
pr24@ofwat.gov.uk  
For attention of [REDACTED]

Our ref: OfwatCPCEDMconsultnMay2023  
Your ref:  
Date: 26 May 2023

Dear Jeevan

Thank you for consulting us. Please find below the Environment Agency's (EA) response to your consultation launched 9 May 2023 - "Updating the storm overflows performance commitment definition for the 2024 price review (PR24)".

The EA agrees that the response given here can be made public.

**Consultation response:**

**Q1. Do you agree with our proposals to set a performance commitment based on average spills, with financial consequences for companies that do not meet their targets?**

We support Ofwat setting financial consequences for spills to the environment. We are concerned that the impact of weather on the number of spills is not excluded from this definition. For example, in a period of prolonged dry weather or drought, spills will be less and this will not be a result of company action to improve performance and conversely, in wet years water companies will have an apparent deterioration in performance using this metric. The EA does not support companies receiving financial reward/penalties for effects outside their operations.

**Q2: Do you agree with our proposed approach to unmonitored storm overflows?**

Yes we support your approach of assuming 50 spills when event duration monitoring (EDM) has not been installed, had no data or had a zero "EDM STORM OVERFLOW REGULATORY ANNUAL RETURN 202x" during the reporting year. We recognise the challenge of addressing missing data for part years, your approach is acceptable to incentivise improved EDM coverage/completeness.

**Q3: Do you agree with our proposed approach to mid-period changes?**

"overflows are identified mid-year, to minimise complexity we propose they enter the performance commitment from the following 1 January."

The proposed approach incentivises, for example, a previously unknown storm overflow identified in October not being reported until early the following January, resulting in another year of sitting outside the metric. We feel that storm overflows with part years of data, should be treated similarly to your approach to unmonitored storm overflows by assuming 50 spills for the part year with no data.

**Q4: Do you agree with our proposed approach to emergency overflows?**

Yes. Please note that at present EDM on emergency overflows (EO) is only a regulatory requirement of discharges with potential to impact on shellfish waters. Some water and sewerage companies go beyond this regulatory requirement and report all their EO spills where they have EDM data. Prior to EDM being a regulatory requirement on all emergency overflows, we support Ofwat's EO reporting requirement outside the metric and continue to encourage companies to report EO performance when reporting storm overflow performance to the Environment Agency.

**Q5: Do you have any further comments on this performance commitment?**

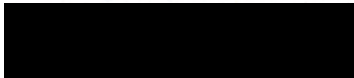
A1.4

The EA recommends retain data for more than 10 years due to the length of some legal proceedings and potential for Government or other reviews.

We would also like to see the following text added - "and ensure broken monitors are fully operational as soon as reasonably practicable".

If you have any queries regarding our response, please contact [keith.davis@environment-agency.gov.uk](mailto:keith.davis@environment-agency.gov.uk)

Yours sincerely



Helen Wakeham  
Director - Water Transformation