

Updated: 10/20/11

Chronology of Events
Proposed Mallard Lake Dump
Killbuck Concerned Citizens Association
P.O. Box 143 • Chesterfield, IN 46017

1978		JM Corporation files for corporate status and announces plans to establish landfill; three officers are Jeffrey R. Reed (son), president; Ralph J. Reed (father); secretary; Mark Reed (son), registered agent.
1979	Mar 25	JM Corp. purchases 254-acre farm from Ward Stilson Trust. Farm located at C.R. 300E and C.R. 300N in Madison County, Indiana. Site later called "Mallard Lake Landfill" because of man-made lake constructed on the property.
	April 11	Killbuck Concerned Citizens Association had its first meeting at Richland Township Fire Dept. First president was Sam Carlisle (now deceased). Carol Fugate was vice president and later became president. Helen Wean became president in 1995.
	May 24	Ball State geologist conducts study of landfill site and issues report stating: "Due to the natural and cultural restrictions within the study area, it is unsuitable for a sanitary landfill." May 24, 1983 report stated, "There are three distinct aquifers at different levels under this location as agreed by both sides." There are 850 homes, one high school and one elementary school within a one-mile radius.
	July 19	JM Corp. applies for a petition for special use for a sanitary landfill with Madison County Planning Commission.
	Oct. 4	Public hearing held to consider petition. Presented as a trench (below ground) landfill. Only in 1982 did state approve above-ground 50' high landfill without local zoning approval. At the hearing, 17 exhibits presented against landfill with over 400 signatures. BZA voted to deny petition for special use for a landfill.
	Nov. 2	JM files petition for certiorari in Madison Co. Superior Court. Special Judge Alva Cox reverses BZA decision and orders BZA to grant petition for special use.
1980	July 15	BZA held a meeting and again denied the petition and asked Judge Cox to stay the proceedings pending submission of the motion to correct error. In August, Judge Cox denied motion to rehear the case.
	Dec. 11	BZA met again and voted to grant special use for JM Corp. Prior to this meeting, county commission appointed two new members, who had not taken part in any previous hearings. One new member made motion to approve landfill site and the other new member seconded it.
1981	January	KCCA began two court actions: one in Superior Court II for not allowing KCCA proper representation in the court action of BZA which disallowed the rezoning. The second motion in Madison County Circuit Court against BZA for improprieties in appointment of two new BZA members.
	Feb. 17	Anderson Community School Corp. votes to join KCCA in legal fight and goes on record opposing the landfill, saying that a landfill "in close proximity to Killbuck Elementary School would create various health, safety, and transportation hazards."
	April 9	State Board of Health denies proposal for a 40-acre, 40-foot deep trench-type landfill. Two Ball State geologists issue report stating that the site has "severe limitations for the development of sanitary landfill facilities. We are frankly appalled that this proposed landfill has not been rejected in the first stages of the review process."
1983	April 12	State Board of Health report says, "If leachate is allowed to pollute Killbuck Creek, the effect on facilities downstream could be monumental. The city drinking water would be affected... The fact that a leachate collection system is included in the plans for the landfill is an open admission that a leachate problem will exist."
	Aug. 13	Third proposal submitted to State Board of Health for a 13-acre above-ground landfill
	Dec. 6	Judge Garrettson, an administrative law judge ordered permit with conditions for a 12-foot barrier of compacted clay between the aquifer and trash.
1985		Indiana Dept. of Environmental Management [IDEM] created by state legislature. This resulted in establishment of Solid Waste Management Board as the final state

		authority on the issuance of solid waste permits.
1987	Sept 25	Two Ball State University geologists conduct study of JM site. They conclude that is "geologically unsuitable for a landfill" because leachate could have a very short site to surface drainage system and to Killbuck Creek.
1988	Feb. 9	IDEM denies operating permit to JM Corp. because of environmental risks posed by sandy soil and underground aquifer. JM appeals.
	Dec. 27	IDEM issued an operating permit to JM Corp. for a 13-acre landfill without requested public hearing required by Indiana Code 13-7-10-2(b). The permit required a 12-foot barrier of compacted clay. KCCA appeals.
