

**Memorandum  
Public Works Department**



**To:** City Manager  
**Subject:** Long Term Control Plan  
**Date:** February 3, 2014  
**Number:** 2014-024

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DrinkerBiddle & Reath is due payment for legal services provided through November 30, 2013 for the Long Term Control Plan for projects including Mill Creek Study and Farmall Storage Tanks.

**Recommendation**

The Public Works Department recommends that the City Council approve the payment to DrinkerBiddle & Reath in the amount of \$23,043.48.

**Vendor:** DrinkerBiddle & Reath  
**Payment Amount:** \$23,043.48

|              |       |                                       |              |
|--------------|-------|---------------------------------------|--------------|
| Fund:        | 506   | Wastewater Operations and Maintenance | (\$7,799.40) |
| Department:  | 618   | Utilities Services                    |              |
| Cost Center: | 341   | Wastewater Mill Street Plant          |              |
| Object Code: | 56503 | Legal Services                        |              |
| Project:     | 2687  | Farmall Storage Tanks                 |              |

|              |       |                                       |               |
|--------------|-------|---------------------------------------|---------------|
| Fund:        | 507   | Wastewater Operations and Maintenance | (\$15,244.08) |
| Department:  | 619   | Utilities Services                    |               |
| Cost Center: | 341   | Wastewater Mill Street Plant          |               |
| Object Code: | 53101 | Legal Services                        |               |
| Project:     | 2660  | Mill Creek Study                      |               |

Requisition Number: R004402

**Submitted by:** Randall D. Tweet, Public Works Director  
Michael J. Kane, P.E., City Engineer

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**Approved by:** Thomas Thomas, City Manager

REMITTANCE ADVICE

City of Rock Island  
Mr. Robert Hawes  
1528 Third Avenue  
Rock Island, IL 61201

Invoice Number: 14730675  
Invoice Date: 01/10/2014  
Client Number: 160805  
Matter Number: 321140

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**Re: Environmental Law**

For services through November 30, 2013

|                  |               |
|------------------|---------------|
| Current Fees     | 22,218.75     |
| Current Expenses | <u>824.73</u> |

**Total Amount Due This Invoice**

**\$23,043.48**

**Wire Payments:**

Bank: Citibank - New York, NY  
ABA #: 021000089  
Payee: Brown Brothers Harriman & Co.  
Acct No.: 09250276  
Further Credit: Drinker Biddle & Reath LLP  
Account No. 3485513  
Reference: 160805/14730675

**Checks:**

Drinker Biddle & Reath LLP  
One Logan Square, Ste. 2000  
Philadelphia, PA 19103-6996

**ACH Payments:**

Bank: Brown Brothers Harriman & Co.  
Acct: Drinker Biddle & Reath LLP  
ABA#: 026-004-802  
Acct No.: 3485513

**Please return this remittance copy with your payment.  
Payment for legal services is due within 30 days of invoice date.**

City of Rock Island  
 Mr. Robert Hawes  
 1528 Third Avenue  
 Rock Island, IL 61201

Invoice Number: 14730675  
 Invoice Date: 01/10/2014  
 Client Number: 160805  
 Matter Number: 321140

**Re: Environmental Law**

For professional services rendered through November 30, 2013

**Fees**

| <b>LTCP</b> |           | <b>Long Term Control Plan</b>   | <u>Hours</u> | <u>Amount</u> |
|-------------|-----------|---|--------------|---------------|
| 07/19/13    | RM Harsch | LTCP - Review e-mail and draft of letter from Symbiont to me regarding testing; respond to Mr. Till; send e-mail with Symbiont letter to Mr. Chow at Region V of USEPA and Mr. Brost. | 0.70         | 346.50        |
| 08/06/13    | RM Harsch | LTCP - Review letter from Mr. Till and attached information; forward same to USEPA for their review and comment; respond to Mr. Till's e-mail.  | 1.20         | 594.00        |
| 08/26/13    | RM Harsch | LTCP - E-mail from Mr. Chow regarding follow up to Farmall tank issue and pump engine testing issue.  | 0.20         | 99.00         |
| 09/05/13    | RM Harsch | Mill Creek - E-mail to Mr. Chow regarding supplying dates for meeting; e-mail Mr. Till regarding replying to his e-mail of status and review his response.                            | 0.40         | 198.00        |
| 09/06/13    | RM Harsch | LTCP - E-mails regarding meeting with USEPA on Long Term Control Plan issues.   | 0.20         | 99.00         |
| 09/10/13    | RM Harsch | LTCP - E-mails to and from Mr. Chow and Mr. Till regarding conference call date; e-mail to Mr. Tweet, Mr. Till and Mr. Kane regarding preparation for call.                           | 0.60         | 297.00        |
| 09/12/13    | RM Harsch | LTCP - E-mails to and from Mr. Chow regarding conference call date; e-mails to and from Mr. Till, Mr. Tweet and Mr. Kane regarding preparation for call.                              | 0.50         | 247.50        |
| 09/17/13    | RM Harsch | LTCP - Telephone conference with Mr. Till and client regarding preparation for call with USEPA et. al. - follow up with Mr. Till regarding testing issue.                             | 1.30         | 643.50        |

