

**Memorandum  
Public Works Department**



**To:** City Manager  
**Subject:** Long Term Control Plan  
**Date:** January 13, 2015  
**Number:** 2015-004

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DrinkerBiddle & Reath is due payment for legal services provided through November 30, 2014 for the Long Term Control Plan.

**Recommendation**

The Public Works Department recommends that the City Council approve the payment to DrinkerBiddle & Reath in the amount of \$15,600.00.

**Vendor:** DrinkerBiddle & Reath  
**Payment Amount:** \$15,600.00

<b>Fund:</b>	506	<b>Wastewater Operations and Maintenance</b>	<b>(\$8,875.50)</b>
<b>Department:</b>	618	Utilities Services	
<b>Cost Center:</b>	341	Wastewater Mill Street Plant	
<b>Object Code:</b>	56503	Legal Services	
<b>Project:</b>	2687	Farmall Storage Tanks	

<b>Fund:</b>	506	<b>Wastewater Operations and Maintenance</b>	<b>(\$6,724.50)</b>
<b>Department:</b>	618	Utilities Services	
<b>Cost Center:</b>	341	Wastewater Mill Street Plant	
<b>Object Code:</b>	56503	Legal Services	
<b>Project:</b>	2624	WWTP	

**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



191 N. Wacker Dr., Ste. 3700  
Chicago, IL 60606-1698  
(312) 569-1000 office  
(312) 569-3000 fax  
TAX I.D. #23-1423089

REMITTANCE ADVICE

Mr. Randall D. Tweet  
Public Works Director  
City of Rock Island  
Public Works Department  
1528 Third Avenue  
Rock Island, IL 61201

Invoice Number: 14821559  
Invoice Date: 12/17/2014  
Client Number: 160805  
Matter Number: 321140

**Re: Environmental Law**

For services through November 30, 2014

Current Fees 15,600.00

**Total Amount Due This Invoice \$15,600.00**

**Wire or ACH Payments:**

Beneficiary: DRINKER BIDDLE & REATH LLP  
Credit Account #: 6232743478  
ABA: 036076150  
SWIFT: CTZIUS33  
Bank: Citizens Bank  
Bank Address: 1 Citizens Drive  
Riverside, RI 02915  
Reference: 160805/14821559

**Checks:**

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

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

506-618341-56503-2687000 \$8,875.50  
506-618341-56503-2624000 \$6,724.50

004  
2014-024

Mr. Randall D. Tweet  
 Public Works Director  
 City of Rock Island  
 Public Works Department  
 1528 Third Avenue  
 Rock Island, IL 61201

Invoice Number: 14821559  
 Invoice Date: 12/17/2014  
 Client Number: 160805  
 Matter Number: 321140

**Re: Environmental Law**

For professional services rendered through November 30, 2014

**Fees**

<b>LTCP</b>		<b>Long Term Control Plan</b>	<u>Hours</u>	<u>Amount</u>
07/01/14	RM Harsch	Emails regarding Rock Island Signature; forward signed document to Mr. Chow and respond to his email regarding Farmall Tank agreement; respond to email from Mr. Jonathan Butts; review and respond to email from Ms. Sangha regarding her refusal to my request to discuss approval with IEPA; forward her response to Mr. Till and review reply regarding Farmall tank issue; review email from Mr. Till regarding USEPA letter approving alternative testing approval and respond to his questions.	1.30	643.50
07/05/14	RM Harsch	Review and respond to emails from Mr. Till regarding notice of operation and performance of the system during 5 inch rain on first day.	0.40	198.00
07/07/14	RM Harsch	Respond to Mr. Till's email regarding Farmall Tank; email Mr. Chow regarding status of Agreement.	0.40	198.00
07/09/14	RM Harsch	Review email from Mr. Chow regarding status of Illinois signoff of the Farmall Tank Agreement and USEPA decision to accept requested changes to approved engine testing method.	0.40	198.00
07/10/14	RM Harsch	Send Mr. Chow the original signed by Rock Island Farmall Tank Agreement and respond to his email; forward same to client and Mr. Till.	0.40	198.00
07/14/14	RM Harsch	Review email from Mr. Till regarding status of things with USEPA.	0.20	99.00
07/15/14	RM Harsch	Respond to email from Mr. Till regarding status of things with USEPA and various discussions with Mr. Chow.	0.40	198.00