1989	March	Ohio corporation loans JM Corp. \$220,000. Names on document are Louis Paolino, president of Eastern Environmental Services and David Ehrlich, subject of a July 1992 Reader's Digest article, 'Will This Man Trash Your Town?' JM Corp has \$839,500 mortgage on property and \$246,000 in liens according to newspaper article.
	Nov. 10	Administrative law judge rules in favor of JM Corp. but requires a leachate collection system. KCCA and Anderson Community Schools file objection on Nov. 27
	Dec. 22	Newspaper article quotes Mark Reed saying they plan to expand landfill to 200 acres: "We can't give any assurances that the landfill will not move toward the school. We'll go wherever the state will allow us to operate."
1990	Mar. 20	Indiana legislature passes bill requiring new landfill site applicants to have a net worth of at least \$250,000.
	May 1	Madison County Council passes resolution opposing landfill, saying, "The financial responsibility could hold the citizens of this county ransom in the event an environmental disaster would occur on this site. The clean up costs could put this county in bankruptcy."
	June 14	Anderson City Council passes resolution opposing landfill, "Conflicting geological conditions of the proposed landfill site are not clear as to the aquifers that lie beneath its surface or how these aquifers affect Killbuck Creek and adjoining wetlands that supply a major source of water for the city of Anderson."
1994	May 31	Indiana Solid Waste Management Board rules in favor of KCCA and overturns 1989 IDEM decision issuing construction and operating permit.
1995	March 31	J.M. Corp. accounting firm, Chas. E. Madden and Co., in a certified audit report, stated that J.M. mortgage balance on Mallard Lake property was \$2,163,306 (including \$1,020,505 in accrued interest) but that <u>no</u> scheduled payments of \$28K per month have made toward the principal or interest proving arrearage on purchase.
	June	Special Judge James Coachys overturns board decision and orders construction and operating permit issued.
	Sept. 9	IDEM denies permit because JM Corp. can't demonstrate \$250,000 net worth required by Indiana state law.
	Oct. 25	Environmental consultant Edwin Squiers of Taylor University completes \$38,000 study for East Central Indiana Solid Waste District. Squiers calls JM site near Killbuck School "absolutely horrid" for a landfill.
	Nov. 21	F.A.A. conducts compatibility study of Mallard Lake site. Richard Pur, F.A.A. official, states in letter to airport manager: "The proposed landfill is considered incompatible with aircraft operations at Anderson Municipal Airport. The FAA cannot concur with the construction and operation of the facility because of the potential for bird hazards associated with waste disposal operations in such close proximity to the associated airport approach/departure paths." F.A.A. regulations prohibit landfills within 5 miles of airport runway; Mallard Lake is 2.6 miles.
	November	Judge Coachys rules IDEM can only compare the 1995 fiscal statement with the 1993 statement from JM. KCCA files appeal.
1997 cont.	Nov 29	Administrative Law Judge Wayne Penrod orders operating permit issued. IDEM and KCCA appeal decision.
1996	Dec.	Hancock Co. Special Judge Ronald Gottschalk sets aside Nov. 29 order that would have allowed JM Corp to open the landfill, calling it "arbitrary, capricious, an abuse of discretion, and not in accordance with law." Gottschalk also ordered JM to pay all

		costs incurred by KCCA and ACSC in bringing the appeal.
1997	Oct. 13	Indiana Court of Appeals hears oral arguments in case on two appeals, one filed by both sides. Indiana Court of Appeals rules on Dec. 31 in favor of JM Corp. to open the Mallard Lake Landfill.
1998	June	Indiana Supreme Court denies transfer of case from Court of Appeals.
	July 2	Judge Wayne E. Penrod granted JM Corporation permission to receive an operating Permit when the following conditions were met: <ul style="list-style-type: none"> • Submit a landfill design plan to IDEM • Include 12 feet of compacted clay in the design plan for an above-ground landfill • Pay state landfill fees of \$2,000 annually • Submit a legal description of the 13 acres approved for landfill operation • Meet these conditions within five years
	July 12	Anderson Herald-Bulletin editorializes, "An unwanted landfill should not be forced down the throats of the community. The power should lay with the people, not some administrative law judge who cares nothing about concerns from the residents...."
