

Overfile Request/Clean Water Act: PEER's October 29th Letter to U.S. Environmental Protection Agency Region 4/Alleged Venice, Florida Violations



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The Public Employees for Environmental Responsibility ("PEER") submitted an October 29th letter to the Region 4 Office of the United States Environmental Protection Agency ("EPA") requesting:

... initiate immediate action against the City of Venice, Florida (Venice, City, or Permittee) in connection with the imminent and substantial threat to public health presented by the repeated violations of its National Pollutant Discharge Elimination System (NPDES) permit issued by the State of Florida, Department of Environmental Protection (FDEP) under its delegated authority pursuant to the Clean Water Act.

Despite the fact that FDEP has been delegated Clean Water Act enforcement responsibility, the organization is requesting that EPA assert primary jurisdiction over the City's NPDES permit in regard to alleged violations.

EPA's undertaking enforcement action in a state administering a federal environmental program is often denominated as "overfiling." Advocates of these actions state that it promotes consistent enforcement of the federal environmental programs in the event of inadequate state enforcement. Opponents of the practice have argued that if both federal and state environmental agencies can undertake enforcement, uncertainty is created for the regulated community.

PEER's October 29th Overfile Request states that Venice operates a wastewater discharge facility ("Facility") pursuant to an NPDES permit. The Facility is stated to be a major discharger whose effluent reaches two waterbodies that are Class III fresh waterbodies as described in the Florida Water Quality Standards.

PEER alleges that FDEP has not taken adequate enforcement actions in regards to maintenance, operation and effluent violations committed by the permittee over the duration of the NPDES permit and its predecessor.

The components of the PEER Overfiling Request address:

- Venice NPDES permit
- Alleged noncompliance

- FDEP inspections
- Notifications to FDEP of abnormal events
- Enforcement taken by FDEP
- Health and environmental risks
- Rationale for EPA Overfiling

A copy of the October 29th Overfile Request can be found [here](#).