			<u>Hours</u>	<u>Amount</u>
	<b>LTCP</b>	<b>Long Term Control Plan</b>		
07/17/14	RM Harsch	Review email from Mr. Jonathan Butts to IEPA regarding the processing of the construction permit, reply from Mr. George Lambert and request for update; send email to Mr. Chow regarding status of USEPA formal approval of Farmall Tank Agreement; review reply and respond.	1.20	594.00
07/21/14	RM Harsch	Respond to email from Mr. Jonathan Butts; review and respond to email from Ms. Sangha regarding her refusal to my request to discuss approval with IEPA; forward her response to Mr. Till and review reply regarding Farmall tank issue; review email from Mr. Till regarding USEPA letter approving alternative testing approval and respond to his questions.	1.30	643.50
07/22/14	RM Harsch	Review email from Mr. Jonathan Butts.	0.10	49.50
07/23/14	RM Harsch	Review emails from Mr. Jonathan Butts regarding his discussions with Mr. Surindur Tandon regarding approval of the Farmall Tank project; review and reply to emails from Mr. Rick Pineo and Mr. Tandon regarding same.	0.50	247.50
07/24/14	RM Harsch	Phone call from Mr. David Morrison regarding his assumption of position as City Attorney and need for update; draft and forward update regarding negotiations with USEPA on the Farmall Tank and Engine Testing problems.	0.70	346.50
07/25/14	RM Harsch	Review and respond to email from Mr. Till raising a question about waiver of testing notice.	0.20	99.00
07/29/14	RM Harsch	Respond to emails from Mr. Till regarding waiver of testing time requirement.	0.20	99.00
07/30/14	RM Harsch	Review email from Mr. Till; email Mr. Chow regarding status of signoff for the Farmall Agreement.	0.40	198.00
07/31/14	RM Harsch	Review email and phone call from Mr. Till regarding scheduled testing of engines and additional issue regarding other equipment; email to Ms. Ellen Sadat Radow regarding assistance on new issue; email from Mr. Chow regarding signoff on the Farmall Agreement by Mr. Brost and status of EPA signoff.	0.90	445.50
08/05/14	ER Sadat	Review email from Mr. Harsch regarding testing issues. Commence research; email and telephone conference with Mr. Harsch.	1.00	510.00
08/05/14	RM Harsch	Review and respond to various emails from Ms. Sadat.	0.50	247.50
08/07/14	RM Harsch	Emails and discussion with Ms. Sadat.	0.50	247.50
08/12/14	RM Harsch	Work on answer regarding testing of bio-gas engine; telephone call from Ms. Sadat regarding her work; emails to and from Mr. Till regarding type of engine.	1.50	742.50
08/18/14	RM Harsch	Email and phone call to Mr. Chow regarding Farmall approval by Head Quarters.	0.30	148.50

