

**CASCADE CHARTER TOWNSHIP
CITIZENS PFAS COMMITTEE MEETING**

December 2, 2021 at 4:00pm
Cascade Library – Wisner Center
2870 Jacksmith Dr. SE
Grand Rapids, MI 49546

- ARTICLE 1.** Call the Meeting to Order
- ARTICLE 2.** Approval of the Agenda
- ARTICLE 3.** Acknowledge Visitors & Public Comment
- ARTICLE 4.** Approval of Minutes from 10.07.21 meeting
- ARTICLE 5.** Update on Public Water Extension Project
- Discuss Setting Public Meeting & Meeting Format
- ARTICLE 6.** Update on Water Filters for Houses Above PFAS Action Level and Bottled Water Service
- ARTICLE 7.** Roundtable / Q&A
- ARTICLE 8.** Public Comment
- ARTICLE 9.** Adjournment

**CASCADE CHARTER TOWNSHIP
CITIZENS PFAS COMMITTEE MEETING**

October 7, 2021 at 4:00pm
Cascade Township Hall – Large Conference Room
5920 Tahoe Dr. SE
Grand Rapids, MI 49546

Members Present: Supervisor Grace Lesperance, Ben Greemann, John Lipford, Kris White, Patti Baldwin

Others Present: Township Manager (TM) Ben Swayze, Prein & Newhof Engineer Brian Vilmont, Committee Guest Sandy Wynn-Stelt, Resident Penny Minhinick-Burns

ARTICLE 1. Call to Order: Meeting was called to order at 4:05 pm

ARTICLE 2. Approval of the Agenda: Motion by Supervisor Lesperance, Supported by Member Baldwin to approve the agenda. Motion carried.

ARTICLE 3. Acknowledge Visitors & Public Comment: Guests were introduced. No Comment

ARTICLE 4. Approval of Minutes from 9.2.21 meetings: Motion by Member Lesperance, supported by Member Baldwin to approve the minutes. Motion carried.

ARTICLE 5. Committee Guest Sandy Wynn-Stelt: Member Baldwin introduced Guest Sandy Wynn-Stelt. Sandy shared her experience as a resident effected, and possibly most effected, by the Wolverine World Wide PFAS issue. She shared her thoughts on the best ways to ensure the effected residents are being best served while this issue is being addressed. The committee asked various questions to Sandy and thanks her for her willingness to share.

ARTICLE 6. Update from Township on Public Water Extension Project from Brian Vilmont (Prein & Newhof): Engineer Vilmont explained his background and his and Prien & Newhof's experience on similar projects. Conversations ensued on the following topics:

- Stages of grief residents may experience during the project
- Successful strategies for resident meeting
- How the pressure district may affect the project
- The process for engineering, bidding and construction
- How connections will work
- Dedicated website and listserv for the project
- Other ways to ensure communication is good during the project

ARTICLE 7. Update from Township on Water Filters for Houses Above PFAS Action Level and Bottled Water Service: TM Swayze gave an update on Filter and Bottled Water Service Project.

ARTICLE 8. Public Comment: The committee thanked the guest for attending

ARTICLE 9. Adjournment: Meeting adjourned at 5:21pm

Approved by the Citizens PFAS Committee – TBD

Ben Swayze

From: Patti Baldwin <baldwinpatti@comcast.net>
Sent: Thursday, August 19, 2021 9:01 AM
To: Ben Swayze; Ben Greemann; Chris Noordyke; Grace Lesperance; John Lipford; Kevin Flannery (flanmusco@gmail.com); Kris White
Subject: Suggested Prep for City Water Neighbor Meeting

Good Morning,

As we get ready for the neighborhood meeting to discuss city water, I think it would be a good idea to ask for and anticipate questions ahead of time. I'd like to change my Q&A Google document to strictly city water questions that pertain to us as a neighborhood. I'd like to share it before the meeting with the answers. Let's leave off those questions that are not about city water (i.e. Thornapple River fish testing) and those that don't pertain to us as a neighborhood (i.e. "my house...") Hoping that will help to keep the meeting participants on topic.