| <b>LTCP</b>                         |               | <b>Long Term Control Plan</b>  | <u>Hours</u> | <u>Amount</u>   |
|-------------------------------------|---------------|--|--------------|-----------------|
| 09/18/13                            | RM Harsch     | LTCP - Review e-mail from Mr. Till forwarding me information on hand help testing equipment; call distributor and discuss options with technical representative; phone call to Mostardi Platt regarding stack testing options; e-mail to Mr. Trzupsek, follow up on his response by calling Trinity consultant; forward Mr. Till's; e-mail to Mr. Chow regarding receipt of past e-mail; respond to Mr. Chow by sending past e-mail and follow-up; discuss same with Mr. Till. | 2.90         | 1,435.50        |
| 09/19/13                            | RM Harsch     | LTCP - Response from Mr. Chow regarding Air Division; review of materials; follow-up with testing consultant; work on review of testing requirements in rule; e-mails and telephone call with Mr. Till.  | 2.20         | 1,089.00        |
| 09/20/13                            | RM Harsch     | LTCP - Pre-call with Mr. Till and Mr. Tweet; conference call with USEPA and US Attorney regarding stack testing and Farmall tank; follow-up call; phone call from testing company.   | 2.70         | 1,336.50        |
| 10/22/13                            | RM Harsch     | LTCP - Review e-mail from Mr. Till and forward same to Mr. Chow.   | 0.20         | 99.00           |
| 10/24/13                            | RM Harsch     | LTCP - Review e-mail reply from Mr. Chow regarding request from Mr. Till for testing information.  | 0.20         | 99.00           |
| 10/31/13                            | RM Harsch     | LTCP - Voice mail from Mr. Chow regarding testing and respond to Mr. Till regarding Mostardi-Platt.  | 0.30         | 148.50          |
| 11/08/13                            | RM Harsch     | LTCP - E-mail from Mr. Chow regarding USEPA response on testing issue, respond to same and reply back.   | 0.30         | 148.50          |
| 11/13/13                            | RM Harsch     | LTCP - Review draft letter from Mr. Till regarding testing and provide comments and questions.   | 0.90         | 445.50          |
| 11/14/13                            | RM Harsch     | LTCP - E-mails from Mr. Till regarding need for a call; phone conference with Mr. Till regarding letter to Mr. Chow regarding testing issues.  | 0.90         | 445.50          |
| 11/18/13                            | T Flynn       | LTCP - Exchange of e-mails with Mr. Harsch regarding agency response to complaint.   | 0.10         | 27.90           |
| <b>Total Long Term Control Plan</b> |               |  | <b>15.80</b> | <b>7,799.40</b> |
| <b>MILL</b>                         |               | <b>Mill Creek</b>  | <u>Hours</u> | <u>Amount</u>   |
| 07/17/13                            | RM Harsch     | Mill Creek - E-mails and discussion with paralegal regarding filings summons, respond to Mr. Kutsunis regarding same and his questions regarding status.   | 0.60         | 297.00          |
| 07/17/13                            | D Ravenscraft | Mill Creek - Telephone conference with Mr. Harsch regarding serving Summons and Complaint on Defendants.   | 0.30         | 62.10           |
| 07/19/13                            | RM Harsch     | Mill Creek - E-mail and discussion with paralegal regarding summons.   | 0.40         | 198.00          |

