

Exh. SH-2T
Docket UW 170924
Witness: Sarah Hand

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND AND GRETCHEN HAND,
a married couple

Plaintiff,

v.

RAINIER VIEW WATER COMPANY, INC.,

Defendant.

DOCKET UW 170924

**REPLY TESTIMONY OF
SARAH HAND**

REPLY TESTIMONY OF

Sarah Hand

July 2, 2018

**TESTIMONY OF SARAH HAND -
DOCKET UW 170924**

NIGEL S. MALDEN LAW, PLLC
711 Court A, Suite 200
Tacoma, Wa. 98402
253-627-0393 *p*
844-273-6067 *f*

1 **Private Water Testing**

2 Q. Did Rainier View ever ask to inspect, sample or test the water inside your home at any
3 time since May of 2015?

4 A. No

5
6 Q. Did the WUTC or the DOH ODW ever ask to inspect, sample, or test the water inside
7 your home at any time since May of 2015?

8 A. No

9 Q. Did you ever offer to allow Rainier View to sample or drink your water?

10 A. Yes, I brought a water sample to the Rainier View office in 2016. Mr. Blackman
11 declined to drink or test it.

12
13 Q. Did you ever arrange for an independent third party to sample and test your water?

14 A. I did not personally but my lawyer hired a consultant to do that in April of 2017 while
15 litigation was pending in Pierce County Superior Court.

16
17 Q. Did you or your attorney disclose the identity or activities of the consultant in that
18 litigation?

19 A. No, we never had or chose to.

20 Q. Why are you doing so now?

21 A. Because Rainier View demanded we do so and my attorney was personally ordered to do
22 by the judge in this case.

23
24 Q. Who is the consultant?

25 A. Susan Evans from MDE Engineering. A true and correct copy of her CV is attached as

26 **Exhibit 1.**

27 Q. Did Ms. Evans come to your home?

1 A. Yes, on April 6, 2017

2 Q. Did you have to do anything to prepare?

3 A. Yes, I was given instructions not to use water in the home for 24 hours which required us
4 to vacate the home the day before.

5
6 Q. Did you observe Ms. Evan's procedures on April 6, 2017?

7 A. Yes, I met Ms. Evans at the home and watched everything she did.

8 Q. What did she do?

9 A. She took water samples in two locations.

10 Q. Which two locations?

11 A. From our second floor master tub faucet and the hot water tank on the ground floor.

12 Q. Describe the sampling procedure?

13 A. Ms. Evans first took a sample from the second floor bathtub faucet. She then waited 5
14 minutes and repeated the test at the same location. She then took one sample from the hot water
15 tank on the ground floor.
16

17 Q. Did Ms. Evans explain why waiting 5 minutes to repeat the test in master bathtub was
18 important?
19

20 A. Yes. She said that the first test would indicate corrosion issues in the pipes of the home,
21 whereas, the second test is the water being supplied to the home. She said the second test is
22 what she looks at to see what kind of quality of water is being sent inside the home from the
23 street.
24

25 Q. What did Ms. Evans do with the samples?

26 A. My understanding is that she delivered them to Spectra Laboratories in Tacoma for
27 analysis.
28

1 Q. What is Spectra Laboratories?

2 A. A true and correct copy of Spectra’s website explaining its background and services is
3 attached as **Exhibit 2**.

4 Q. What were the results from Spectra?

5 A. A true and correct copy of the results obtained from Spectra are attached hereto as
6 **Exhibit 3**.

7 Q. Are any of the results significant to you?

8 A. Yes. The water sample taken from the master bath faucet (Spectra Sample #2) had a
9 manganese level of .08 mg/l which exceeds the maximum secondary contaminant level (MSCL)
10 set forth in the WACs which means my water is presumed “impure” as a matter of law under the
11 RCW.

12 Q. Were any other results significant to you?

13 A. Yes. The water sample referenced had a “Color” reading of >60. This is twelve times
14 the state recommended limit (SRL)¹ of 5 and four times the state “trigger” of 15. The symbol
15 “>” is used by the laboratory to show the reading of more than 60 is so high it is literally “off
16 the scale.”

