

Clean Water Act notice for Columbia

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For the *Republic-Times*

A Columbia resident has filed a notice of intent to sue the city for alleged failure to comply with Clean Water Act regulations.

The notice of intent was sent last Tuesday via certified mail by Eric Castelli, resident of the Joy View Acres Subdivision off Gall Road in the southern section of Columbia.

Last year, Castelli established a website, columbiadeservesbetter.com, to document his attempts to have Columbia city officials address flooding issues in Joy View Acres which he has experienced since moving to the residence in 2018.

Castelli and two other residents spoke during the Nov. 3, 2025, Columbia City Council meeting to describe various issues at their respective residences which they believe are caused by mismanaged stormwater runoff.

During that meeting, Castelli informed city officials he intended to pursue a number of avenues for remedy should the city fail to address the issues in Joy View Acres, resulting in the notice of intent to sue mailed last week.

The notice outlining alleged violations of the Clean Water Act was sent to state, regional and national Environmental Protection Agency directors in addition to Columbia officials.

The notice begins by describing Columbia's participation in two programs spawned by the Clean Water Act of 1972: the National Pollutant Discharge Elimination System permit program and the Illinois Environmental Protection Agency's "municipal separate storm sewer system" (MS4) program.

The national NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters within the United States.

The MS4 program requires Illinois municipalities in "urbanized areas" to control and reduce stormwater pollution.

With increased development and the accompanying construction of non-porous surfaces in cities like Columbia contributing to excessive amounts of stormwater runoff, both programs recognize "untreated" runoff as a source of water pollution as it has the potential to carry "numerous unmanaged contaminants" into larger water sources.

The goal of the MS4 program is to provide a framework to funnel a substantial amount of the extra runoff into the separate storm sewer system and through a treatment facility to avoid unnecessary discharge of unregulated water into streams, creeks, lakes, ponds and rivers.

Castelli alleges Columbia has "failed to develop and implement" a required program to control "post-construction runoff from existing developed property" since its last permit filing in 2021.

The notice also alleges the city has failed to address runoff created by new construction.

In response to "an increased level of concern" from city residents pertaining to the "performance of stormwater systems/drainage improvements in various subdivisions throughout the city," Columbia adopted an ordinance on Sept. 3, 2024, which requires an additional "drainage disclaimer" to be attached to final subdivision plats, according to an agenda packet for the meeting.

However, the ordinance only requires the additional disclaimer and does not provide remedy for the city if the drainage plans are not implemented or installed incorrectly, or if they fail to adequately divert runoff.

As a participant in the MS4 program, Columbia is required to address six "minimum control measures" for stormwater management, five of which are the shared responsibility between the City of Columbia and St. Clair County.

Columbia is identified as a co-permittee of St. Clair County for the city's MS4 permit, but the notice asserts Columbia does not list the post-construction runoff control measure as a shared responsibility, thereby requiring the city to manage excess runoff.

As reported in November, Castelli has repeatedly contacted the city about an "unpermitted drain" near the northern boundary of Joy View Acres which was installed during the second phase of that subdivision's development in 2006.

The drain, according to Castelli, was installed to alleviate inadequate runoff retention from the Burroughs Road subdivision to the north of Joy View Acres, which is elevated about 50 feet above the Joy View Acres properties.

In addition to causing flooding of several residential properties in Joy View Acres, Castelli also notes the excess runoff eventually feeds into drains that discharge the untreated water directly into Carr Creek, further violating the Clean Water Act as it is a tributary of the Mississippi River.

While the city widened one curbside drain in Joy View Acres in October 2024 and another this March Castelli reported the change did little to curtail flooding and did nothing to prevent runoff from entering Carr Creek.

With subsequent communications with the city proving unfruitful, Castelli then decided to voice his concerns during the IEPA's MS4 meeting with Columbia and St. Clair County officials in March.

Even though the concerns were noted during the public meeting, there was no mention of them in the IEPA's annual facilities report, leading Castelli to mail the notice of intent to sue last week.

Also last week, Columbia aldermen approved a new "project engineer" position during Monday's council meeting. The position will be responsible for a number of duties, including administering the city's MS4 permit.

Coincidentally, last Monday's Monroe County Board meeting featured discussion of issues in the Columbia Bottoms caused in part by the rate of stormwater runoff from Columbia believed to be the result of continued residential development in the city.

According to Castelli's notice of intent, Columbia needs to "correct" its MS4 program or provide documentation to achieve compliance with MS4 requirements.

During the 60-day notice period, Columbia may avoid litigation by implementing corrective action or disclosing documentation which places the stormwater runoff burden with another entity.

If the issues are not addressed during that period, Castelli indicates he will "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" in addition to "other appropriate relief."

Castelli spoke with the *Republic-Times* on Thursday, reiterating his pending litigation is a civil suit and he is not seeking monetary compensation apart from court costs.

He also said he hopes the filing will help others in Columbia who face similar problems, such as the two who also spoke during the Nov. 3 meeting.

During that meeting, Castelli also alleged the city has created a chilling effect for those who take issue with city operations, stating he was speaking on behalf of a number of residents who did not feel comfortable airing their grievances publicly.

Furthermore, Castelli claimed the city purposefully omitted public comments from the Nov. 3 livestream of the council meeting.

While the city claimed this issue was caused by a technical malfunction, Castelli says he has proof the omission was intentional. He has posted a full version of the recording on columbiadeservesbetter.com.

An icon appears on the lower left-hand corner of the video just before the public comments begin only to disappear a few minutes after the public comments had concluded.

Castelli reported the icon is an indication the feed was set to "only me," a privacy setting that would prevent public viewing.

He further asserts the city intentionally blocked the video stream as he had stated during an August 2025 meeting that he would return Nov. 3 to outline possible recourse.

While the notice only describes the Joy View Acres situation, stormwater runoff issues in the Columbia area specifically have become more prominent in recent years.

In 2021, residents addressed the Columbia City Council about runoff from subdivisions flowing into Fish Lake, causing issues for nearby residents and forcing farmers to pay to have the extra runoff pumped across the levee.

Within the past five years, a representative of the Prairie du Pont Levee and Sanitary District has spoken during several meetings, noting the additional runoff from proposed subdivision developments affects the district's limited budget as more electricity is needed to power the pumps to accommodate the additional water.

Last August, FEMA updated its Monroe County flood zone maps which added several new areas of concern to Columbia's interior to account for an "increased watershed" along Carr Creek and Palmer Creek.

A perceived increase in runoff has been documented, and now the city will need to provide evidence it is following guidelines to direct the stormwater to an appropriate location.

Columbia City Administrator Doug Brimm responded to a request for comment Tuesday afternoon.

Brimm advised the *Republic-Times* the notice of intent had not been received until Monday afternoon, but that the city is "reviewing the allegations contained therein, and will respond to the appropriate regulatory authorities, if warranted."