I'd also like to have a handout of acronyms. We need to help those who are coming in with little to no knowledge. Here is a start, please add others:

PFAS: Per- and polyfluoroalkyl chemical substances when mentioned as a group
PFOA: Perfluorooctanoic acid, also known as C8, used to make Teflon
PFOS: Perfluorooctane sulfonate, key ingredient in Scotchgard made by 3M
AFFF: Aqueous Film Forming Foam, used in airport fire fighting and training, contains PFAS
GFIA: Gerald R. Ford International Airport
EGLE: Michigan Department of Environment, Great Lakes & Energy
MPART: Michigan PFAS Action Response Team
MDHHS: Michigan Department of Health & Human Services
KCHD: Kent County Health Department
RO: Reverse osmosis
NSF: National Science Foundation, many filters are NSF certified to remove PFAS
[C2R2 Grant](#) : Consolidation and Contamination Risk Reduction Grant

As for city water questions, we could start here and brainstorm within our group those questions and comments that will undoubtedly be brought up:

Do we have to hook up when the water main comes through?
Can I keep my well for irrigation?
What happens if my well fails right now?
Where does city water come from?
Is city water being tested for PFAS? Which ones and how often?
What about underground sprinkling and landscaping being affected by the digging?
Should I keep my water softener once we get city water?
Should I keep my under-sink filter or whole house filter once we get city water?
How will my appliances be affected by the change, like hot water heater?
What is the water pressure like?
What type of pipes will be used?
Define driveway apron and how will it be affected?
Can city water still be used during a power outage?
How will my home value be affected?
Will the streets be torn up?
Are we getting city sewer too?
How is the Cascade Township board involved with the city water decision-making?
How much will my water bill be?
How often will I get a bill?
Should we go after the airport for the monthly water bill costs as well?
Why is Cascade Township charged more for City of Grand Rapids water than city residents?
Once city water is installed can neighbors **continue** to keep using river water for irrigation?

Once city water is installed can neighbors **begin** to use river water for irrigation?

Fire water (fire hydrants) is typically installed with domestic water. Although not part of the grant application will fire water also be installed? If so, how will this be funded and is their engineering in the estimate for this?

How long will the process take to put in the water mains?

Who should I use to conduct our own PFAS test?

Where can I learn more about our contamination area?

The below questions were posed already but are more neighbor-specific:

- If we are not part of Phase 1 but have traces of PFAS, will there be funding to cover RO systems while we wait for city water?
- If we already purchased RO systems, will reimbursement be available?
- My house is on the border of Phase 1 and my results have a detection, can I connect?
- I live in the area for "Future Water Main" when will that happen?
- We don't appear to be part of Phase 1 but have been instructed to not drink or use our water. We are wondering if we hook up to city water now if we will be reimbursed later. I know it says those who do RO will not be but we want to know specifically about city water.
- Our home is just outside the Phase 1 project border. Our well was tested and found to not be contaminated. However, wells on both sides of us and directly across the street have tested positive. I have a couple of questions:

What happens if our well becomes contaminated during the construction project when the soil is significantly disturbed by excavation? What is our recourse and who is responsible for correcting the problem? It's possible that we would need to have a new well drilled which may not even correct the problem! Why was the west border of Phase 1 established where it's shown on the documents? If the water line was extended less than 250 yds to Brookpoint, a minimum of 6 more contaminated wells could be taken care of. There seems to be no apparent reason for stopping where it does.

- Looking at the Project Map, there are three homes on Goodwood that are current city water customers but also have a yellow dot which indicates a PFOA or PFOS detection. Is this because they have a well on the property that is being used for irrigation?
- Won't the airport or township request a release of future legal claims by impacted residents (property and health-related) in consideration for it providing settlement money to install lines, hook ups, indoor plumbing, and capping of wells? I am concerned about bioaccumulation in residents and health outcomes of them and their kids.
- We are on Burger/Tripoli and are in the Phase 1 area but our well tested ok (most of our neighbors tested positive). Would we be connected during phase 1 even though we tested ok?
- We're one of the red homes. We had a company install a filter system but we don't know how much it's filtering. Can you direct us to where we can get the inside water tested for PFOS? (assuming that we would have to pay for it and that the new water lines will take a few years to happen.)
- My water tested negative for PFAS and I'm filtering, why do I need to connect?

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‘Our profession has lost a gem.’ Cancer claims attorney who fought PFAS pollution

Updated: Dec. 01, 2021, 8:01 a.m. | Published: Dec. 01, 2021, 8:00 a.m.

By [Garret Ellison | gellison@mlive.com](mailto:gellison@mlive.com)

CANNONSBURG — A.J. Birkbeck liked the underdog.

That’s what he saw in Rockford piano teacher Lynn McIntosh, who hired him in 2010 to help her group watchdog the hasty demolition of a century-old leather tannery.

