

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DICKERSON PETROLEUM, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 09-87
)	PCB 10-05
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	(Consolidated)
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John T. Therriault	Carol Webb, Esq.
Assistant Clerk	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	1021 North Grand Avenue East
100 West Randolph, Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA U.S. MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a MOTION FOR AUTHORIZATION OF PAYMENT OF LEGAL FEES directed to the Illinois Pollution Control Board, copies of which is herewith served upon you.

Respectfully submitted,

DICKERSON PETROLEUM, INC.,
Petitioner,

Dated: September 27, 2010

By: /s/Edward W. Dwyer
One of Its Attorneys

Edward W. Dwyer
Monica T. Rios
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

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MOTION FOR AUTHORIZATION OF PAYMENT OF LEGAL FEES

NOW COMES Petitioner, DICKERSON PETROLEUM, INC. ("Petitioner") by and through its attorneys, HODGE DWYER & DRIVER, and pursuant to the Illinois Pollution Control Board's ("Board") September 2, 2010 Opinion and Order ("Order"), hereby moves the Board to grant Petitioner's Motion for Authorization of Payment of Legal Fees ("Motion"). In support of this Motion, Petitioner states as follows:

1. On February 4, 2010, the Board determined that the March 9, 2009 and June 10, 2009 denial letters issued to the Petitioner by the Illinois Environmental Protection Agency ("Illinois EPA") did not comply with applicable regulations. Board Order, *Dickerson Petroleum, Inc. v. Illinois EPA*, PCB Nos. 09-87, 10-05 (consol.) (Ill.Pol.Control.Bd. Feb. 4, 2010) (hereafter case cited as "*Dickerson*"). The Board, at that time, also declined to authorize the reimbursement of legal costs from the Underground Storage Tank Fund ("UST Fund") to the Petitioner. *Id.*

2. On March 11, 2010, Petitioner filed a Motion for Reconsideration of the Board's February 4, 2010 Order and requested that the Board exercise its discretion to authorize the reimbursement of legal fees to the Petitioner because Petitioner is a prevailing party before the Board. Motion for Reconsideration, *Dickerson*, (Ill.Pol.Control.Bd. Mar. 11, 2010). On September 2, 2010, the Board granted

Petitioner's Motion for Reconsideration, found that Petitioner has prevailed before the Board, and directed that Petitioner file a statement of legal costs with the Board. Order at 1-2.

3. On September 12, 2010, the Hearing Officer granted Petitioner's request for an extension to file its statement of legal costs until September 27, 2010. Hearing Officer Order, *Dickerson* (Ill.Pol.Control.Bd. Sept. 22, 2010).

4. The Petitioner hereby incorporates its discussion from its Motion for Reconsideration regarding the authorization of legal fees, and pursuant to the Order, requests that the Board exercise its discretion and reimburse Petitioner for its legal fees and costs in this matter. As support for its request, Petitioner has attached, as Exhibit A, the affidavit of Edward W. Dwyer, documenting the legal fees and costs in this matter, which are \$53,019.29. The total is the sum of attorney fees for billable time (\$52,343.00) and costs (\$676.29).

WHEREFORE, DICKERSON PETROLEUM, INC. requests that the Board grant this Motion for Authorization of Payment of Legal Fees and authorize payment of such fees and costs from the UST Fund in the amount of \$53,019.29.

Respectfully submitted,

DICKERSON PETROLEUM, INC.,
Petitioner,

Dated: September 27, 2010

By: /s/Edward W. Dwyer
One of Its Attorneys

Edward W. Dwyer
Monica T. Rios
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
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(217) 523-4900
CAHO:001/Fil/Consolidated/Mtn for Legal Fees

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS:

AFFIDAVIT OF EDWARD W. DWYER VERIFYING LEGAL FEES

I, Edward W. Dwyer, being first duly sworn, states as follows:

1. The statements made herein are based upon my personal knowledge, and I am competent to testify hereto.

2. I am an attorney duly licensed to practice law in the State of Illinois, and I am one of the attorneys of record for Petitioner, Dickerson Petroleum, Inc. ("Dickerson") in the consolidated case entitled *Dickerson Petroleum, Inc. v. Illinois EPA*, PCB Nos. 09-87, 10-05 (consol.). I have concentrated my law practice in environmental law for the past twenty-one years, representing clients on a wide range of compliance and litigation matters, including substantial practice before the Illinois Pollution Control Board ("Board") concerning leaking underground storage tank ("LUST") proceedings.

3. Monica T. Rios, the other attorney of record for Dickerson, is a senior associate at HODGE DWYER & DRIVER and has practiced law in the State of Illinois for the past five years. Ms. Rios has represented a number of our firm's clients in matters before the Board, including rulemaking, permit and enforcement proceedings.

4. HODGE DWYER & DRIVER, since its founding, has concentrated its practice in environmental law. The firm has extensive experience handling matters for clients concerning the Illinois Environmental Protection Act and the regulations promulgated thereunder, including the State's LUST regulations.

Exhibit A

5. The firm began working on the instant matter in March 2009, when Respondent's consultant contacted me regarding the issuance of the Illinois Environmental Protection Agency's ("Illinois EPA"), March 9, 2009 denial letter.

6. I represent Dickerson solely in matters concerning the appeal of the Illinois EPA's denial letters dated March 9, 2009 and June 10, 2009. I represent it on no other matters.

7. I, with the assistance of Ms. Rios, prepared and filed a Petition for Review of the March 9, 2009 letter. Our firm also filed a Petition for Review of the Illinois EPA's June 10, 2009 denial letter. Further, I communicated with Illinois EPA prior to and after filing the appeals, reviewed the record filed in these matters, prepared witnesses for hearing, and represented the Petitioner at hearing.

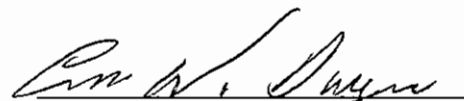
8. Following the hearing, along with Ms Rios, I researched, prepared, and filed a post-hearing brief, reviewed Illinois EPA's response, prepared and filed a reply, reviewed the Board's February 2010 Order, filed a Motion for Reconsideration, and prepared this Motion for Authorization of Payment of Legal Fees.

9. Attached hereto as Exhibit 1 is an accurate summary of legal work completed and legal fees incurred with respect to this matter. This summary has been taken from the actual invoices, and thus, it reflects actual work performed and fees incurred. The summary reveals the date the work was performed, the description of the work performed, the amount of time spent, and the total fees incurred. The "timekeeper" reflects the attorney (EWD means Edward W. Dwyer, KDH means Katherine D. Hodge, MTR means Monica T. Rios, and MCR means Matthew C. Read) or paralegal/legal assistant (AMB means Angie M. Buhl, and CSF means Cathy S. Formigoni); all paralegal/legal assistant work was conducted under the direct supervision and authority

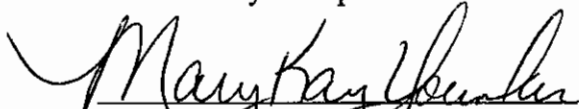
of an attorney. As the attached summary demonstrates, efforts were made to have Ms. Rios and firm paralegals perform much of the work on the matter.