<b>LTCP</b>		<b>Long Term Control Plan</b>	<u>Hours</u>	<u>Amount</u>
09/05/14	RM Harsch	Review and send email to Mr. Till regarding requirements for testing and other issues for the new biogas engine fueled by digester produced gas.	1.60	792.00
09/10/14	RM Harsch	E-mail from Mr. Kane regarding time issue caused by lack of decision on Farmall Tank by USEPA; forward same to Mr. Chow with request for update; phone call return by Mr. Chow; respond to Mr. Kane's email; return phone call from Mr. Chow; advise client that USEPA Headquarters is in the process of signoff on the approval agreement.	0.90	445.50
09/12/14	RM Harsch	Review and respond to email from Mr. Butts; reply to his reply and send email to Mr. Chow to request him to respond on how we change the schedule for construction.	0.50	247.50
09/22/14	RM Harsch	Review email and signed order accepting administrative change to LTCP; forward same to client and consultants.	1.00	495.00
10/22/14	RM Harsch	Review Quarterly Report.	0.30	148.50
10/31/14	RM Harsch	Respond to Mr. Till's questions.	0.20	99.00
11/24/14	RM Harsch	Emails to and from Mr. Till.	0.60	297.00
<b>Total Long Term Control Plan</b>			<b>17.90</b>	<b>8,875.50</b>
<b>MILL</b>		<b>Mill Creek</b>	<u>Hours</u>	<u>Amount</u>
09/24/14	J Simon	Analyze today's Order granting the United States Government's motion to dismiss complaint of the cities of Rock Island and Milan.	0.50	300.00
09/24/14	RM Harsch	Review District Court Decision dismissing case after forwarding same to client.	2.00	990.00
09/24/14	D Ravenscraft	Review ECF notification and download the same.	0.30	72.00
09/29/14	J Simon	Analyze Order granting Motion to Dismiss in view of the allegations in the Complaint and in view of the arguments made in Response in Opposition to Motion to Dismiss; review Federal Rules 59 and 60 regarding options available to Rock Island in wake of adverse ruling; exchange e-mails/voice mails with Mr. Harsch regarding same.	0.50	300.00
09/30/14	J Simon	Telephone conference with Mr. Harsch regarding preliminary analysis of Order dismissing claim of Rock Island; conference with Mr. Pickard regarding specific research on option of re-filing Complaint with additional and updated factual allegations.	0.50	300.00
09/30/14	BC Pickard	Telephone confer with Mr. Simon regarding decision on motion to dismiss and additional research in light of same; review papers on motion to dismiss; review decision on motion to dismiss; begin research re: res judicata for motion to dismiss decision.	2.60	975.00

<b>MILL</b>		<b>Mill Creek</b>	<u>Hours</u>	<u>Amount</u>
10/03/14	J Simon	Review research performed by Mr. Brian Pickard regarding the ability of Rock Island to file an amended complaint as the dismissal order is based upon the lack of subject matter jurisdiction; compose e-mail to Mr. Harsch commenting on the research by Mr. Pickard and providing further recommendations for Rock Island.	0.80	480.00
10/03/14	BC Pickard	Review and analyze motion to dismiss opinion; research subject matter jurisdictional issues in light of opinion; draft e-mail to Mr. Simon regarding same.	4.20	1,575.00
10/06/14	RM Harsch	Review research regarding dismissal for subject matter jurisdiction and email to Mr. Tweet and Mr. Morrison.	0.90	445.50
10/22/14	RM Harsch	Respond to email from Mr. Simon; email and call to Mr. Tweet regarding options and our recommendation; phone call with Mr. Morrison regarding same; email update to Mr. Simon.	1.10	544.50
10/23/14	RM Harsch	Draft and send a letter to Mr. Randy Tweet and others regarding options for Rock Island in response to Court Decision dismissing complaint.	1.50	742.50
<b>Total Mill Creek</b>			<b>14.90</b>	<b>6,724.50</b>
Current Fees				<b>\$15,600.00</b>

**Time and Fee Summary**

<b>Timekeeper</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
J Simon	\$600.00	2.30	\$1,380.00
ER Sadat	\$510.00	1.00	\$510.00
RM Harsch	\$495.00	22.40	\$11,088.00
BC Pickard	\$375.00	6.80	\$2,550.00
D Ravenscraft	\$240.00	0.30	\$72.00
<b>Totals</b>		<b>32.80</b>	<b>\$15,600.00</b>

**Total this Invoice**

**\$15,600.00**

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