| <b>MILL</b> |               | <b>Mill Creek</b>   | <u>Hours</u> | <u>Amount</u> |
|-------------|---------------|---|--------------|---------------|
| 07/30/13    | D Ravenscraft | Mill Creek - Draft Summons to serve complaint and research entities to same; contact Central District Clerk regarding requirements.   | 1.60         | 331.20        |
| 07/30/13    | M Bird        | Mill Creek - Research regarding Army Corps of Engineers legal counsel for Ms. Ravenscraft.  | 0.50         | 105.75        |
| 07/31/13    | RM Harsch     | Mill Creek - Work to get summons sent to court and respond to Mr. Kutsunis.   | 0.60         | 297.00        |
| 07/31/13    | D Ravenscraft | Mill Creek - Review summonses to USA, USACE and Lt. Gen. Bostick; contact Central District of IL. Clerk to coordinate issuance; update Mr. Harsch regarding status and procedure. | 1.80         | 372.60        |
| 08/06/13    | RM Harsch     | Mill Creek - E-mail to Ms. Ravenscraft regarding summons and reply.   | 0.30         | 148.50        |
| 08/07/13    | RM Harsch     | Mill Creek - E-mail to client confirming mailing of signed summons to process server; telephone call with Ms. Ravenscraft.  | 0.60         | 297.00        |
| 08/07/13    | D Ravenscraft | Mill Creek - Prepare packets with executed summonses and complaint to all defendants and coordinate serving the same with process server.   | 0.50         | 103.50        |
| 08/08/13    | RM Harsch     | Mill Creek - Provide Mr. Tweet with status of litigation; confirm mailing of service of summons.  | 0.30         | 148.50        |
| 08/12/13    | RM Harsch     | Mill Creek - Respond to e-mail about meeting; forward service confirmation to City of Rock Island.  | 0.40         | 198.00        |
| 08/13/13    | RM Harsch     | Mill Creek - Confirm service and notify client.   | 0.30         | 148.50        |
| 08/13/13    | RM Harsch     | Mill Creek - E-mail Mr. Davis regarding acceptance of service; e-mail Mr. Chow regarding acceptance of Service.   | 0.30         | 148.50        |
| 08/19/13    | RM Harsch     | Mill Creek - Response from Mr. Davis regarding verification of service.   | 0.20         | 99.00         |
| 08/20/13    | RM Harsch     | Mill Creek - Request from Mr. Brost regarding continuation; follow-up e-mails.  | 0.40         | 198.00        |
| 08/21/13    | RM Harsch     | Mill Creek - Response to Mr. Brost.   | 0.30         | 148.50        |
| 08/26/13    | RM Harsch     | Mill Creek - Travel to Rock Island to attend City council meeting; return.  | 7.00         | 3,465.00      |
| 08/27/13    | RM Harsch     | Mill Creek - E-mail Mr. Brost regarding his request for extension and phone call; review filing of proof of service - affidavits and respond to Ms. Ravenscraft.                  | 0.80         | 396.00        |
| 08/27/13    | D Ravenscraft | Mill Creek -File Process Server's Affidavit of Service of Summons and Complaint to Defendants USA, USACE and Lt. Gen. Bostick.  | 0.70         | 144.90        |
| 08/29/13    | D Ravenscraft | Mill Creek - Review recent ECF filings and download same.   | 0.30         | 62.10         |