In taking on a client fighting both a billion-dollar corporation and its city and state government enablers, Birkbeck, an environmental attorney who had made a career managing corporate-scale cleanups, was drawn into a decade-long shadowbox at a big disadvantage.

But fortune favors the persistent. Seven years later, their group’s work [exposed the most severe case of toxic PFAS contamination in Michigan](#) and touched off a massive search for the chemicals that helped stop thousands from drinking poisoned water in Kent County and beyond.

Birkbeck took comfort in that outcome in months preceding [his death on Nov. 1](#), when, surrounded by family, he succumbed to inoperable prostate cancer at age 61.

“This probably would have gone undiscovered for a long time,” Birkbeck said in July, following a meeting in which he stepped down from a workgroup of citizens advising the state of Michigan on its ongoing response to toxic per-and polyfluoroalkyl substances, or PFAS.

“I can tell myself, “You know, you’ve actually done good — not well — to help all these people out,”” Birkbeck said. “And to me, that’s a tremendous solace.”

This summer, McIntosh and other Michigan environmental advocates organized an endowed scholarship to honor Birkbeck and carry forward his legacy as an unsung hero who championed community and citizen-level involvement in the battle against PFAS in Michigan.

The [AJ Birkbeck Scholarship Fund](#) will provide \$15,000 annually to help any graduate or undergraduate student in Michigan who is doing scientific research, education, legal strategizing, general organizing or a combination thereof related to PFAS advocacy. Although the aid is focused on PFAS-related work, the fund is designed to evolve and encompass work on other emerging contaminants in the future.

The Michigan Environmental Council (MEC), which manages the fund, announced its creation on Aug. 19 during the organization’s annual environmental service awards ceremony. Birkbeck attended the ceremony with his two daughters, Allison and Sarah.

“We’ll continue to fundraise for it, to grow that fund, and make sure, A.J., that the kind of work you have done — the legal advocacy, the fight for science in this battle we are in, the organizing of communities, the good camaraderie of organized fellowship — that that all continues to be done by the young people who are students at Michigan universities from now and well into the future, to the time that we have defeated PFAS and come on to some other fight to protect the waters of the state of Michigan,” Conan Smith, MEC president, told the crowd.

“We’re not going anywhere”

McIntosh, who formed the Concerned Citizens for Responsible Remediation (CCRR) in response to the 2010 [demolition](#) of the Wolverine World Wide tannery in Rockford, said Birkbeck was critical to the success of CCRR’s efforts to watchdog the company’s environmental actions.

[In 2012](#), when the U.S. Environmental Protection Agency (EPA) bowed to pressure and declined to put the tannery on its Superfund list of toxic sites, she was ready to call it quits.

[Ostracized and attacked by company loyalists in a small town](#), McIntosh found few willing to take seriously her concerns with the state’s feeble approach to Wolverine. Following the tannery demolition, the Department of Environmental Quality (DEQ, now EGLE) let the company dawdle through a voluntary cleanup program that McIntosh, Birkbeck and the group saw as enabling contaminants to fester and spread.

“A.J. was like, ‘we’re not going anywhere.’” said McIntosh. “He was in it for the long haul.”

Their group spent the following years quietly gathering evidence of Wolverine’s [past chemical use](#) and waste disposal practices. They took strategic steps to force more testing and scrutiny. After learning Wolverine used 3M Scotchgard to waterproof leather, CCRR succeeded in requesting the Rogue River be added to a list of waterbodies being tested for PFAS in 2013 under a Great Lakes Restoration Initiative (GLRI) emerging contaminants grant.

The group eventually obtained notarized testimony from a [former waste truck driver](#) who identified Wolverine’s long-forgotten House Street property as an old industrial dump. The group showed the document to DEQ in January 2017. That helped [catch the attention](#) of sanitarians at the Kent County Health Department, which forced the state to require that Wolverine begin testing for PFAS in the groundwater.

In August, MLive [broke news](#) of the testing and Wolverine [began](#) handing out bottled water and filtration units at contaminated homes. [A frantic search](#) for additional tannery dump sites began, helping to pressure Gov. Rick Snyder into [creating a special task force](#), the Michigan PFAS Action Response Team (MPART). In 2018, MPART [began](#) testing all public drinking water supplies, an unprecedented effort that soon found high PFAS levels in the city of [Parchment](#) and at least trace levels in water serving [1.9 million people](#).