	July	Gov. Frank O'Bannon observes landfill site from helicopter and issues statement in opposition. "The proximity to the school makes it a bad site; This is a landfill from the last generation; it does not meet today's laws. It met yesterday's law," he said.
	Aug. 16	State Rep. L. Jack Lutz writes in Anderson Herald-Bulletin, "When those with financial interests take advantage of legal technicalities to convince the court system to rule against the better interests of an entire community, something has gone terribly wrong."
	Sept.	Anderson Airport Board votes to oppose landfill and ask F.A.A. to do another compatibility study of airport facilities with Mallard Lake landfill site.
	Dec. 1	Anderson school board votes to support half of legal expenses with KCCA up to \$25,000 to appeal zoning decision. The lawsuit objects to the fact that county Board of Zoning Appeals originally ruled on the request when JM Corp. proposed a trench-type landfill and plans now call for an elevated 50-foot above-ground landfill.
1999	January	KCCA hires Indianapolis zoning attorney Larry Witham to file appeal to require a re-hearing by Madison County Board of Zoning Appeals over 1979 decision.
2000	Aug. 7	Hamilton County Judge William Hughes hears opposing arguments from KCCA attorney Larry Witham and Madison Co. BZA attorney Jerry Shine over sending zoning case back to BZA for rehearing.
	Oct. 19	Judge Hughes issues Order of Remand requiring Madison County BZA to re-hear 1979 zoning decision for findings of fact. Judge Hughes issued an "order of remand" to the BZA citing that it failed to make "written findings of fact" in its 1996 refusal to rehear the case. "There is nothing in the record to establish the basis for the decision," he wrote in his Oct. 19 decision. "Where the board fails to make the required findings of fact, the proper remedy is for the Court to remand the matter back to the Board for the entry of the findings of fact required by applicable statute." He also said, "The record is silent as to whether proper notices were sent."
	Oct. 23	JM Corp's Mallard Lake property (254 acres) sold at county tax sale for nonpayment of taxes. Two liens purchased for \$200,000 for Ironwood Acceptance Corporation of Arizona by local realtor Jeff Ehrlich
	October	Lawsuit for nonpayment of \$295,580 loan filed against JM Corp. and Ralph Reed by Vicki Sue Roberson, executrix of the estate of Victor Power
2000 cont.	Nov. 1	JM Corp. pays \$11,863.21 in back taxes to retain ownership of Mallard Lake property
	November	Lawsuit for nonpayment of \$30,528 loan filed against JM Corp. and Ralph Reed by Delaware county labor leader John Neal
2001	April 28	KCCA sponsored a booth at the April 28 "Earth Day" at Shadyside Park commemorating its 22 nd anniversary. The exhibit included a collection of letters, historical documents, photos and other materials donated by some of its earliest members
2002	Oct. 24	KCCA hosts community issues forum at East Side Middle School. Kevin Smith moderates forum. Sixteen candidates for state senate, state house, sheriff, county

		prosecutor, superior court and county court judges and county commissioner participate.
2003	April 7	IDEM requests Subtitle D drawings of proposed landfill from JM Corp.
2003	July 14	Consolidated Waste Industries comes forward as a potential buyer. CWI sends \$10,000 check to IDEM for annual landfill fees. IDEM returns check.
	Aug. 2	CWI requests an extension of time
	Aug. 3	JM Corp's five-year deadline for obtaining a permit officially expires
	Aug. 19	State Rep. Jack Lutz announces at KCCA meeting at Killbuck Elementary that IDEM has denied JM Corp's and CWI's request for an extension of time on landfill permitting process.