10. The total number of hours incurred includes time spent drafting pleadings, reviewing the record, communicating with the client and its representatives, preparing for and participating in hearing, drafting the post hearing brief and reply, reviewing Illinois EPA's briefs and pleadings, reviewing hearing officer and Board orders, participating in all other litigation activities, including status conferences, and preparing this Motion. The total number of hours expended by attorneys and paralegal/legal assistant combined is 254.5 hours, which is reasonable and necessary for the issues involved. Exhibit 1 reflects a rate of \$295.00 for my time, as well as for the time of Katherine D. Hodge, and a rate of \$250.00 an hour for the time of associate attorneys Monica T. Rios and Matthew C. Read. Paralegal/legal assistant time is billed at \$100.00 per hour. The hourly rates charged are commensurate with the prevailing rates for attorneys in Illinois with similar environmental legal skills and experience before the Board. Note that for time marked "No Charge" on Exhibit 1, no fees were charged for such time, although the time is included in the 254.5 hours referenced above. Accordingly, the total amount of legal fees and costs incurred and sought herein, \$53,019.29, is reasonable, legitimate, and appropriate.

FURTHER AFFIANT SAYETH NOT.


Edward W. Dwyer

Subscribed and sworn to before me
this 27th day of September 2010.


NOTARY PUBLIC

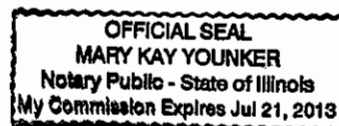


EXHIBIT 1**DICKERSON PETROLEUM, INC. v. ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY, PCB 09-87 and PCB 10-5 (UST Appeal) (Consolidated)****Summary of Fees and Costs**

Date	Timekeeper	Description	Time	Total
3/25/2009	EWD	Telephone conference with T. Herlacher regarding LUST Site in Cahokia, Illinois.	0.60	No Charge
3/25/2009	EWD	Office conference with MTR regarding LUST Site in Cahokia, Illinois.	0.30	No Charge
3/25/2009	MTR	Confer with EWD regarding Cahokia, IL site and review letter and notes; telephone call to T. Herlacher; telephone call from T. Herlacher.	0.30	75.00
3/25/2009	EWD	Office conference with MTR regarding Cahokia matter and telephone conference with T. Herlacher.	0.40	118.00
3/27/2009	MTR	Receive voicemail from T. Herlacher; telephone call to T. Herlacher; review documents received from T. Herlacher; compile notes on same; begin review of regulations; review referenced OSFM regulations.	2.00	500.00
3/30/2009	MTR	Review Part 734 and compile notes on the same; review OSFM regulations; search IEPA website for information; review timeline and notes in preparation for conference call; meet with EWD to discuss same; teleconference with T. Herlacher, D. Angleton and EWD to discuss appeal; confer with EWD.	3.40	850.00
3/30/2009	EWD	Office conference with MTR to review and discuss her research and review of documents; telephone conference with D. Angleton and T. Herlacher to discuss same; short office conference with MTR	1.60	472.00
3/31/2009	EWD	Telephone conference with B. Ingersoll regarding Cahokia site; office conference with MTR regarding call.	0.90	265.50
3/31/2009	EWD	Telephone conference with T. Herlacher.	0.40	118.00
3/31/2009		Facsimile charges for the month of March 2009		4.00
3/31/2009		Photocopy charges for the month of March 2009		1.05
3/31/2009		Lexis Nexis charges for the month of March 2009		0.55
March 2009 Subtotal			9.90	\$2,404.10
4/1/2009	MTR	Begin drafting letter to B. Ingersoll regarding tank removal and LUST incident; telephone call from T. Herlacher; research Board cases; review research results; confer with EWD regarding the same; continue research of Board cases; review research results; continue drafting letter; review OSFM regulations for inclusion in letter; review reports; revise letter; review facts from T. Herlacher with notes from T. Herlacher conversation with H. Chappel; confer with EWD.	5.20	1300.00
4/1/2009	EWD	Research Board cases with MTR; office conference with MTR regarding research results; telephone conference with clients; review summary of call.	0.90	265.50
4/1/2009	EWD	Office conference with MTR regarding research and letter to IEPA.	0.20	59.00
4/2/2009	MTR	Review letter; make additional revisions; send e-mail to EWD.	0.60	150.00

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Date	Timekeeper	Description	Time	Total
4/2/2009	EWD	Begin reviewing e-mail from MTR with draft letter.	0.10	29.50
4/3/2009	EWD	Review and revise draft letter; office conference with MTR regarding same.	0.50	147.50
4/3/2009	MTR	Conference with EWD regarding revisions to letter; make additional revisions; research and review regulations; draft e-mail regarding additional issues; review e-mail from T. Herlacher; conference call with T. Herlacher, D. Angleton, and EWD to discuss letter and information needed; confer with EWD regarding revisions; review letter to determine clients' and EWD's revisions were incorporated; make additional changes; confer with EWD regarding the same.	2.70	675.00
4/3/2009	EWD	Review and edit letter; office conference with MTR regarding same; review revised draft; send e-mail to clients with draft letter.	0.70	206.50
4/3/2009	EWD	Telephone conferences with T. Herlacher and D. Angleton, with MTR, to discuss and review e-mail and draft letter; post-discussion office conference with MTR to finalize letter.	1.20	354.00
4/3/2009	EWD	Telephone conference with client; make final revisions to letter, sign and transmit.	0.50	147.50
4/7/2009	MTR	Receive e-mail from T. Herlacher regarding draft letter; send e-mail to T. Herlacher regarding the same; telephone call from T. Herlacher regarding contacting H. Alberaccin and letter.	0.50	125.00
4/7/2009	EWD	Receive and review e-mail from D. Angleton.	0.10	No Charge
4/7/2009	EWD	Receive and review e-mail from MTR regarding call with client; telephone call to H. Alberaccin, IEPA.	0.20	No Charge
4/8/2009	EWD	Office conference with MTR regarding letter.	0.20	No Charge
4/13/2009	MTR	Receive voicemail from T. Herlacher; telephone call to T. Herlacher regarding the same; send e-mail to EWD regarding discussion with T. Herlacher.	0.30	75.00
4/14/2009	EWD	Receive and review e-mail from T. Herlacher; telephone call to H. Albarracin; left detailed message regarding same; send e-mail to clients regarding same and prior call.	0.30	88.50
4/14/2009	MTR	Confer with EWD regarding drafting Petition for Review; draft Petition for Review; review Petition and make additional revisions to include references to OSFM requirements.	1.70	425.00
4/14/2009	EWD	Receive and respond to e-mail from T. Herlacher.	0.20	No Charge
4/15/2009	EWD	Review and revise draft Petition for Review; e-mail to clients for review and comment; telephone conference with T. Herlacher; receive and review record; e-mail draft to clients; office conference with T. Herlacher regarding Petition; finalize Petition and file electronically; send copy via e-mail to clients.	2.00	590.00
4/20/2009	MTR	Receive telephone call from T. Herlacher regarding appeal; review Petition for Review; e-mail to EWD regarding discussion with T. Herlacher.	0.30	75.00
4/20/2009	EWD	Review and respond with directions to MTR's e-mail about her telephone conference with T. Herlacher.	0.10	No Charge
4/24/2009	MTR	Telephone call from T. Herlacher regarding status; confer with EWD regarding the same; review Board rules; telephone call to T. Herlacher regarding status.	0.40	100.00

