Minutes of the Meeting
of the Clark County Drainage Board
Clark County, Indiana

September 15, 2026

The Clark County Drainage Board met in Regular Session on September 15, 2026, in the First Floor Meeting Chamber #103 of the Clark County Government Center, 300 Corporate Drive, Jeffersonville, Indiana at 5:00 pm. Present at the meeting were President Jack Coffman, Vice-President Alan Conner, Member Rob Lewellen, Ex-officio non-voting member Clark County Surveyor David Ruckman, Attorney Ron Culler, and Coordinator Talaina Taff.

In the first order of business, Mr. Conner moved to approve the **Minutes** of the **August 18, 2026 meeting** as submitted. Mr. Lewellen seconded the motion. Motion passed unanimously 3 – 0.

In the next order of business, the Board reviewed **Drainage Plans** for **Memphis Shale Pit Disposal Site – 812 Howser Road, Henryville. Mr. Alfonso Aldana Jr.** with **Crane Environmental Services, LLC** designed the drainage plans. He was not in attendance. **Mr. Casey DeYoung** with **Heritage Engineering, LLC** reviewed the plans. He was present and gave a report to the Board. After discussion and in accordance with the recommendation letter provided by Heritage Engineering, Mr. Lewellen moved to approve the plans contingent upon a Long Term Maintenance Agreement being recorded. Mr. Conner seconded the motion. Motion passed unanimously 3 – 0. Recommendation letter is attached.

In the next order of business, the Board addressed a **Drainage Issue** from **Trent & Rachel Fortson – 5003 Bolton Drive, Charlestown**. Mr. Fortson was present at the meeting. After discussion, the Board referred Mr. Fortson to his home builder to correct the issue.

In the next order of business, the Board discussed **Deerfield Crossing Subdivision Section 5 - Memphis**. It was determined that this development was approved in February 2005 and unless changes were made, no additional drainage board approval is required. Mr. Culler will send a letter to the owners, **Richard and Cathleen Graf**, stating such. The two checks (for the application fee and long term maintenance agreement recording fee) will be returned along with the letter.

In the next order of business, the Board discussed what other counties do regarding a **Drainage Board Approval Form and Long-Term Maintenance Agreement**. Ms. Taff spoke with Tom Finke (Bartholomew County), Mike Ward (Vanderburgh County), and Chris Moore (Floyd County) regarding their workflow for these forms and whether they were utilized at all. This information was subsequently reported to the Board.

In the next order of business, the Board continued discussion from the previous meeting regarding updates to the current **Approval Form**. Following discussion, the Board determined to leave the form as is until the ordinance is amended.

In the next order of business, the Board continued discussion from the previous meeting regarding the current **Long-Term Maintenance Agreement** and the timing of recording the document. Following discussion, the Board determined to leave the requirement as is, meaning the agreement must be recorded to obtain Drainage Board approval.

In the next order of business, the Board discussed **Payment of Review Fee.** Following discussion, it was determined that clarification may be necessary for the 2027 annual contracts between the Clark County Drainage Board and the engineering review firms. The Board will review the current contracts at the regularly scheduled December 15, 2026 meeting so that any revisions can be made before sending out the 2027 contracts.

The Board continued its discussion regarding Section 5b of the **'Agreement for Technical Services'** contract, which states '...and upon the Board's approval of such itemized statement, the Board shall submit the statement to the Applicant for payment.' Following the review, Mr. Lewellen moved to **approve the invoice from Heritage Engineering to Crane Environmental Services for the review of Memphis Shale Pit Disposal Site – 812 Howser Road, Henryville.** Mr. Conner seconded the motion. Motion passed unanimously 3 – 0.

In the next order of business, Mr. Coffman noted that the **Ordinance for Establishing the Department of Stormwater Management and the Ordinance for Establishing a Stormwater System User Fee** went before the Council at the September 14, 2026 meeting.
Mr. Coffman also noted that the **Council called a pre-meeting on September 30, 2026** to the regularly scheduled October 12, 2026 meeting. Budget approval will take place at the October 12, 2026 Council meeting.

In the next order of business, the Board continued discussion regarding **Site Inspection Violations** as it pertains to the responsibility and authority of the Drainage Board. Mr. Culler drafted an overview of Section 7 (Compliance and Enforcement) of the current Ordinance. The document is attached.

The Board continued discussions about **permits expiring at the end of 2026.** Ms. Taff was directed to contact Mr. Steve Emly with OHM Advisors regarding any reports, permits, preparations, and submissions.

In the next order of business, Ms. Taff presented the **Quarterly Update.** Mr. Lewellen moved to accept the report as presented with the addition of the drainage issue at 5003 Bolton Drive, Charlestown. Mr. Conner seconded the motion. Motion passed unanimously 3 – 0.

Note: Mr. Ruckman excused himself from the meeting at 7:21 pm.