	Aug. 22	The Herald-Bulletin editorializes: "KCCA proves one can fight the proverbial city hall. The group has been civil and orderly and has followed the law. Members have labored to block the Mallard Lake Landfill and have tenaciously fought back when the breaks were against them. KCCA deserves a pat on the back for its recent victory and for the manner in which it has fought the good fight."
	Sept. 2	JM Corp. files an appeal and Anderson Community Schools with KCCA files petitions to intervene. KCCA represented by Gregory Cafouros of Indianapolis firm Kroger, Gardis and Regas.
2004	Oct. 20	Environmental Law Judge Mary Davidsen rule to allow the permitting process to continue. IDEM announces plans to appeal decision.
	Nov. 2	Consolidated Waste Industries withdraws. Its attorney Lewis Beckwith said "By withdrawing its petition for review, Consolidated Waste has decided not to appeal the IDEM decision not to renew the Mallard Lake Landfill permit."
	Nov. 14	KCCA holds public meeting to explain recent developments
	Nov. 17	Ralph Reed quoted in Muncie Star Press. Asked why he didn't just throw in the towel after a quarter-century fight, Reed said, "We've got several million dollars invested in this thing. After we get the permit, we plan to sell it." He also said of the new owners, "They will be expanding the landfill over the years."
	Dec. 13	Ralph Reed filed for Chapter 7 bankruptcy. Reed, who owns 34 percent of JM Corp., claimed only \$975 in assets. He borrowed \$3.4 million from Stilson Farms Shareholder's Trust and Killbuck Realty Corp. Shareholder's Trust, both based in Grand Rapids, MI. He borrowed \$874,177 in 1998 from Pendleton Banking Co. Reed claims in bankruptcy papers that his share of JM Corp. is "worthless."
2005	October	After a year of inactivity, IDEM's appeal of Oct. 2004 decision forwarded to Marion County Environmental Judge Michael Keele. IDEM to be represented by staff attorney Cindy Shively Klem and Deputy Attorney General Valerie Tachtiris.
2006	May 9	Helen Wean resigns chairmanship of KCCA after 10 years. Post taken by Sheryl Myers at a meeting at Killbuck School.
	June 7	KCCA drops its lawsuit against the Madison County BZA to facilitate communication with the county commissioners who refused to discuss the landfill issue as long as the lawsuit existed.
2006 cont.	August 7	Madison County Commissioners attended an open KCCA meeting and answered questions from attendees regarding their positions/responsibilities/authorities relative to the proposed landfill. Commissioners Richwine, Dillon and Wilson all sympathized with the residents of Madison County and told the group that their 'hands were tied' since the BZA, while appointed by the commissioners, were an autonomous group and were free to make their own decisions.
	August 25	KCCA places three billboards in Madison County "Landfill at Mallard Lake? Big Mistake." Sheryl Myers told the Herald Bulletin that the billboard campaign was to combat citizen apathy since so little was heard about the landfill issue that many assumed the issue had been settled one way or the other. The billboard also contained the KCCA's web address, supportkcca.org
	October 17	Marion County Environmental Court Judge Keele hears oral arguments from an attorney from the Attorney General's office representing IDEM and from J.M. Corporation's attorney relative to each party's position on IDEM's refusal to issue an extension for J.M.'s permit application for the construction of a landfill at 300 N and

		300 E.
	Dec. 13	Judge rules in favor of J.M. Corporation and instructs IDEM to reinstate of J.M. Corporation's application for an operating permit for the proposed Mallard Lake landfill
2007	January 7	IDEM decides not to appeal the ruling requiring the agency to reinstate the permit application process for J.M. Corporation
	January 17	Sheryl Myers, Stephanie Moran and Bill Kutschera, respectively resign from their posts of chairperson, vice-chairperson and secretary. An election is held and Bill Kutschera becomes chairman; Dave Stephens, vice chairman and Sheryl Myers, secretary.
	March	Attorneys for KCCA file an administrative appeal with the Madison County Planning Commissioner's office to be heard by the BZA in April. Public notice is published in the Herald Bulletin
	April 9	J.M. Corporation submits documentation for permit approval, per court deadline, to IDEM. IDEM has 90 days to approve or reject application
	April 17	Jerry Shine, attorney for the BZA, calls the KCCA's filing for an administrative appeal a "hoax" and states in the Herald Bulletin that the administrative appeal will not be heard by the BZA.