Date	Timekeeper	Description	Time	Total
4/30/2009	MTR	Research; send e-mail to EWD regarding research results.	0.90	No charge
4/14/2009		Filing fee – Illinois Pollution Control Board		75.00
4/30/2009		Photocopy charges for the month of April 2009		1.20
4/30/2009		Lexis Nexis charges for the month of April 2009		6.71
April 2009 Subtotal			19.80	\$4,895.91
5/1/2009	MTR	Receive e-mail from EWD regarding scheduling teleconference with T. Herlacher; send e-mail to T. Herlacher regarding review of LUST appeal cases and teleconference time.	0.20	No Charge
5/1/2009	EWD	Telephone conference with T. Herlacher to discuss status; discuss appeal deadline, ability to contact H. Albarracin.	0.20	59.00
5/3/2009	MTR	Receive e-mail from T. Herlacher regarding teleconference; receive e-mail from T. Herlacher; review notes from T. Herlacher.	0.20	50.00
5/4/2009	MTR	Telephone call to T. Herlacher to discuss additional issues; confer with EWD regarding discussion with T. Herlacher and his questions; telephone call to T. Herlacher regarding the same; review other appeal cases.	1.20	300.00
5/4/2009	EWD	Office conference with MTR to discuss call from T. Herlacher, issues raised regarding recent LUST appeals; discuss further research into cases currently pending before Board.	0.20	No Charge
5/11/2009	EWD	Review PCB Order; office conference with MTR regarding same; review PCB Rules and petition.	0.50	147.50
5/11/2009	MTR	Confer with EWD regarding Board's Order; review Board rules; review file to determine received date; review Petition; confer with EWD regarding review of file, Board's decision, and research of other LUST appeals; search Board database for orders; review cases and Board orders; compile notes regarding the same; send e-mail to EWD.	1.90	No Charge
5/13/2009	MTR	Confer with EWD regarding sending Board Order to T. Herlacher; send e-mail to T. Herlacher and D. Angleton with Board Order attached; telephone call from T. Herlacher regarding Order; send e-mail to T. Herlacher with weblinks attached; confer with EWD regarding Board Order and research of other similar cases; confer with EWD regarding revising Amended Petition and review of Part 734.	0.90	225.00
5/19/2009	MTR	Review Petition for Review; draft Amended Petition; confer with EWD regarding same; review regulations; review Board's procedural requirements for appeals; revise Amended Petition in accordance with discussion with EWD.	1.30	No Charge
5/19/2009	EWD	Office conference with MTR regarding changes to amended petition.	0.30	88.50
5/20/2009	EWD	Review and respond to e-mail from T. Herlacher.	0.10	29.50
5/20/2009	KDH	Review petition for review and order from Board; office conference with EWD regarding appeal; discuss status/strategy for same.	0.60	177.00
5/20/2009	EWD	Review amended petition, PCB Order and IEP Act; office conference with KDH regarding jurisdictional issue and	1.10	No Charge

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Date	Timekeeper	Description	Time	Total
		response to IEPA; review IEP Act.		
5/21/2009	EWD	Review and revise Petition; review LUST Section of the IEP Act; review regulations for appeal of early action decisions by IEPA; office conference with MTR regarding same.	1.20	354.00
5/21/2009	MTR	Confer with EWD regarding revisions to Amended Petition; revise Petition to include additional paragraphs and Board regulations regarding early action costs; confer with EWD regarding his additional comments; review file to determine date of E & D letter; revise Amended Petition to include E & D letter date; review Amended Petition to determine that all revisions were made; send e-mail to T. Herlacher and D. Angleton with Amended Petition attached.	1.40	No Charge
5/21/2009	EWD	Finish reviewing and revising Amended Petition; office conference with MTR regarding same.	0.60	177.00
5/22/2009	MTR	Receive e-mail from T. Herlacher; telephone call from EWD regarding approval from T. Herlacher; telephone call to T. Herlacher (left message).	0.10	25.00
5/26/2009	MTR	Receive voicemail from T. Herlacher regarding Amended Petition; review file for letters; revise Amended Petition; send e-mail to EWD regarding the same; receive e-mail from EWD regarding filing Petition; review entire Amended Petition and Exhibit; make additional revision; telephone call to T. Herlacher regarding filing Petition; review Petition to determine revision was made.	0.50	125.00
5/26/2009	EWD	Review revised Amended Petition and e-mail from client; approve Amended Petition for filing.	0.40	No Change
5/31/2009		Photocopy charges for the month of May 2009		1.50
May 2009 Subtotal			12.90	\$1,759.00
6/9/2009	MTR	Telephone call to T. Herlacher to discuss Board's Order; e-mail to EWD regarding the same; e-mail from EWD to C. Webb regarding setting matter for hearing; telephone call from C. Webb regarding scheduling hearing in Springfield or Belleville; e-mail to EWD regarding the same; telephone call to T. Herlacher regarding the same and availability in late July; telephone call from T. Herlacher regarding the same; e-mail to EWD; telephone call to C. Webb to schedule hearing; e-mail to EWD and T. Herlacher regarding July 29 hearing date.	0.50	125.00
6/12/2009	EWD	Receive e-mail from D. Angleton regarding LUST denial; forward to MTR.	0.10	29.50
6/16/2009	MTR	Review IEPA letter denying reimbursement application submitted by Dickerson; review file reimbursement application; send e-mail to EWD regarding the same.	0.30	75.00
6/17/2009	MTR	Telephone call to T. Herlacher regarding IEPA denial letter of reimbursement application.	0.20	50.00
6/18/2009	MTR	Conference with EWD regarding appeal of LUST reimbursement decision and Motion to Consolidate; e-mail to T. Herlacher regarding appeal and Motion to Consolidate.	0.30	75.00
6/18/2009	EWD	Confer with MTR regarding discussion with T. Herlacher	0.10	29.50

Date	Timekeeper	Description	Time	Total
		and drafting appeal of reimbursement denial and Motion to Consolidate.		
6/19/2009	MTR	Draft Petition to Review Reimbursement Claim; review relevant portions of Act and regulations; review reimbursement application received from HAA.	1.00	250.00
6/23/2009	MTR	Review Hearing Officer Order and Notice of Hearing; send e-mail to T. Herlacher with both attached; telephone call from T. Herlacher to discuss the same.	0.20	50.00
6/25/2009	MTR	Search Board Underground Storage Tank appeals for any Motions to Consolidate; draft Motion to Consolidate; review and revise Petition to Review reimbursement denial; review applicable sections of Act; check Board's docket to determine if record was filed.	1.40	350.00
6/26/2009	MTR	Review and revise Petition for Review and Motion to Consolidate; check docket to determine whether record was filed; send e-mail to EWD regarding the same.	0.20	50.00
6/26/2009	EWD	Receive and review e-mail from MTR regarding preparation of draft petition.	0.10	29.50
6/30/2009	MTR	Receive e-mail from T. Herlacher regarding status of Petition and Motion to Consolidate; confer with EWD regarding the same; send e-mail to T. Herlacher regarding status of response; receive voicemail from T. Herlacher regarding filing of record; confer with EWD regarding research to determine when admissions have to be filed; send e-mail to T. Herlacher with update; review Board procedural rules on hearings and discovery.	0.60	150.00
6/30/2009	EWD	Confer with MTR regarding e-mail MTR received from T. Herlacher regarding status of response; confer with MTR regarding and research to determine when admissions have to be filed.	0.20	59.00
June 2009 Subtotal			5.20	\$1,322.50
7/1/2009	MTR	Meeting with EWD to discuss timeframe for filing Requests to Admit and taking depositions; telephone call to T. Herlacher to schedule conference call.	0.20	50.00
7/1/2009	EWD	Meet with MTR to discuss timeframe for serving Requests to Admit and taking depositions in pending UST appeal	0.10	29.50
7/2/2009	MTR	Review materials in preparation for teleconference with T. Herlacher and D. Angleton; telephone call to T. Herlacher to discuss rescheduling; telephone call to D. Angleton regarding the same; teleconference with clients and EWD to discuss Petitions; confer with EWD regarding the same; review Waiver of Decision Deadline and make revisions; review Act and Board provisions for decision deadlines; e-mail to EWD regarding the same; confer with EWD regarding Petition for reimbursement claim; telephone call to C. Webb regarding decision deadline; telephone call from C. Webb regarding the same; review record; draft FOIA request to OSFM; send e-mail to T. Herlacher with portions of IEPA record attached.	2.60	650.00
7/2/2009	EWD	Telephone conference with T. Herlacher and D. Angleton to discuss status and options.	0.80	236.00
7/2/2009	EWD	Review portions of Record sent to T. Herlacher regarding	0.40	118.00