In the next order of business, the Board noted **Site Inspections** conducted by Clark County Soil & Water Conservation District (CCSWCD). Sites, dates and results are listed:
Hawthorne Glen PUD – 09.14.26 – Violations

In the next order of business, Ms. Taff presented the **Drainage Board Financial Report.** Mr. Lewellen moved to accept the report as submitted. Mr. Conner seconded the motion. Motion passed unanimously 3 – 0.

In the next order of business, Mr. Conner moved to approve the **Invoices and Claims** as submitted. Mr. Lewellen seconded the motion. Motion passed unanimously 3 – 0. The claims were as follows:

- **OHM Advisors - $112.00 – Rate Study through 08.15.26**
- **OHM Advisors - $767.51 – Stormwater Support through 08.15.26**
- **Alan Conner - $200.00 - September 15 CCDB Meeting + 1 Drainage Site Inspection**
- **Rob Lewellen - $100.00 – September 15 CCDB Meeting**
- **Talaina Taff - $2140.00 - September contract**

There being no further business before the Board, on motion made, seconded, and passed, the meeting was adjourned at 7:26 pm.

Clark County Drainage Board
Clark County, Indiana

Jack Coffman, President

Alan Conner, Vice-President

Rob Lewellen, Member

HERITAGE ENGINEERING, LLC

September 9, 2026

Clark County Drainage Board
300 Corporate Drive, Suite 206
Jeffersonville, IN 47130
Attn: Talaina Taff

Re: Memphis Shale Pit Disposal Site
812 Howser Road
Henryville, IN 47126

Dear Talaina:

I have reviewed the materials submitted for the Memphis Shale Pit Disposal Site for compliance with the Clark County Stormwater Management Ordinance 40-2024 and the associated 2025-2026 Amended Stormwater Technical Standards.

The proposed project consists of the placement of INDOT-approved clean fill material within an existing former shale quarry pit located at 812 Howser Road in Henryville, Indiana. The project site encompasses approximately 4.15 acres, with approximately 2.78 acres of disturbance associated with the filling operation. The existing site contains a quarry excavation pit, an approximately 1-acre open water pond, and associated wetland fringe areas resulting from historical mining activities. Overflow from the existing pit currently discharges through an existing culvert to Lodge Creek.

Based on the materials provided, I have no significant stormwater concerns related to the limited disturbance area or the lack of additional impervious surface associated with this reclamation project. This project is recommended for approval.

Sincerely,

Casey DeYoung, P.E.

642 S. 4TH STREET, SUITE 100
LOUISVILLE, KENTUCKY 40202
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204
JEFFERSONVILLE, INDIANA 47130
PHONE: 812-280-8201 FAX: 812-280-8281

Overview of Section 7, Compliance and Enforcement

(a) 1. Violations can be by action or inaction and is considered a public nuisance which may be abated by injunctive (stop work order) or equitable relief (compensatory action or civil penalty).

(a) 2. May send a written warning ("Warning") specifying the particular violation and seeking resolution.

The CCDB may take emergency action or other enforcement action without sending the written Warning.

(b) 1. CCDB must issue a written Notice of Violation ("NOV") to the owner or the person in charge.

Notice can be a letter which details inspection findings, conclusions of law, dispositions of warning or fines previously assessed, discussed remedial actions, reasonable deadlines for action and date of re-inspection.

(b) 2. Allows for alternative compensator action such as attending workshops, public education, etc.

(b) 3. $2,500 fine/civil penalty. Generally, the imposition of a civil penalty requires notice and opportunity to be heard.

There is an enforcement response schedule and an Administrative Penalties table in this subsection.

(b) 4. CCDB may issue a Stop Work Order by posting such at the site. This section references "protective measures" but does not state what may be considered a protective measure.

If the Stop Work Order is violated, the person violating will have committed a misdemeanor. The CCDB would have to go to court to and the person would need to be found guilty for the punishment to be imposed.

If a SWPPP and if control measures are inadequate, the owner must be notified and such owner has 72 hours to resolve before the Stop Work Order can take effect unless the inadequacy creates a health or safety hazard.

(b) 5. Indicates that the CCDB can withhold the issuance of a certificate of occupancy, but I do not believe that the CCDB issues such certificates.

(b) 6. Action may be taken against the Permit and presumably without the Permit the construction can not occur.

(b) 7. i. If actual or threatened discharge can issue an "emergency cease and desist order."

(b) 7. ii. and iii. Can suspend or terminate stormwater drainage system discharge access.

(b) 7. iv. If the prosecutor will file the charges, can take a person to court. The court may impose fine or imprisonment or both.

(c) CCDB can have necessary corrective work completed and obtain prompt reimburse from the owner for such work. If cost of corrective work is not paid, it becomes a special assessment against the property.

(d) 1. Alleged violator may appeal to the Board of Commissioner.

(d) 2. After a specified period of time the CCDB may enter upon the property and abate any violation and/or restore the property.

SECTION 7

Compliance and Enforcement

(a) COMPLIANCE WITH THIS ORDINANCE

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of the Clark County as well as with applicable State of Indiana statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the penalties listed below.