	April 24	BZA hearing held without KCCA appeal on agenda. Jerry Shine requests, and receives without discussion or public input, approval to hire an Indianapolis law firm to represent the BZA in anticipated legal action. Larry Whitham, attorney for the KCCA, requests permission to speak but is told he may not. He voices an objection but it is not recorded since he the KCCA was not on the agenda.
	April 28	Herald-Bulletin publishes an article regarding the previous week's BZA hearing and the events involving the BZA, Shine and the KCCA. Shine is quoted as saying Hershman (Planning Director) is responsible for setting BZA meeting agendas and Hershman refused to comment saying all questions to the Planning Director had to be handled by Shine.
	May 5	KCCA files a complaint with the State of Indiana Department of Public Access over the failure of the BZA and its attorney to hold public a public hearing on its plan to hire an Indianapolis attorney to assist in defeating attempts by the KCCA to have the circumstances surrounding the special permit granted to the dump developer from being placed on the BZA docket. The BZA attorney denies any wrongdoing.
	May 11	Herald Bulletin announces that the Anderson Airport (2.3 miles from the proposed dumpsite), is slated for closure as the result of a planned new airport in the southern section of the county which will merge Indianapolis' Metropolitan Airport with the Anderson Airport. The proposed closure is supported by the mayor and the Board of Airport Commissioners but creates tremendous public/aviation community opposition.
	July 5	State Representative Teri Austin calls on IDEM to hold a public meeting for input on the proposed dump. IDEM responded by stating that there was no statutory obligation to hold a public meeting on the issue since the order to reissue the landfill permit had already been issued by a Marion County judge.
	July 24	The international premiere of the documentary, "Trashed", is held in Chicago. The documentary on the waste crisis, both nationally and internationally, featured a large segment (10% of the total run time) on the proposed Mallard Lake dump which the producer, Bill Kirkos, referred to as, "One of the most egregious abuses of public safety", that he encountered in the two years it took to make the documentary.
	August 28	Attorneys for the KCCA file a <i>petition for mandate</i> in Madison County as the result of the Planning Director's refusal to respond to any correspondence related to our demands to have the permitting of the dump placed on the BZA docket (see April 24 th). The BZA's attorney, Jerry Shine, defended the Planning Director's failure to respond to demands for a rehearing stating that no legal obligation for a rehearing existed despite the fact that 3 of the 5 original BZA members that voted in favor of the permit in 1981 have submitted sworn, notarized affidavits that they were given erroneous information relative to the design and operation of the dump.

	November 14	Michael Hershman, Planning Director, announces his 'resignation' and solicitations for applications for his replacement instruct interested parties to submit their applications to Jerry Shine, BZA attorney. In response to a letter sent to Shawn Swindell, Madison County Human Resources Director, requesting an explanation for the decision to allow Jerry Shine to receive and review applications for Hershman's replacement, we were advised that the County Commissioners had the authority to make that decision.
	November 15	Jerry Shine and Mary Solada, attorneys representing the BZA, filed two motions in Madison County Superior court to (a) seek dismissal of the petition for mandate filed by the BZA and (b) a request for a change of venue in the event the court refuses to dismiss the petition. The attorneys for the BZA have opposed all citizen efforts to block the issue of the dump permit from being reheard by the BZA since the affidavits from 3 of the original 5 BZA members would, no doubt, result in a new hearing.
2008	January 16	Corey Wilson, former Planning Director, of the town of Cumberland, is hired as Planning Director for Madison County by the County Commissioners.
	January 2	Madison County Superior Court Judge Dennis Carroll orders the KCCA's petition for mandate be transferred to a Hamilton County court. No date is set for the hearing.