Date	Timekeeper	Description	Time	Total
		reviewer notes.		
7/2/2009	EWD	Telephone conference with G. Richardson at IEPA; discuss his appointment to represent Agency, status of record; discuss the possibility of settlement and the issue of possibly summary judgment; discuss fact issues in case in general, agree I will confer with him after talking with clients later today; telephone conference with MTR, D. Angleton and T. Herlacher to discuss status of case, review strategy, and summarize conversation with G. Richardson; discuss Petition for Review, Motion to Consolidate, strategy regarding same; short post-conference discussion with MTR.	1.20	354.00
7/2/2009	CSF	Review Board and Hearing Officer Orders for filing dates and statutory deadline; draft Notice of Waiver of 120-Day Decision Deadline; Notice of Filing; and Certificate of Service; forward same to MTR for review; confer with MTR regarding statutory deadline date and calculation of the 60-day waiver; specifically regarding which statutory deadline date is accurate; the statutory deadline date noted in the Board Order or the deadline date noted in the most recent Hearing Officer Order.	0.70	70.00
7/6/2009	MTR	Telephone call to T. Herlacher to discuss IEPA record.	0.10	No Charge
7/10/2009	MTR	Review Petition for Review of Reimbursement Claim; review Motion to Consolidate; review Waiver of Decision Deadline; telephone call from EWD to discuss Petition, Motion, and Waiver; revise filings to include EWD's revisions; review revisions to determine that EWD's comments were incorporated.	0.90	225.00
7/10/2009	EWD	Review Motion to Consolidate Petition for Review of LUST Fund Denial decision and Waiver of Decision Deadline; brief office conference with MTR regarding same; approval for filing with Board.	0.30	88.50
7/10/2009	EWD	Receive and review e-mail from C. Webb regarding our Motions and Petition.	0.10	No Charge
7/14/2009	MTR	Telephone call to T. Herlacher to discuss Petition for Review of reimbursement claim.	0.20	50.00
7/27/2009	MTR	Telephone call from T. Herlacher to discuss status of case and other LUST sites.	0.20	No Charge
7/29/2009	MTR	Telephone conference with EWD and G. Richardson; status conference with C. Webb; confer with EWD regarding strategy; telephone call to T. Herlacher to schedule teleconference; review Board rules to determine requirements for denial letter; telephone call to T. Herlacher to reschedule call.	1.50	375.00
7/29/2009	EWD	Office conference with MTR regarding status with IEPA and C. Webb; telephone conference with G. Richardson, IEPA to discuss proceeding with both appeals; discuss preparation of Motion for Summary Judgment; telephone conference with C. Webb, Hearing Officer and G. Richardson to discuss pending case, Motion to Consolidate recent appeal, Waiver of Decision Deadline and filing summary motions, discuss C. Webb's concern regarding waiver length and a decision on a summary judgment motion; advise we need to confer with client	1.10	No Charge

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Date	Timekeeper	Description	Time	Total
		regarding same and set for another status next Friday; office conference with MTR in preparation for telephone conference with clients.		
7/31/2009	MTR	Review Board Order referencing decisions of Board are based on Agency record; begin review of other cases.	1.10	275.00
7/10/2009		Filing fee for Petition for Review		75.00
7/31/2009		Photocopy charges for the month of July.		5.10
7/31/2009		Facsimile charges for the month of July 2009		3.00
7/31/2009		Lexis Nexis charges fro the month of July 2009		3.33
July 2009 Subtotal			11.50	\$2,607.43
8/3/2009	EWD	Finish drafting litigation estimate for client's review; review similar budgets for contested matters.	0.90	265.50
8/3/2009	MTR	Conference with EWD in preparation for teleconference; teleconference with EWD, T. Herlacher, and D. Angleton regarding strategy and possible hearing.	1.20	300.00
8/3/2009	EWD	Office conference with MTR briefly before telephone conference with D. Angelton and T. Herlacher to discuss strategy for moving forward with case before Board; discuss pros and cons of each approach; relate substance of discussion with hearing officer and IEPA counsel last week.	1.20	No Charge
8/5/2009	MTR	Telephone call from T. Herlacher regarding discussion with J. Fennell at OSFM; send e-mail to EWD regarding the same.	0.30	75.00
8/5/2009	EWD	Receive and review e-mail from MTR relating discussion with T. Herlacher; T. Herlacher advised of discussion with J. Fenell regarding FOIA; send response back in preparation for call tomorrow morning with clients.	0.20	59.00
8/6/2009	MTR	Review package of reports and correspondence received from T. Herlacher; review IEPA LUST database information for same; telephone call from EWD regarding status conference; telephone call to T. Herlacher regarding call in number; teleconference with EWD and T. Herlacher regarding hearing and OSFM FOIA; telephone call from EWD to discuss briefing schedule and status conference; telephone call to C. Webb regarding the same; telephone call to EWD (left message); telephone call from EWD to discuss.	2.50	625.00
8/6/2009	EWD	Receive and review e-mails from MTR and recent discussions with client in preparation for telephone conference; review memo sent to clients on Monday night; participate in telephone conference with MTR and T. Herlacher to discuss strategy for moving forward.	0.40	118.00
8/6/2009	EWD	Telephone conference with MTR in preparation for status call with hearing officer later this afternoon; receive and review follow up e-mail from MTR after status conferenece with hearing officer; send short response.	0.30	88.50
8/7/2009	CSF	Draft Limited Notice of Waiver of 120-Day Decision Deadline for an additional 47 Days; Certificate of Service; and Notice of Filing, forward to MTR for further review.	1.00	No Charge
8/7/2009	MTR	Review and revise Waiver of Decision Deadline.	0.20	50.00
8/10/2009	MTR	Meeting with EWD to discuss tasks in preparation for	0.20	50.00

