

SH-Exh-X-37
Docket UW 170924
Sarah Hand

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND AND GRETCHEN HAND,
a married couple

Complainant,

v.

RAINIER VIEW WATER COMPANY, INC.,

Respondent.

DOCKET UW 170924

**SARAH HAND'S EXHIBIT 37 TO
CROSS EXAMINATION**

EXHIBIT 37

TO CROSS EXAMINATION OF BOB BLACKMAN AND RACHEL STARK

July 25, 2018

Blackman Declaration dated 05-09-2017

**SARAH HAND'S EXHIBIT 37 TO CROSS
EXAMINATION - DOCKET UW 170924**

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Honorable G. Helen Whitener

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

SARAH HAND and GRETCHEN HAND, a
married couple,

Plaintiff(s),

v.

RAINIER VIEW WATER COMPANY, INC.,

Defendant(s).

NO. 17-2-05538-2

DECLARATION OF ROBERT BLACKMAN
IN SUPPORT OF DEFENDANT RAINIER
VIEW WATER COMPANY, INC.'S MOTION
FOR SUMMARY JUDGMENT

I, Robert Blackman, declare as follows:

1. I am competent to testify and am over 18 years old. I make this declaration based upon my own personal knowledge.

2. I am the General Manager of Rainier View Water Company, Inc. ("RVWC"). I have held that position for five years, and prior to that I was Operations Manager for 22 years. I received by Water Distribution Manager 3 certification in 2002 along with my Cross Control Specialist certification. In 1985 I received by Water Distribution Specialist certification. My Washington State Department of Health Certification No. is 3535. Washington State Department of Health requires 30 hours of Continuing Education every three years to retain a certification, which I have maintained.

DECLARATION OF ROBERT BLACKMAN IN SUPPORT
OF DEFENDANT RAINIER VIEW WATER COMPANY,
INC.'S MOTION FOR SUMMARY JUDGMENT - 1
00557-4500 5405959
Cause No. 17-2-05536-2

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1 3. RVWC is a privately owned, but publicly regulated, water utility provider serving
2 over 35,000 customers in Graham, Spanaway, Puyallup, Gig Harbor, and other outlying areas.

3 4. The Springwood Estates subdivision is serviced by RVWC's Southwood Water
4 System, which draws from a groundwater source nearby.

5 5. RVWC's tests of Southwood Water System's source indicate elevated levels of
6 manganese and/or iron from time to time. These are naturally-occurring elements that are not
7 unusual in groundwater sources. Measurements of contaminants are reported to customers in
8 the annual Customer Confidence Report. A true and correct copy of the 2016 Customer
9 Confidence Report is attached hereto as Exhibit 1.

10 6. Manganese and iron are classified by state and federal agencies as secondary
11 contaminants. Secondary contaminants are deemed not to be health hazards, and maximum
12 contaminant level guidelines are not enforceable, but rather act as a guide to protect consumer
13 confidence.

14 7. The Washington State Department of Health ("DOH") has the authority to order a
15 water utility provider to treat water for secondary contaminants based on consumer complaints.
16 The DOH has not ordered RVWC to do so.

17 8. In August 2016, RVWC began a pilot study in partnership with the DOH to
18 determine the treatability of manganese and iron in drinking water. This test proved successful.
19 RVWC requested approval from the DOH to implement this treatment on a permanent basis.
20 The DOH granted approval on April 18, 2017. In anticipation of receiving approval, RVWC
21 purchased the necessary equipment and began preparations to permanently implement the
22 treatment program. RVWC expects to complete construction in early May. RVWC's engineer
23 must complete and submit the Construction Certification to the DOH before the system may be
24 put online. RVWC expects the treatment should be running by May 26, 2017.


1 9. In November 2016, Plaintiffs Sarah and Gretchen Hand requested RVWC
2 reimburse them for their costs incurred in replacing the Pressure Reduction Valve ("PRV") at
3 their house located in Springwood Estates. RVWC declined to reimburse the Hands for these
4 costs in accordance with the terms provided in the Tariff. The Hands then asked to split the
5 costs with RVWC, but RVWC declined for the same reasons.

6 10. On or about November 16, 2016, the Hands sent RVWC a letter demanding
7 payment of \$634.53 by noon the next day, or else they would file a suit in small claims court
8 seeking damages of \$999.99. RVWC, again, declined this demand based on the terms of the
9 Tariff.

10 11. On or about November 16, 2016, the Hands filed an informal complaint with the
11 Washington Utilities and Transportation Commission (the "Commission"). RVWC cooperated
12 with the WUTC and this complaint was closed in January 2017 in favor of RVWC. The WUTC
13 determined that RVWC did not have liability for these damages under the terms of the Tariff.

14 12. A true and correct copy of the email from Rachel Stark, Consumer Complaint
15 Investigator for the Commission is attached as Exhibit 2.

16 DATED this 9TH day of May, 2017 in Puyallup, Washington.

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18 By 
19 Robert Blackman
20 General Manager
21 Rainier View Water Company, Inc.
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