	March 17	Indiana General Assembly passes ESB (Engrossed Senate Bill) 043 which mandates that any proposed landfill which has not accepted waste by March 31, 2008, must resubmit all applications for local and State approval. Ralph Reed said the legislation was a personal attack on his project and the residents of Madison County would benefit from having a landfill near them.
	March 31	J.M. Corporation attempts to circumvent a requirement of ESB 043 by placing a sign on the gate to the proposed Mallard Lake dump advertising "Mallard Lake Container Collection System Open To The Public". Approximately two weeks prior to the 'opening' of the collection system, Ralph Reed contacted Manifold Refuse stating, "Some farmers dumped a few bags of garbage on my property and I need a couple of dumpsters to get it cleaned up." J.M. Corporation was cited by the County Planning Director for violating County zoning ordinances. No refuse was collected.
	June 5	IDEM holds 'informational meeting' at the Anderson Public Library to answer questions from concerned citizens regarding the proposed Mallard Lake dump and other questions related to landfill operations. The KCCA was not notified of the meeting until 2 days prior to the meeting although the Herald Bulletin was notified a week prior. Nonetheless, the Herald Bulletin did not publish information about the meeting to notify the public until the morning of the meeting resulting in light attendance. The editor of the Herald Bulletin stated that they had planned to publish an article about the meeting in the previous Sunday's edition but "someone dropped the ball."
	June 5	The Killbuck Concerned Citizens Association filed suit in a Madison Superior Court. The suit seeks a declaratory judgment mandating that JM must meet all state and federal requirements, including being one-half mile from a school, and have the matter reheard by the Madison County Board of Zoning Appeals for approval.
2008 cont.	August 7	J.M. Corporation attorneys, including Ron Fowler who 'lost' \$148,000 in the Reeds' 2004 Chapter 7 bankruptcy, along with the law firm of Plews, Shadley, Racher and Braun of Indianapolis, filed 2 motions in Madison County Superior Court. One was for an automatic change of judge and the second was a motion for joinder and a change of venue. The motion for joinder requests that a judge find that all parties to the pending legal action including the BZA, County Commissioners and County Planning Commission be combined in order for adjudication of the matters before the court.
	August 14	Attorneys for the KCCA filed a motion of relief from erroneous court order for nunc pro tunc entry and for all appropriate relief. The KCCA contends that the judge erred in allowing for the joinder of parties after allowing the motion for a change of judge.
	November 11	ACSC Superintendent Lowe announces at a press conference that several schools will need to be closed in order to achieve a \$5M annual reduction in expenses due to a budget shortfall. A six-page document provided to the board on November 10 th disclosed 4 consolidation options which included the closure of Killbuck Elementary and the combining of the two high schools into one.

	November	Judge Carroll, Madison County Superior Court judge, directs counsel for the KCCA and the BZA to select a judge and/or jurisdiction to hear the Petition for Mandate and the Motion for a Declaratory Judgment be heard by a mutually agreeable judge and/or in a mutually agreeable jurisdiction. Judge Keele of Marion County Superior Court agrees to hear the Petition for a Declaratory Judgment and Judge Pflieger of Hamilton County Superior Court agrees to hear the Petition for Mandate. No dates are set.
	November 29	Due to overwhelming public disapproval of the failure of the ACSC to involve parents in discussions of school closures required to meet budget reductions, Lowe announces the formation of a panel to review the issues and hear public input at a series of workshops called 'Challenge 2010'. They are scheduled to begin in December.
	December	The 'Challenge 2010' workshops began with a panel of 6 community leaders. It was stated by the KCCA chairman at the first workshop that he had been told personally by a member of the board that ACSC board that an attorney for the Mallard Lake dump developer had contacted the board member and stated, "If you can convince the board to cease their opposition to the landfill, some people will be willing to build you a new school to replace Killbuck." In its promised responses to all questions from the public, the ACSC board denied the offer was made to any of its members.
2009	March 10	ACSC votes to approve 'option 2' recommended by the 'Challenge 2010' panel which includes the closure of several schools but excludes Killbuck Elementary which is to remain open.