Electronic Filing - Received, Clerk's Office, September 27, 2010

Date	Timekeeper	Description	Time	Total
		hearing.		
8/10/2009	EWD	Meeting with MTR to discuss tasks in preparation for hearing.	0.20	No Charge
8/11/2009	MTR	Telephone call from T. Herlacher regarding review of record and timeframe for sending us the information.	0.10	25.00
8/17/2009	MTR	Receive e-mail from T. Herlacher regarding documents to review for hearing; send e-mail to T. Herlacher regarding the same.	0.10	No Charge
8/18/2009	MTR	Send e-mail to T. Herlacher regarding receipt of documents.	0.10	25.00
8/21/2009	MTR	Telephone call from T. Herlacher to discuss receipt of reports and whether additional information is needed.	0.10	25.00
8/26/2009	MTR	Begin preparing documents for hearing; review LUST regulation requirements for decision letters; begin review of documents from T. Herlacher; review letter to IEPA in response to initial denial letter.	1.30	325.00
8/27/2009	MTR	Receive e-mail from T. Herlacher regarding litigation documents; receive voicemail from T. Herlacher regarding the same; send e-mail to T. Herlacher regarding review of documents; telephone call to T. Herlacher in response to voicemail; continue compiling hearing documents; continue review of additional documentation received from T. Herlacher; continue review of IEPA record.	1.30	325.00
8/31/2009	MTR	Review LUST database information; review record in PCB 09-87 and begin compiling list of documents in support of claim; continue drafting hearing documents and identifying documents for hearing exhibits; continue review of record and compile table identifying documents in record; voicemail from T. Herlacher regarding requested documentation.	1.90	475.00
8/6/2009		Conference Plus call with T. Herlacher and MTR.		36.06
8/31/2009		Photocopy charges for the month of August 2009.		1.20
8/31/2009		Lexis Nexis charges for the month of August 2009.		1.88
August 2009 Subtotal			13.50	\$2,870.14
9/1/2009	MTR	Meet with EWD to discuss hearing preparation and documents needed for hearing; telephone call to T. Herlacher regarding scheduling hearing preparation and additional documents necessary; telephone call from T. Herlacher regarding the same; confer with EWD regarding teleconference to discuss hearing documents; telephone call to T. Herlacher regarding the same; telephone call to T. Herlacher to confirm conference call.	1.20	300.00
9/2/2009	MTR	Telephone call to T. Herlacher and D. Angleton regarding preparation for hearing.	1.10	275.00
9/2/2009	EWD	Telephone conference with D. Angleton and T. Herlacher; discuss documents and general trial preparation issues.	0.80	236.00
9/3/2009	MTR	Review M. Wight deposition.	0.30	No Charge
9/4/2009	MTR	Meet with EWD to discuss preparation for hearing, witness preparation, and documents; telephone call to T. Herlacher regarding witness preparation; begin review of additional documents received from T. Herlacher; telephone call from J. Foley regarding hearing	1.30	325.00

Electronic Filing - Received, Clerk's Office, September 27, 2010

Date	Timekeeper	Description	Time	Total
		preparation.		
9/4/2009	EWD	Meet with MTR to discuss preparation for hearing, witness preparation, and documents.	0.90	No Charge
9/4/2009	EWD	Begin reviewing documents in preparation for hearing.	0.90	265.50
9/9/2009	MTR	Review record and documents in file to develop timeline of incidents; review e-mails from J. Foley regarding Cahokia site and hearing preparation; send e-mail to J. Foley regarding the same; compile list of documents that are not included in record; research in preparation for hearing.	1.20	300.00
9/10/2009	MTR	Review and revise documents prepared for hearing; review documents received from J. Foley; begin drafting questions for witness in preparation for hearing; continue review of documents received from J. Foley; continue review of record in preparation for hearing.	1.30	325.00
9/11/2009	MTR	Confer with EWD regarding request to supplement the record; telephone call to T. Herlacher regarding the same (left message); send e-mail to T. Herlacher and D. Angleton regarding supplementing the record and complete reports; telephone call from J. Foley regarding scheduling conference call to discuss hearing testimony; telephone call from T. Herlacher regarding record.	0.60	150.00
9/12/2009	EWD	Prepare for hearing; review file; review record and begin preparing outline of testimony and exhibits for T. Herlacher.	2.70	796.50
9/13/2009	MTR	Review additional documentation, IEPA correspondence, and LUST database information; review site information on LUST database and OSFM report; meet with EWD to discuss hearing preparation, review exhibits, and discuss strategy; e-mail to T. Herlacher regarding color copies of exhibits.	4.40	1,100.00
9/13/2009	EWD	Continue preparation for hearing; outline Herlacher testimony; organize exhibits outside record and number record; office conference with MTR to go through witness outline and exhibit list; need for record supplementation; draft and send e-mail to G. Richardson regarding documents missing from record and request to supplement.	4.10	1,209.50
9/14/2009	MTR	Confer with staff regarding preparation of exhibits; e-mail from T. Herlacher regarding photos; e-mail to T. Herlacher regarding the same; telephone call with J. Foley to discuss testimony for hearing; e-mail from G. Richardson regarding record; e-mail to G. Richardson regarding the same with supplemental documents attached; e-mail from G. Richardson regarding the color photos; e-mail to G. Richardson regarding the same; review exhibits and records compiled for hearing; revise hearing preparation outline; confer with EWD regarding exhibits; telephone call to T. Herlacher; confer with EWD regarding the same; telephone call to T. Herlacher regarding the same; continue to prepare documents in preparation for hearing; confer with EWD regarding photos; e-mail to CSF regarding resume exhibits.	3.00	750.00
9/14/2009	EWD	Continue trial preparation; exchange e-mails with G.	2.00	No Charge

Date	Timekeeper	Description	Time	Total
		Richardson regarding record supplementation.		
9/14/2009	CSF	Office conference with MTR regarding preparation for hearing; research using Lexis for regulations; prepare all as Petitioner's Exhibits for hearing; draft exhibit list for same; forward to MTR.	3.20	No Charge
9/15/2009	MTR	Review and revise outline of Foley testimony; confer with EWD regarding preparation for hearing; make additional revisions to outline of questions for J. Foley; confer with EWD regarding outline; make revisions to outline based on meeting with EWD; review exhibits to determine whether all exhibits are complete and accurate; meet with T. Herlacher, J. Foley, and EWD to discuss hearing issues, exhibits, and testimony; telephone calls and emails to and from G. Richardson regarding record supplement; confer with EWD regarding the same; confer with EWD and CSF regarding compiling and Bates stamping record supplement; meet with J. Foley to prepare for hearing and discuss testimony; review Bates stamped record supplement; revise Foley outline; meet with J. Foley to clarify additional issues; review OSFM report; search database; confer with EWD regarding additional tasks in preparation for hearing; sort and compile exhibits; compile new exhibit; revise Exhibit List.	8.70	2,175.00
9/15/2009	EWD	Continue preparation of testimony for hearing; office conference with MTR.	3.50	1,032.50
9/15/2009	EWD	Review MTR's outline of J. Foley's testimony; office conference with MTR regarding changes.	0.50	No Charge
9/15/2009	EWD	Conference with clients; preparation testimony for hearing.	5.00	1,475.00
9/15/2009	CSF	Receive e-mail from MTR with additional documentation to be included and marked as Petitioner's Exhibits; prepare and mark documents as Petitioner's Exhibits; follow-up e-mail to MTR regarding same; prepare documents for submission as part of record, including adding bates stamping.	1.80	180.00
9/16/2009	EWD	Revise testimony outline based upon preparation with client; review regulations; prepare for and attend LUST Appeal hearing with clients and MTR.	6.00	1,770.00
9/16/2009	EWD	Lunch and post LUST Appeal hearing meeting with clients; return to office with clients and MTR.	1.90	No Charge
9/16/2009	MTR	Review outline of Foley testimony in preparation for hearing; meet with T. Herlacher, J. Foley, and EWD to discuss hearing logistics; attend hearing; lunch with clients and EWD to discuss hearing and post-hearing brief.	7.00	No Charge
9/22/2009	MTR	Review Hearing Officer Report; e-mail from EWD regarding exhibits not admitted and speaking with T. Herlacher regarding the same; telephone call to T. Herlacher to discuss questions.	0.30	75.00
9/15/2009		Color copies for hearing exhibits.		8.66
9/30/2009		Photocopy charges for the month of September.		162.30
9/30/2009		Lexis Nexis charges for September 2009.		183.96
September 2009 Subtotal			63.70	\$13,094.92