Meanwhile in Rockford, Birkbeck helped convince the EPA to [reenter the picture](#) and force Wolverine to clean up historical contaminants other than PFAS at the dump and the tannery. In October 2017, CCRR members Birkbeck, McIntosh, Janice Tompkins, a former DEQ employee, and Rick Rediske, a Grand Valley State University environmental chemistry professor, met with EPA Region 5 leaders in Chicago and urged them to finally take forceful action in Rockford.

Birkbeck led the group's presentation.

"We had amassed so much information," said McIntosh. "A.J. knew how to present it so they could see it for themselves. That's what he was so good at. He didn't just come in on a tirade and tell them what to do. He made sure we had all the cards and that every one counted."

In January 2018, EPA ordered robust testing at Wolverine's old tannery site, which finally [revealed the extent of pollution there](#) and sparked some expedited cleanup. Mercury, chromium and lead were [excavated in 2019](#) from hotspots in groundwater, soil and sediment where people launched canoes and kayaks alongside a heavily used White Pine Trail stretch. The EPA order was signed by an acting Region 5 administrator, Robert Kaplan; an Obama-era holdover acting just prior to his [replacement by a Trump appointee](#).

The EPA's involvement was a "huge counterbalance" in a pollution response which, to that point, had been under control of a DEQ district supervisor who was very deferential to Wolverine, said Bob Delaney, a retired DEQ geologist who [tried in vain for six years to raise widespread alarm](#) about PFAS contamination in Michigan within the Snyder administration after he discovered the chemicals in 2010 at the former Wurtsmith Air Force Base in Oscoda.

"When EPA shows up on the doorstep, (DEQ) has to take notice," said Delaney. "On one hand, EPA did the safe thing. They went after the other chemicals. They went after the historical things. They weren't willing to touch the third rail and get electrocuted by going after PFAS. But it did set up the idea that it wasn't just these couple of people out here yapping that there's a problem at Wolverine. Suddenly, EPA says there's a problem at Wolverine."

Birkbeck was a catalyst to both the Rockford cleanup and the larger search and mitigation of PFAS contaminants sparked by the Wolverine scandal, Delaney said.

"Without him, I don't think Rockford happens," he said. "I don't think that group is nearly as effective."

A soft spot for the little guy

Albert John Koerts "A.J." Birkbeck, a 1978 graduate of East Grand Rapids High School, was born near Flint in 1960. He spent his initial college years studying hydrogeology and economics at Albion College. In the early 1980s, he studied ocean stratigraphy at the Woods Hole Oceanographic Institute in Massachusetts before eventually targeting a law degree — largely due to what he characterized as bad family experiences with attorneys in the probate court system.

He obtained a degrees in geosciences, economics and finance from the University of Michigan and spent a couple years working for Standard Oil of Indiana (now Amoco) advising oil and gas executives before graduating from the University of Chicago Law School in 1991.

After law school, Birkbeck landed a job with Winston & Strawn, a large international firm that's one of Chicago's oldest. While there, he survived a bout with melanoma and said the experience helped propel him away from the big firms and into his own practice. He and several attorneys soon left to found Zevnik Horton Guibord & McGovern. When that grew too large, Birkbeck left to create his own environmental law practice in Grand Rapids, Fulcrum Law.

As a corporate environmental attorney, Birkbeck was involved in multiple \$100 million-plus remediation projects around the country, including a long-term cleanup in Willits, Calif., where he helped set up an independent trust to [remediate the Remco Hydraulics site](#). His remediation philosophy was simple and by-the-book: Do it right the first time.

“Just go in and do what you’re supposed to do, get it done and get the hell out,” Birkbeck said. “In the end, it ends up being cheaper than to half-ass it, not have things work and end up fighting regulators over the long-term.”

Birkbeck was a sole proprietor doing lots of small business work in 2010 when McIntosh found him listed on the attorney pages in the Grand Rapids phone book.

“When Lynn called and told me about what was going on, and about how hostile the government in Rockford had been, I’m just like, ‘that’s not right.’ And I’ve always been a fan of the underdog. And I just felt, ‘here’s an underdog that really needs help,’” he said. “And so basically, for the next seven years, we worked on a legal strategy that didn’t even appear to be a legal strategy. We had to disguise it as just kind of random actions by this little neighborhood group, when in fact, everything that we did was part of an extremely complex legal strategy.”

The long haul came at some personal cost.

When McIntosh hired him, Birkbeck lived and worked from a 10,000 square-foot home with a pool next to Aquinas College on Robinson Road in Grand Rapids. Over the next decade, he worked long hours for minimal compensation helping CCRR watchdog Wolverine and, later, helping other Michigan communities struggling with PFAS contamination.