| <b>MILL</b>             |               | <b>Mill Creek</b>   | <u>Hours</u> | <u>Amount</u>    |
|-------------------------|---------------|---|--------------|------------------|
| 09/06/13                | D Ravenscraft | Mill Creek - Review recent ECF notification from Court regarding granting Defendants' Motion for Extension of Time.   | 0.40         | 82.80            |
| 11/18/13                | D Ravenscraft | Mill Creek - Review recent ECF notifications and download the same.   | 0.30         | 62.10            |
| 11/19/13                | J Simon       | Mill Creek - Analyze U.S. Answer to Complaint, Memorandum in Support of Motion to Dismiss, or alternatively, Judgment on the Pleadings.   | 2.50         | 1,293.75         |
| 11/20/13                | N Kopsian     | Mill Creek - Docketing deadline to respond to motion to dismiss. # 13C 4047   | 0.10         | 17.55            |
| 11/26/13                | J Simon       | Mill Creek - Prepare for and participate in telephone conference with Mr. Harsch regarding the U.S. motion to dismiss the complaint of Rock Island; research Safe Drinking Water Act federal facilities provision and wellhead preservation issue; e-mail Mr. Harsch preliminary analysis of SDWA wellhead preservation area issue. | 2.40         | 1,242.00         |
| 11/26/13                | RM Harsch     | Mill Creek - Review government's response and answer, e-mails to and from Tara Flynn regarding motion for extension; e-mails to and from John Simon regarding review of response; conference with John Simon regarding response to Government's arguments; e-mail to Gov. attorneys regarding request for extension to respond.     | 2.40         | 1,188.00         |
| 11/26/13                | T Flynn       | Mill Creek - Exchange of e-mails with Mr. Harsch; drafted motion for extension of time to answer Defendant's Motion to Dismiss; forwarded same to Mr. Harsch via e-mail; online research regarding time for response; conference call with Mr. Harsch and Mr. Simon.  | 1.50         | 418.50           |
| 11/27/13                | J Simon       | Mill Creek - Analyze text of federal facilities and citizen suit provisions of SDWA and CWA and assess strength of arguments raised by Defendants in their motion to dismiss; e-mail Mr. Harsch preliminary assessment of the defenses as to each count of the complaint based upon text of federal statutes.                       | 3.20         | 1,656.00         |
| 11/27/13                | RM Harsch     | Mill Creek - Conference call and e-mails regarding how to respond to Government and extension on time to respond.   | 2.20         | 1,089.00         |
| <b>Total Mill Creek</b> |               |   | <b>33.20</b> | <b>14,419.35</b> |
| Current Fees            |               |   |              | \$22,218.75      |

**Time and Fee Summary**

| Timekeeper                     | Rate     | Hours | Fees        |
|--------------------------------|----------|-------|-------------|
| J Simon (10% Discounted)       | \$517.50 | 8.10  | \$4,191.75  |
| RM Harsch                      | \$495.00 | 32.80 | \$16,236.00 |
| T Flynn (10% Discounted)       | \$279.00 | 1.60  | \$446.40    |
| M Bird (10% Discounted)        | \$211.50 | 0.50  | \$105.75    |
| D Ravenscraft (10% Discounted) | \$207.00 | 5.90  | \$1,221.30  |
| N Kopsian (10% Discounted)     | \$175.50 | 0.10  | \$17.55     |
| Totals                         |          | 49.00 | \$22,218.75 |

**Summary of Task Amounts**

| Task  | Description            | Amount    |
|-------|------------------------|-----------|
| LTCP  | Long Term Control Plan | 7,799.40  |
| MILL  | Mill Creek             | 14,419.35 |
| Total |                        | 22,218.75 |

**Expenses**

|          |   |        |
|----------|---|--------|
| 08/07/13 | Express Delivery Services Courier shipment to 29 S LA SALLE ST, CHICAGO   | 12.43  |
|          | Total:  | 12.43  |
| 08/07/13 | Duplicating User Diane V. Ravenscraft made 464 copies on 08/07/2013 at 09:14 hrs  | 69.60  |
| 08/28/13 | Duplicating User Roy M. Harsch made 6 copies on 08/28/2013 at 14:29 hrs   | 0.90   |
|          | Total:  | 70.50  |
| 08/29/13 | Service of Subpoenas - LaSalle Process Servers, LP 3 summons and complaints Lt. Gen. Thomas P. Bostick, United States of America and United of America and United States of America, Dept of Army Corps | 735.00 |
|          | Total:  | 735.00 |
| 08/27/13 | Pacer Searches  | 1.10   |
| 11/19/13 | Pacer Searches  | 2.70   |
|          | Total:  | 3.80   |
| 08/26/13 | Bindery   | 3.00   |
|          | Total:  | 3.00   |

|                           |                           |
|---------------------------|---------------------------|
| Total Current Expenses    | \$824.73                  |
| <b>Total this Invoice</b> | <b><u>\$23,043.48</u></b> |

Payment for legal services is due within 30 days of invoice date.