Date	Timekeeper	Description	Time	Total
10/12/2009	MTR	Begin review of hearing transcript; review Petition for Review; begin drafting Post-Hearing Brief.	1.50	375.00
10/19/2009	MCR	Discussion with MTR regarding research; review hearing transcript from hearing; research Illinois Appellate Court case law; research Board cases; draft summary of research for post hearing brief; e-mail to MTR.	6.30	1,417.50
10/19/2009	MTR	Review and revise Post-Hearing Brief; continue drafting brief; confer with MCR regarding research; review transcript testimony of T. Herlacher and J. Gaydosh; confer with CSF regarding cases; review regulations; continue drafting brief; confer with MCR regarding his review of cases; review and revise portions of brief; continue drafting brief; review portions of transcript.	7.70	1,925.00
10/19/2009	CSF	Research cases cited in another case regarding APA and attorney's fees issue using Lexis, shepardize same; forward to MTR for further review.	0.60	60.00
10/20/2009	MCR	Review Pollution Control Board cases.	0.60	135.00
10/20/2009	MTR	Review and revise Brief to include additional arguments; review and revise entire Brief; review OSFM regulations.	4.30	1,075.00
10/21/2009	MTR	Review and revise Post-Hearing Brief; e-mail from EWD regarding additional revisions to Post-Hearing Brief; confer with EWD regarding revisions to Brief and additional issues to address.	1.60	400.00
10/21/2009	EWD	Review and make edits to Petitioner's Brief; draft e-mail with detailed comments to MTR regarding additions to brief; brief office conference with MTR.	1.40	413.00
10/22/2009	MTR	Review and revise Post-Hearing Brief to add section; review rulemaking provisions; add additional paragraphs; revise Brief to include detailed discussion on regulatory issue; review TACO regulations; revise Brief; search for LUST appeals; review research results; send e-mail to T. Herlacher and D. Angleton regarding Post-Hearing Brief; confer with EWD regarding revisions; send e-mail to EWD with case attached; review Brief to determine all revisions were incorporated; revise Brief.	6.00	1,500.00
10/23/2009	MTR	Revise Brief to include additional citations to Hearing Transcript; revise section to include additional discussion of another case; review EWD's revisions and make additional comments; send draft to T. Herlacher and D. Angleton for review.	1.60	400.00
10/23/2009	EWD	Review and revise PCB Brief; office conference with MTR regarding same.	2.90	855.50
10/25/2009	MTR	Review record and transcript to insert citations for introduction and background facts section; make additional revisions; review record and transcript; make additional revisions; telephone call from EWD to discuss his comments and revisions; begin incorporating EWD's revisions and review transcript and record as necessary; review regulatory requirements.	4.60	1,150.00
10/25/2009	EWD	Review second draft of Petitioner's Brief; prepare notes for telephone conference with MTR; telephone conference with MTR to review my comments on draft of brief; discuss additional issues; review case.	2.40	708.00

Date	Timekeeper	Description	Time	Total
10/26/2009	MTR	Review and revise Brief; receive e-mail from T. Herlacher regarding revisions to Brief; revise Brief accordingly; confer with KDH and EWD regarding additional revisions to Brief; make KDH revisions to Brief; review rulemakings for LUST regulations; revise Brief to include the same; confer with EWD regarding his review of OSFM regulations; send e-mail to T. Herlacher and D. Angleton regarding additional comments; review Brief to determine that MTR and KDH revisions were incorporated; make additional revisions to Brief; receive e-mail from D. Angleton regarding no additional comments; telephone call from T. Herlacher regarding filing Brief; review second set of revisions to determine all revisions were incorporated into Brief; review third set of revisions; review EWD's revisions to determine that they are incorporated; review Notice of Filing and Certificate of Service.	4.60	1,150.00
10/26/2009	KDH	Review draft Brief; office conference with EWD and MTR regarding comments and questions on same.	1.40	413.00
10/26/2009	EWD	Review e-mail from MTR; office conference with MTR and KDH to get comments on Brief; review Act and Regulations for requirement.	1.30	383.50
10/25/2009	EWD	Review and revise Brief; finalize.	1.00	295.00
10/31/2009		Photocopy charges for the month of October 2009.		16.80
10/31/2009		Lexis Nexis charges for October 2009		11.31
10/31/2009		Lexis Nexis charges for October 2009		34.07
10/31/2009		Lexis Nexis charges for October 2009		8.04
October 2009 Subtotal			49.80	\$12,725.72
11/10/2009	EWD	Receive and review e-mail from T. Herlacher with questions regarding sampling from IEPA; draft and send e-mail regarding same.	0.30	88.50
11/10/2009	EWD	Receive follow-up e-mail from T. Herlacher and D. Angleton regarding my earlier response; provide detailed description of Administrative Procedure Act.	0.30	No Charge
11/11/2009	MTR	Review e-mails to and from T. Herlacher and EWD regarding APA.	0.10	No Charge
11/11/2009	EWD	Receive and review responses from D. Angleton and T. Herlacher regarding APA issue.	0.10	29.50
11/11/2009	EWD	Receive and review e-mail regarding proposed changes to LUST statute.	0.20	No Charge
11/12/2009	MTR	Telephone call from T. Herlacher to discuss conversation with IEPA regarding information needed to confirm a release.	0.60	No Charge
11/13/2009	MTR	Telephone call to T. Herlacher.	0.10	No Charge
11/13/2009	MTR	Review draft amendments to LUST legislation.	0.50	No Charge
11/24/2009	MTR	Search Board's site for Illinois EPA Response to Post-Hearing Brief; confer with EWD regarding the same; send e-mail to T. Herlacher and D. Angleton regarding the same.	0.10	25.00
11/24/2009	EWD	Review LUST statute regarding attorneys fees provision; telephone conferences regarding same.	0.70	206.50
11/30/2009	MTR	Review Brief filed by the Illinois EPA; compile notes on	1.80	450.00