The cost of doing that was dwindling income and the slow constriction of his legal practice. In his final years, Birkbeck lived and worked from a small 1870s-era farmhouse near Cannonsburg, where he struggled with spotty cellular service and a poor Internet connection.

It didn’t stop him from helping those affected by PFAS.

In 2019, Birkbeck formed a nonprofit, the [PFAS Alliance](#), with the goal of helping other communities affected by PFAS navigate and assert themselves within a complex and confusing regulatory system that’s replete with agendas and often deafened to citizen preferences or concerns.

The Alliance began after Birkbeck struck out on a potential state government appointment. He was a leading candidate for the position of MPART director as Gov. Gretchen Whitmer was [reorganizing DEQ into EGLE](#) upon taking office in 2018. However, the job went to DEQ veteran Steve Sliver following back-room opposition from Republicans, [who began confirmation hearings](#) on Whitmer appointees after standing aside on them during the Snyder era.

The appointment loss followed Birkbeck’s behind-the-scenes effort alongside fellow PFAS activist Tony Spaniola [to fight back against](#) Republican and Michigan business efforts to weaken the state’s toxic cleanup laws during the infamous 2018 lame duck legislative session months earlier. The bill, which eventually passed, [was written by a Wolverine lobbyist](#).

After the struggles in Lansing, Birkbeck turned his focus back to individual communities. In addition to the Alliance, he joined the Wolverine Community Advisory Group ([CAG](#)), a citizen-led advisory board created by EPA to spur community involvement in the remedial process, and later, the MPART

Citizen Advisory Workgroup ([CAWG](#)), a state panel that's been helping EGLE draft a new policy meant to [more readily disclose contamination investigations in Michigan](#).

On the CAG, Birkbeck [raised concerns](#) with a 2019 consent decree between Wolverine and the state of Michigan in which the company agreed to pay [\\$69.5 million](#) to extend Plainfield Township water mains. His concerns with the closed-door negotiations prompted the state to hold a meeting and take [resident feedback](#) before getting settlement approval.

His expertise was exactly what Patti Baldwin and her neighbors needed in Cascade Township, where PFAS coming from underneath Gerald R. Ford International Airport is contaminating their wells. For years, the neighborhood has been caught in the middle of a standoff between state regulators and the airport, which has [fought responsibility](#) for any contamination outside the airport property line since the discovery of PFAS pollution there in 2018.

Baldwin began consulting with Birkbeck and Rediske, who came over from CCRR to join the PFAS Alliance, in 2019. In 2020, her group of neighbors, fed up with the situation, began to organize and [demand a solution](#) for the contaminants in their drinking water. They convinced the township to apply for a state grant to connect their neighborhood to the Grand Rapids water system. The \$13.2 million project [will begin next spring](#).

Birkbeck "really gave our group credibility," said Baldwin, who said the group wasn't billed for the consultations, which armed them with important knowledge.

"It was just great to be able to have someone, kind of like a third party — not EGLE, not Cascade Township, not DHHS — someone who isn't the usual people who come to these townhall meetings, to be able to give us a little different perspective," she said.

Abby Hendershott, a veteran state environmental regulator who became MPART director this year after taking over the Wolverine investigation in 2018, said Birkbeck played a crucial role in Cascade Township even though he was struggling with a terminal cancer diagnosis.

Despite his diagnosis and efforts to help other communities, Birkbeck maintained a very close watch on Wolverine's ongoing remediation work this year, helping organize [opposition](#) to a flimsy House Street cleanup plan and advocate for [greater remedial focus](#) on the Rogue River.

Hendershott was among those on a [somber July 13 CAWG meeting call](#) in which Birkbeck disclosed his diagnosis and stepped down from the group.

"I had no idea he was really sick until this last year," she said. "Yet, he was there at every meeting to be an advocate when he had obviously been going through a lot of his own personal issues. I think that shows a lot of dedication and tenacity for the common good of his fellow citizens," she said.

Opposing counsel spoke highly of Birkbeck as well.

"I was profoundly sad when I heard about A.J.'s condition," said John Byl, an environmental attorney at Warner Norcross & Judd who spoke regularly with Birkbeck over the years on behalf of his client, Wolverine World Wide. "I've thoroughly enjoyed working with A.J. over the years. Even when we didn't agree, he was always a consummate professional."

“Our profession has lost a gem.”