	March 23	ACSC superintendent Mikella Lowe contacts the Herald Bulletin and advises the paper that she would 'recommend' at the April 14 th board meeting that Killbuck Elementary School be closed despite the board's acceptance and approval of the 'Challenge 2010' panel's recommendation that it remain open.
	March 26	ACSC superintendent Mikella Lowe contacts the Herald Bulletin and announces her intention to retire on July 1, 2009, one year prior to the end of her 3-year contract. She will receive a \$25,000 bonus for retiring early.
	March 27	ACSC assistant superintendent L.C. Brown announces his retirement from the school corporation. He, too, will receive a \$25,000 bonus.
	April 12	ACS Parents Action Committee holds a public meeting to discuss rumors surrounding the premature announcement by soon-to-retire Mikella Lowe that Killbuck Elementary should be closed down as well as ask school board members to respond to rumors regarding plans to shut down Highland High School.
	April 14	ACS board meets with no motion to close Killbuck put up for vote. Board president announces that neither Killbuck Elementary nor Highland High School will be closed.
	July 29	Mark Reed, President of J.M. Corporation, commits suicide.
	Dec. 14	Marion County Superior Court Judge Keele hears motions for summary judgment from both the KCCA and J.M. Corporation counsel
2009 cont.	Dec. 15	Anderson Community School Corporation votes to close Killbuck Elementary School which sits within several hundred yards of the proposed dump and combine Anderson H.S. and Highland H.S. The decision as to which facility would be the new blended high school will be made after 'transportation studies' are completed.
2010	Jan. 17	Madison County School Alliance is formed by parents of Highland/Killbuck area students who want to preserve Highland H.S., Valley Grove and Killbuck Elementary Schools. First meeting is held at Bethany Church.
	Jan. 25	Judge Keele rules that ESB 043 is unconstitutional while acknowledging KCCA has legal standing to bring legal action against J.M. Corporation. Judge Keele also stated that J.M.'s attempt to prove it accepted waste prior to April 1, 2008, did not meet the legal standards for waste acceptance.
	Feb. 11	IDEM issues permit renewal to J.M. Corporation in response to Judge Keele's ruling with stipulations which include technical and financial requirements be met as well as acknowledging the right of 'aggrieved parties' to appeal the permit issuance.
	Feb. 15	Attorneys for KCCA file appeal of Judge Keele's ruling.

	Feb. 19	Anderson Mayor Kris Ockomon holds press conference to express his outrage over the proposed dump project and invites KCCA directors to present PowerPoint presentation to state and local officials and interested parties. Indianapolis TV and local print/electronic media covered the event
	Feb. 26	Attorneys for KCCA file appeal of IDEM reissuance of landfill permit.
	Mar. 26	Marion County OEA judge hears request from KCCA attorneys for stay of April 6 th hearing on appeal of IDEM's permitting of Mallard Lake landfill. Judge grants stay until April 22 nd and, if a stay is granted, tentatively slates November 2010 as earliest possible court date for hearing on appeal of IDEM permit.
	April 9	KCCA files an initial brief with the IN Supreme Court seeking reversal of Judge Keele's decision that ESB 043 was unconstitutional. IN Supreme Court is not obligated to rule on the case within any specific period of time but no decision is expected for as long as 6 months
	April 16	The City of Anderson, at the direction of Mayor Ockomon, files a motion asking for permission to intervene in the KCCA's appeal of IDEM's reissuance of a permit to J.M. Corporation. The City will provide its own counsel and the KCCA will continue to be responsible for all legal expenses related to the appeal. Airport board of directors, as directed by its counsel, refuses to intervene in the appeal.
	April 19	Judge Phleging, of Hamilton County Superior Court, sets J.M.'s motion to dismiss the KCCA's Petition for Mandate to be heard on September 9, 2010. J.M.'s motion is in response to the KCCA's brief that argued the case against Michael Hershman, former Madison County Plan Director, who refused to allow the BZA to hear evidence that the permit was erroneously issued in violation of the Madison County Plan Commission bylaw, 11.12 Special Use and Variance Execution and Termination, 11C, a, 1, 2, 3 and 11.13 Administrative Appeals, C, a, b.