Date	Timekeeper	Description	Time	Total
		the same; confer with EWD regarding issues raised in Brief; review case briefs and Board Opinions on attorney's fees; confer with EWD regarding possibility of filing Reply Brief; telephone call to T. Herlacher to discuss the same.		
11/30/2009		Lexis Nexis charges for the month of November 2009.		2.31
November 2009 Subtotal			4.80	\$801.81
12/1/2009	MTR	Review Board rules for timeline for filing a reply brief to Illinois EPA's response; review a post hearing brief to determine whether attorney fees are mentioned.	0.60	150.00
12/2/2009	MTR	Telephone conference with T. Herlacher, D. Angleton, and EWD to discuss reply; confer with EWD regarding the same; telephone call to C. Webb; telephone call to G. Richardson to discuss filing a reply; status conference with C. Webb and G. Richardson regarding briefing schedule for reply and surreply; review Waiver of Decision Deadline and make revisions.	1.80	No Charge
12/2/2009	EWD	Review Agency's Brief; make notes for telephone conference with clients and MTR; telephone conference with clients to discuss strategy; office conference with MTR; telephone conference with G. Richardson; telephone conference with C. Webb, Hearing Officer; review and revise draft Waiver.	1.20	354.00
12/2/2009	CSF	Telephone conference with MTR regarding revised briefing schedule and need for limited waiver to be filed with Board; draft Notice of Limited Waiver, Notice of Filing and Certificate of Service, route to MTR for review; continued review and revision to draft waiver, prepare for and file same with the Board.	2.20	No Charge
12/3/2009	MTR	Review Illinois EPA post-hearing brief and Dickerson post-hearing brief and compile list of issues; begin drafting reply to Illinois EPA's response.	1.00	250.00
12/4/2009	MTR	Meet with EWD to discuss drafting brief and outlining issues to respond to in reply brief; e-mail to clients regarding brief.	1.40	No Charge
12/4/2009	EWD	Review briefs in preparation for drafting of Reply; office conference with MTR to discuss outline of Reply Brief.	2.30	678.50
12/6/2009	MTR	Draft Reply to IEPA's Response; review post hearing brief and transcript as necessary; review regulations; review and revise Reply; send e-mail to EWD with Reply attached.	3.80	950.00
12/7/2009	MTR	Review and revise Reply Brief; receive e-mail from T. Herlacher regarding surreply; send e-mail to T. Herlacher regarding the same; receive fax with revisions to Reply from T. Herlacher; meet with EWD to discuss revisions to Reply Brief; review and revise Reply Brief to include EWD's revisions; review OSFM regulations.	1.80	450.00
12/7/2009	EWD	Review and provide comments on draft Reply Brief.	0.40	No Charge
12/8/2009	MTR	Confer with EWD regarding revisions to Reply; make revisions to Reply; review Reply to determine revisions were incorporated	0.40	100.00
12/9/2009	EWD	Finish proofing brief and approve for filing.	0.40	No Charge

Date	Timekeeper	Description	Time	Total
12/9/2009	MTR	Send e-mail to T. Herlacher and D. Angleton regarding filing Reply Brief with the Board.	0.10	25.00
12/29/2009	MTR	Review Illinois EPA's surreply to Petitioner's Reply.	0.10	25.00
12/31/2009		Photocopy charges for the month of December 2009.		5.85
12/31/2009		Lexis Nexis charges for the month of December 2009.		0.85
December 2009 Subtotal			17.50	\$2,989.20
2/4/2010	MTR	Review Board Order; e-mail to EWD and KDH regarding Board's conclusion and remand of letters; confer with EWD regarding the same; send e-mail to T. Herlacher and D. Angleton regarding Board's Order.	1.20	300.00
2/4/2010	AMB	Send e-mail to D. Brown, IPCB, to request copy of Board Order as soon as it is available; receive e-mail from D. Brown with attached Board Order and Opinion; forward same to MTR	0.10	10.00
2/4/2010	EWD	Begin reviewing PCB Order; short telephone conference with T. Herlacher regarding same	0.40	No Charge
2/10/2010	EWD	Review Order of PCB.	0.50	147.50
2/11/2010	MTR	Continue review of Board Order; review Board rules for filing Motions for Reconsideration; send e-mail to EWD regarding deadline for Motion for Reconsideration.	0.40	100.00
2/12/2010	MTR	Conference with EWD regarding Board's Order and contacting clients regarding Motion for Reconsideration.	0.20	50.00
2/12/2010	EWD	Conference with MTR regarding Board's Order and contacting clients regarding Motion for Reconsideration.	0.20	No Charge
2/17/2010	MTR	Conference with EWD in preparation for call with clients; telephone conference with EWD, T. Herlacher, and D. Angleton to discuss filing Motion for Reconsideration.	1.20	300.00
2/17/2010	EWD	Review notes; telephone conference with clients and MTR to discuss options for responding to PCB Order.	1.20	354.00
2/19/2010	EWD	Telephone conference with G. Richardson regarding status of case.	0.60	177.00
2/21/2010	EWD	Review notes from telephone conference with G. Richardson; review e-mail and Attachment A to e-mail; draft and send e-mail to clients regarding same.	0.40	118.00
February 2010 Subtotal			6.40	\$1,556.50
3/1/2010	MTR	Telephone call to T. Herlacher regarding Attachment A deductions; confer with EWD regarding the same.	0.40	100.00
3/1/2010	EWD	Review notes; office conference with MTR regarding telephone conference with client; send e-mail to G. Richardson regarding status.	0.40	118.00
3/1/2010	EWD	Telephone conference with G. Richardson regarding settlement and PCB Order; discuss meaning of Order; agree to confer with clients and suggest telephone conference with C. Webb; send e-mail to C. Webb to confirm telephone conference.	0.40	118.00
3/2/2010	MTR	Confer with EWD regarding research of Board cases; search for Board cases for the same; review Board Orders in several cases regarding attorney's fees; confer with EWD regarding research results.	1.60	400.00
3/2/2010	EWD	Telephone conference with clients; office conference with	1.90	560.50

Date	Timekeeper	Description	Time	Total
		MTR to discuss pursuit of attorney's fees via Motion to Reconsider with PCB; telephone conference with T. Herlacher and D. Angleton; discuss issue; telephone conference with C. Webb to advise of change in plans.		
3/3/2010	EWD	Telephone conference with G. Richardson regarding issuance of letters and his internal discussions with IEPA LUST Unit.	0.80	236.00
3/3/2010	EWD	Review notes from telephone conference with G. Richardson; telephone call to T. Herlacher; telephone conference with D. Angleton regarding calls with G. Richardson and letters to be issued.	0.40	No Charge
3/8/2010	MTR	Receive e-mail from EWD regarding issuance of IEPA determination letters; check Board's website for final letters; confer with EWD regarding status of case; telephone call to T. Herlacher to discuss reissued letters; telephone call to D. Angleton regarding the same; e-mail to EWD to update; receive voicemail from T. Herlacher regarding filing Motion for Reconsideration; confer with EWD regarding the same.	0.50	125.00
3/9/2010	MTR	Telephone call from T. Herlacher regarding approval of Motion for Reconsideration; telephone call from T. Herlacher regarding NFR letter and reimbursement letter; receive e-mails with NFR and reimbursement approval letter attached; review letters and compile notes on the same; begin drafting Motion for Reconsideration; review cases; continue drafting Motion for Reconsideration.	2.80	No Charge
3/10/2010	MTR	Research Illinois cases; continue drafting Motion; review cases regarding attorney fees and shepardize cases referenced in Motion; revise Motion as needed; confer with EWD regarding research of court cases; search Illinois state case law; review research results; send Motion to T. Herlacher and D. Angleton for review; e-mail from T. Wuller approving draft Motion; voicemail from T. Herlacher; send e-mail to EWD regarding the same; review final draft of Motion, NOF, Certificate of Service and make additional revisions.	3.10	775.00
3/10/2010	EWD	Receive and review e-mail from MTR with attachments for Motion for Reconsideration; review and provide comments regarding same; short office conference with MTR regarding further research.	1.20	No Charge
3/11/2010	MTR	Receive e-mail from T. Herlacher; draft e-mail to T. Herlacher regarding NFR recording requirements; e-mail to EWD regarding the same; file Motion for Reconsideration with Board.	0.40	No Charge
3/11/2010	EWD	Receive e-mail from T. Herlacher; draft and send e-mail to G. Richardson regarding same; review draft response to client by MTR.	0.30	88.50
3/26/2010	EWD	Review e-mail from PLT with copy of IEPA's response to Motion for Reconsideration.	0.20	No Charge
3/29/2010	MTR	Review IEPA's Response to Motion for Reconsideration.	0.10	No Charge
3/31/2010		Photocopy charges for the month of March, 2010.		7.20
3/31/2010		Lexis Nexis charges for the month of March, 2010		17.86
March 2010 Subtotal			14.50	\$2,546.06