1. **Violations**
   Any action or inaction which violates the provisions of this Ordinance, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

2. **Warning Notice**
   When the CCDB or its designee finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the CCDB or its designee may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the CCDB or its designee to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(b) ENFORCEMENT OF THIS ORDINANCE

1. **Notice of Violation/Citation**
   If the CCDB or its designee determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this ordinance, it shall issue a written Notice of Violation to such applicant or other responsible person and the owner of the property. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

   The notice of violation can be in the form of a citation ticket and/or a written letter that would contain detailed inspection findings, conclusions of law, disposition of warning or fines assessed, stipulated remedial actions as discussed with the responsible party representative, reasonable deadlines for those remedial actions, and the date of re-inspection.

2. **Compensatory Action**
   In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the CCDB or its designee may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education, etc.

3. **Civil Penalties for Violations**
   Any person found in violation of any provision of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of $2,500 for each offense, plus costs, damages, and expenses. Each day such

violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The CCDB or its designee has established an Enforcement Response Schedule that standardizes the approach the CCDB or its designee may take in dealing with stormwater regulations offenses subject to this Ordinance and the associated Technical Standards document. The enforcement response schedule is as noted in the following table:

Offence #	Type of Response Anticipated
1st offense	Verbal Telephone Notice, Letter of Violation or Written Warning and Administrative Penalty
2nd offense	Letter of Violation, Administrative Penalty and/or Site Visit
3rd offense	Letter of Violation, Administrative Penalty and/or Site Visit
4th offense	Letter of Violation, Administrative Penalty and/or Site Visit
5th offense	Agreed Order, Administrative Penalty and/or Site Visit
6th offense	Administrative Order, Administrative Penalty and/or Site Visit
7th offense	Compliance Schedule, Administrative Penalty and/or Site Visit
8th offense	Litigation and Administrative Penalty

The Administrative Penalties shall be assessed on a per violation, per offense basis. The schedule of penalties is summarized in the following table:

Offence #	Penalty
1st offense	$250.00
2nd offense	$500.00
3rd offense	$1,000.00
4th offense	$2,500.00

The CCDB or its designee reserves the right to issue a maximum fine for any violation deemed sufficiently egregious or otherwise determined by the CCDB or its designee to warrant a maximum penalty.

4. Stop Work Order

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted final stormwater management plans, the CCDB or its designee may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the CCDB or its designee to proceed with the work. A Stop Work Order will be posted on the site by the CCDB or its designee and it is unlawful for any person to remove the notice or continue any work on the site without permission from the CCDB or its designee. The CCDB or its designee may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Any person who neglects or fails to comply with a stop work order shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than $1,000, and such person shall also pay such costs as

may be imposed in the discretion of the court. A permit reinstatement fee may also be assessed by the CCDB or its designee.

For construction projects that are operating under a SWPPP approved by the CCDB or its designee, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.

5. **Withhold Certificate of Occupancy**
The CCDB or its designee may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise satisfied the requirements of this ordinance as determined by the CCDB or its designee.

6. **Suspension, Revocation, or Modification of Permits**
The CCDB or its designee may suspend, revoke, or modify any existing permit that the violator may also have been previously granted. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the CCDB or its designee may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

7. **Suspension of Access to the Stormwater Drainage System**

i. Emergency Cease and Desist Orders
When the CCDB or its designee finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the CCDB or its designee may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the CCDB or its designee may take such steps as deemed necessary to prevent or minimize harm to the stormwater drainage system or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services.

The CCDB or its designee may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the CCDB or its designee that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the CCDB or its designee within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

ii. Suspension Due to Illicit Discharges in Emergency Situations

The CCDB or its designee may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency, the CCDB or its designee may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the state, or to minimize danger to persons.

iii. Suspension Due to the Detection of Illicit Discharge

Any person discharging to the stormwater drainage system in violation of this ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The CCDB or its designee will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition the CCDB or its designee for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of the CCDB or its designee.

iv. Criminal Penalties for Violations

For intentional and flagrant violations of this ordinance, the CCDB or its designee may issue a notice to the applicant or other responsible person and the owner of the property, requiring such person to appear in the Circuit or Superior Court of Clark County to answer charges for such violation. Upon conviction, such person shall be punished by a fine as set by the Council of the Clark County, plus costs, damages, and expenses or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(c) COST OF ABATEMENT OF THE VIOLATION

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the CCDB or its designee may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the CCDB or its designee for all costs of such work.

Nothing herein contained shall prevent the CCDB or its designee from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the Clark County's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the CCDB or its designee or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(d) APPEALS

1. **Appeal of Notice of Violation**

   Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Board of Commissioners of the Clark County the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Board of Commissioners of the CCDB or its designee shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Board of Commissioners of the Clark County may consider

the recommendations of the Clark County Staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the Board of Commissioners may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

i. The application of the Ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and

ii. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.

2. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the Board of Commissioners upholding the decision of the CCDB or its designee, then representatives of the CCDB or its designee shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the CCDB or its designee or its designated contractor to enter upon the premises for the purposes set forth above.