	May 7	Environmental Law judge grants the city of Anderson permission to intervene in the appeal brought by the KCCA in opposition to IDEM's issuance of a permit to J.M. Corporation
	July 23	IDEM files a Motion to Dismiss the KCCA's appeal of its issuance of a permit to J.M. Corporation
	July 23	J.M. Corporation files a Motion for Summary Judgment asking the court to find in favor of IDEM's issuance of a permit
	July 29	The final hearing (trial) of the IDEM appeal is set for November 16, 2010, and is expected to last several days
2010 cont.	Aug. 4	Indiana Supreme Court scheduled oral arguments to be heard on the constitutionality of ESB 043 for November 9, 2010. That date conflicted with the Petition for Mandate hearing to held in Hamilton County on that date and a rescheduled date for that hearing was requested.
	Sept. 2	Indiana Supreme Court heard oral arguments on the constitutionality of ESB 043. A decision by the justices may take as long as 2-3 months.
	September	The previously scheduled Hamilton County hearing on the KCCA's Petition for Mandate, due to conflict with the IN Supreme Court hearing date, is rescheduled for November, 2010.
	November 3	254 acre parcel 'owned' by J.M. Corporation for use, in whole or part, for the Mallard Lake landfill is again placed up for Sheriff's Tax Sale due to non-payment of property taxes. Payment of taxes made on morning of sale by undisclosed party.
	November 17-18	Indiana Environmental Law judge appeal of IDEM's issuance of a renewal permit to J.M. Corporation for the construction and operation of the Mallard Lake landfill by J.M. Corporation. The KCCA was joined by the City of Anderson as an intervener in the appeal. Judge states her decision will be made public in 1 st quarter of 2011.
	November 22	Hamilton County Superior Court hears Madison County attorney Gerald Shine's 'motion to dismiss' KCCA's Petition for Summary Judgment which intended to have a judge order the Madison County Board of Zoning Appeals hear evidence which would prove the 1982 special use allowance (#12) permitting 13 acre dump was improperly issued and must, by bylaw, be revoked. Court's decision is pending.

2011	January 10	Hamilton County Superior Court dismisses KCCA's Petition for Mandate stating the motion 'is not ripe for adjudication'. In essence, the court found the petition was premature since, because the landfill is not operational, no violation could have occurred. The judge's decision does NOT state that the filing of a future Petition for Mandate would not be justifiable. The KCCA will pursue the matter when deemed appropriate by counsel.
2011	March 23	The KCCA's appeal of IDEM's decision to reissue a new permit to J. M. Corporation, heard in November, 2010, heard by OEA judge Gibbs was denied. Judge Gibbs disagreed with the IN Supreme Court's finding that J.M. Corp. did accept household waste from several relatives/associates of J.M. Corporation president Ralph Reed prior to April 1, 2008, thereby meeting the standards set by ESB 043. Testimony from aviation experts confirming the danger to local aviation created by the proposed operation of the landfill was dismissed as irrelevant.
2011	Sept. 7	<p>The KCCA's counsel filed an appeal of Judge Gibb's denial based on the following points of law:</p> <ol style="list-style-type: none"> 1. IDEM's original permit to J.M. in 2003 had expired thus precluded IDEM's renewal of a non-existent permit 2. IDEM failed to follow its rules/regulations in IN ADMIN CODE by renewing said expired permit 3. IDEM failed to follow its rules/regulations in IN ADMIN CODE by reissuing said permit despite the fact that JMC's renewal application lacked required information 4. IDEM failed to require JMC to adhere to Federal law relating to distance from Anderson Airport runways 5. Environmental Law judge acted in an arbitrary and capricious manner in determining that JMC was a corporation in good standing at the time JMC's application for a permit renewal was filed 6. Environmental Law judge erred in reaching one or more erroneous conclusions of law
2011	November 17	Marion County Superior Court, Environmental Division, judge David Certo will hear the KCCA's appeal of Judge Gibb's March 23, 2011, decision.