Electronic Filing - Received, Clerk's Office, September 27, 2010

Date	Timekeeper	Description	Time	Total
4/8/2010	MTR	Send e-mail to clients regarding recording NFR letter and status of Board ruling on Motion for Reconsideration.	0.30	75.00
4/9/2010	MTR	Receive e-mail from T. Herlacher regarding recording of NFR letter.	0.10	No Charge
4/15/2010	AMB	Send e-mail to D. Brown, IPCB, to check status of ruling on Petitioner's Motion for Reconsideration.	0.10	No Charge
4/15/2010	MTR	Confer with AMB regarding contacting Board for opinion on Motion for Reconsideration; send e-mail to T. Herlacher and D. Angleton regarding Motion.	0.30	No Charge
4/28/2010	EWD	Telephone conference with T. Herlacher regarding Underground Storage Tank site for Dickerson similar to original matter; talk through facts and issue of OSFM Report identifying release; discuss options for submission of Early Action Report.	0.50	147.50
April 2010 Subtotal			1.30	\$222.50
5/10/2010	MTR	Review docket to determine whether Board issued ruling on Motion for Reconsideration; review Board Agenda for next meeting; send e-mail to EWD regarding the same.	0.30	No Charge
5/21/2010	AMB	Send e-mail to D. Brown, IPCB, to request status of matter at Board meeting; send e-mail to MTR regarding same.	0.10	No Charge
5/21/2010	MTR	Telephone call to C. Webb regarding status of Motion for Reconsideration (left voicemail); e-mail from AMB regarding status of Motion.	0.20	No Charge
5/24/2010	MTR	Receive e-mail from T. Herlacher regarding Motion; send e-mail to EWD regarding the same; send e-mail to T. Herlacher regarding no Board ruling on Motion.	0.10	25.00
5/24/2010	EWD	Receive and review e-mails from MTR regarding inquiry from T. Herlacher; send short response regarding same.	0.10	29.50
5/31/2010		Photocopy charges for the month of May, 2010		1.50
May 2010 Subtotal			0.80	\$56.00
6/17/2010	MTR	Receive e-mail from T. Herlacher regarding Board meeting; e-mail to T. Herlacher regarding the same; e-mail from AMB regarding Motion; e-mail to clients regarding Motion; confer with EWD regarding the same.	0.20	50.00
6/17/2010	AMB	Send e-mail to D. Brown, IPCB, to check on status of matter before the Board; receive e-mail from D. Brown that no action has been taken; forward information to MTR regarding same.	0.20	20.00
6/17/2010	EWD	Confer with MTR regarding Motion and Board action.	0.10	No Charge
June 2010 Subtotal			0.50	\$70.00
7/13/2010	MTR	Receive e-mail from T. Herlacher regarding Board meeting; e-mail to T. Herlacher, D. Angleton, and EWD regarding the same.	0.40	No Charge
7/16/2010	MTR	Receive e-mail from AMB regarding discussion with Clerk; e-mail to T. Herlacher, D. Angleton, and EWD regarding same.	0.20	50.00

Date	Timekeeper	Description	Time	Total
7/27/2010	MTR	E-mails from T. Herlacher, D. Angleton and EWD regarding Board decision; e-mail to EWD regarding the same.	0.10	25.00
7/28/2010	MTR	Send e-mail to clients regarding EWD's discussion with C. Webb.	0.40	100.00
July 2010 Subtotal			1.10	\$175.00
8/11/2010	EWD	Receive e-mail from C. Webb regarding decision deadline; forward to clients.	0.10	No Charge
8/19/2010	AMB	Send e-mail to D. Brown, PCB regarding status of ruling on matter; receive e-mail and forward same to MTR.	0.10	10.00
8/25/2010	MTR	Receive e-mail from T. Herlacher regarding Board meeting; e-mail to T. Herlacher regarding the same.	0.10	25.00
August 2010 Subtotal			0.30	\$35.00
9/7/2010	MTR	Review Board Order granting Motion for Reconsideration; send e-mail to clients regarding the same.	0.30	75.00
9/9/2010	EWD	Office conference with MTR regarding steps to prepare fee petition to PCB in Dickerson case.	0.60	177.00
9/9/2010	MTR	Conference with EWD regarding Board Order granting motion for reconsideration and compilation of statements; e-mail to T. Herlacher regarding the same.	0.80	200.00
9/10/2010	MTR	Receive e-mail from T. Herlacher; e-mail from EWD regarding the same; send response to clients; review research on attorneys fees.	1.90	475.00
9/10/2010	AMB	Office conference with MTR regarding review of statements and the breakdown of fees and costs by category.	0.40	No Charge
9/13/2010	MTR	Confer with EWD regarding review of fee petitions and compiling fee table; compile notes on the same.	0.40	100.00
9/13/2010	AMB	Office conference with MTR regarding review of statements and redacting same.	0.20	No Charge
9/13/2010	EWD	Office conference with MTR regarding attorney's fees.	0.30	88.50
9/14/2010	AMB	Begin review of statements for services and compiling a list of time and expenses into a table for redacting; copy full version of table and begin redacting entries; office conference with MTR regarding same.	6.10	No Charge
9/16/2010	AMB	Continue review of statements and redacting same; send to MTR for her review.	1.40	No Charge
9/16/2010	MTR	Draft Petition for Reimbursement of Legal fees; draft affidavit regarding the same.	1.30	325.00
9/17/2010	MTR	Review and revise Motion and Affidavit; review and redact Timeslips to submit with Petition; review Motion and affidavit; review Timeslips to determine all redactions were made.	2.80	700.00
9/17/2010	AMB	Review and revise Summary of Fees and Costs; office conference with MTR regarding same; forward back to MTR for her review.	1.30	No Charge
9/20/2010	MTR	Review Illinois Ayers Board Order.	0.30	No Charge
9/20/2010	EWD	Review draft Motion; review draft Affidavit; review case filings by Petitioner and Respondent regarding fees; review cases; short office conference with MTR regarding	1.50	442.50

Date	Timekeeper	Description	Time	Total
		revisions to Affidavit and Motion ; review Attachment A with summary of fees from Statements.		
9/21/2010	EWD	Telephone call to C. Webb regarding filing deadline; left detailed message.	0.10	29.50
9/22/2010	MTR	Telephone call to C. Webb regarding extension; e-mail to EWD regarding the same; e-mail to clients regarding draft Motion; revise affidavit to include additional information; e-mail from T. Herlacher regarding Motion and reimbursement for fee petition; research regarding the same.	1.10	275.00
9/23/2010	MTR	Receive e-mail from EWD regarding Motion for Legal Fees; revise Motion and Affidavit.	0.20	No Charge
September 2010 Subtotal			21.00	\$2,887.50
Grand Total			254.50	\$53,019.29

CAHO:001/Misc/Table – Summary of Statements (redacted)

CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached MOTION FOR AUTHORIZATION OF PAYMENT OF LEGAL FEES upon:

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on September 27, 2010; and upon:

James G. Richardson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on September 27, 2010.

/s/Edward W. Dwyer
Edward W. Dwyer