

NOTICE OF INTENT TO SUE

Clean Water Act / NPDES MS4 Permit ILR400318

September 22, 2026

VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED

City of Columbia, Illinois
Attn: Mayor / City Administrator / Authorized NPDES Representative
208 South Rapp Avenue
Columbia, Illinois 62236

Copies to:
Illinois Environmental Protection Agency – Director
United States Environmental Protection Agency – Administrator
United States EPA, Region 5 - Regional Administrator

Re: Notice of alleged ongoing violations of NPDES General Permit ILR40 by the City of Columbia, Illinois (MS4 No. ILR400318)

Purpose of Notice

This letter provides notice pursuant to Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), and applicable federal notice regulations, of alleged ongoing failures by the City of Columbia, Illinois ("Columbia" or "City") to comply with post-construction stormwater requirements applicable to its municipal separate storm sewer system ("MS4").

The notice concerns two related MCM #5 requirements: (1) a program addressing stormwater runoff and pollutants from existing privately owned developed property that contributes stormwater to the MS4, and (2) an ordinance or other regulatory mechanism addressing post-construction runoff from existing developed property. The requested remedy is compliance with these programmatic requirements.

Columbia Retains Responsibility for MCM #5 Post-Construction Runoff Control

Columbia's 2021 Notice of Intent ("NOI") identifies St. Clair County as responsible for shared functions under five minimum control measures, but does not identify Post-Construction Runoff Control as a measure for which Columbia relies on the County. The NOI separately identifies Columbia as a St. Clair County co-permittee. Columbia's own filing therefore indicates that MCM #5 Post-Construction Runoff Control remained a City responsibility.

Alleged Violation 1 - Failure to Develop and Implement the Required Program for Existing Privately Owned Developed Property

Under the ILR40 permit in effect when Columbia filed its 2021 NOI, Part IV.B.5.d required the City to develop and implement a program to minimize stormwater runoff and pollutants from existing privately owned developed property that contributes stormwater to the MS4 within Columbia's jurisdictional control. That substantive requirement continues in the reissued ILR40 permit at Part IV.B.5.e. Columbia is alleged to have failed to develop and implement that required program since at least the filing of its 2021 NOI, and that alleged failure continues through the date of this notice.

Columbia's 2021 NOI does not identify such a program. Its MCM #5 section instead identifies enforcement of the City's stormwater ordinance and review of SWPPPs and post-construction BMPs associated with development disturbing more than one acre. Review of Columbia's publicly available NOI, annual reports, and posted stormwater materials has not identified a separate program addressing existing privately owned developed property. Columbia's posted Storm Water Pollution Prevention Plan addresses MCM #6 good-housekeeping operations and does not, on its face, supply the MCM #5 program.

Columbia is therefore alleged to be in continuing violation of the applicable ILR40 requirement to develop and implement this existing-developed-property program.

Alleged Violation 2 - Failure to Develop and Implement an Adequate Regulatory Mechanism for Existing Developed Property

Under the ILR40 permit in effect when Columbia filed its 2021 NOI, Part IV.B.5.e required an ordinance or other regulatory mechanism addressing post-construction runoff from existing developed property, to the extent allowable under state or local law. That substantive requirement continues in the reissued ILR40 permit at Part IV.B.5.g. Columbia is alleged to have failed to develop and implement an adequate regulatory mechanism satisfying that requirement since at least the filing of its 2021 NOI, and that alleged failure continues through the date of this notice.

Columbia's 2021 NOI identifies ordinance enforcement as its MCM #5 regulatory-control BMP, and Columbia's subsequent annual reports identify enforcement of the St. Clair County Stormwater Ordinance as its E.2 Regulatory Control Program. However, the publicly identified provisions of that ordinance reviewed to date principally regulate new development, redevelopment, construction, land-disturbing activity, and associated stormwater controls. No provision has been identified that clearly provides the regulatory mechanism required by ILR40 for post-construction runoff from existing developed property.

Columbia is therefore alleged to be in continuing violation of the applicable ILR40 requirement to develop and implement an adequate ordinance or other regulatory mechanism addressing post-construction runoff from existing developed property to the extent allowable under state or local law.

Concrete Condition and Notice to the City

The alleged program deficiencies have practical consequences. Columbia has been repeatedly provided information concerning an existing developed-property drainage condition in the Carl Street / Joy View area involving concentrated upstream stormwater conveyed toward downstream residential property and Carr Creek. The condition associated with 349 Carl Street is identified as a concrete example of the alleged failure to implement the required MCM #5 program and regulatory mechanism. The broader MCM #5 concern was raised publicly at the March 3, 2026 MS4 meeting. Additional supporting documentation concerning the Carl Street / Joy View drainage condition, including maps, photographs, video, engineering materials, and prior communications, has previously been provided to the City and is publicly available at ColumbiaDeservesBetter.org.

Requested Cure and Opportunity to Demonstrate Compliance

During the statutory notice period, Columbia can cure or materially narrow these allegations by identifying and demonstrating implementation of the measures on which it relies. Specifically, Columbia should:

- Identify and provide the program, SWMP provisions, BMPs, procedures, or other measures that satisfy the existing privately owned developed property requirement, together with records demonstrating implementation.
- Identify the ordinance or other regulatory mechanism applicable to post-construction runoff from existing developed property, including the provisions applicable beyond new development and redevelopment.

- If Columbia contends another governmental entity performs any relevant MCM #5 obligation, identify the written agreement and the specific responsibility assigned to that entity.
- Apply the compliant MCM #5 existing-developed-property program and applicable regulatory mechanism to the documented Carl Street / Joy View drainage condition, and identify any evaluation, corrective action, enforcement, maintenance, or other measures warranted under that program.
- Correct the City's MS4 program, regulatory mechanisms, implementation procedures, and public documentation as necessary to achieve ongoing ILR40 compliance.

If Columbia already possesses and implements compliant measures that have not been publicly identified, production or specific identification of those materials during the notice period may materially narrow or resolve the dispute.

Intent to Sue

Unless the alleged violations are fully corrected within the statutory notice period, the notifier intends to commence a civil action under Section 505 of the Clean Water Act seeking appropriate declaratory and injunctive relief, civil penalties where authorized, litigation costs and fees to the extent permitted by law, and other appropriate relief.

Notifier

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Sincerely,



Eric Castelli

Courtesy Copies:

Douglas Brimm

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