17 Q. Do you care about the color of your water?
18
19
20
21
22
23

24
25 ¹ The state reporting level (SRL) is the concentration that the state requires laboratory equipment
26 to be able to go down to when looking for a specific chemical. The SRL may be the same as or higher
27 than the detection limit or the method detection limit. See Consumer Confidence Reports (CCRS) FAQs
28 <https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/RegulationandCompliance/CCRReports/ConsumerConfidenceReportFAQs>

1 A. Yes of course. As I explained before, the dirty brown water with floating debris looks
2 very unpleasant and I cannot bring myself to drink it. It cannot be used for normal household
3 purposes including washing and bathing.

4 Q. Were any other test results significant to you?

5 A. Yes. The water sample discussed above had a “Turbidity” reading of 2.6 NTU. The
6 SRL is 0.1 and the “Trigger” for reporting to department is 1 NTU. This means the turbidity
7 level of the water supplied to me by Rainier View is 2.5 times the maximum level set forth in
8 WAC 246-290-666(c)(iii).²

9 Q. What is turbidity?

10 A. “Turbidity is the measure of relative clarity of a liquid. It is an optical characteristic of
11 water and is an expression of the amount of light that is scattered by material in the water when
12 a light is shined through the water sample. The higher the intensity of scattered light, the higher
13 the turbidity. Material that causes water to be turbid include clay, silt, finely divided inorganic
14 and organic matter, algae, soluble colored organic compounds, and plankton and other
15 microscopic organisms...turbidity is measured by shining a light through the water and is
16 reported in nephelometric turbidity units (NTU).”³

17 Q. Do you care about the turbidity of your water?

18 A. Yes, of course. As I explained before, the dirty brown water with floating debris is
19 unsuitable for drinking and other household purposes such as bathing and washing. Moreover, I
20 am concerned that turbidity increases risk of health concerns based on what I have read.

21 Q. What have you read?

22 A. For example:
23
24

25
26 ² See 2018 Edition of Drinking Water Standards and Health Advisories published by the EPA at:
27 [puhttps://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf](https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf).

28 ³ USGS Water Science School, URL: <http://water.usgs.gov/edu/>

1 Excessive turbidity, or cloudiness, in drinking water is aesthetically unappealing, and may also
2 represent a health concern. Turbidity can provide food and shelter for pathogens. If not removed,
3 turbidity can promote regrowth of pathogens in the distribution system, leading to waterborne
4 disease outbreaks, which have caused significant cases of gastroenteritis throughout the United
5 States and the world. Although turbidity is not a direct indicator of health risk, numerous studies
6 show a strong relationship between removal of turbidity and removal of protozoa. The particles
7 of turbidity provide "shelter" for microbes by reducing their exposure to attack by disinfectants.
8 Microbial attachment to particulate material has been considered to aid in microbe survival.
9 Fortunately, traditional water treatment processes have the ability to effectively remove turbidity
10 when operated properly.⁴

11 Q. Did Rainier View ever warn you about the increased health concerns associated with
12 high turbidity?

13 A. No. In fact, Rainier View guarantees the public in its Annual Consumer Confidence
14 Reports that the unlimited consumption of its brown water poses no health risk to humans
15 whatsoever.

16 Q. Do you have a problem with that?

17 A. Yes. I think its false and misleading.

18 Q. Why?

19 A. Because Rainier View has no personal knowledge of such facts and its guarantee is
20 empty.

21 Q. What do you mean an empty guarantee?

22 A. Rainier View issues a guarantee to promote its product while claiming no court or
23 agency has jurisdiction to enforce it.

24 Q. Any other reason you think its false and misleading?

25
26
27
28 ⁴ USGS Water Science School, URL: <http://water.usgs.gov/edu/> citing EPA

1 A. Yes. Michael Means, from the DOH/ODW, said that within the year the DOH would be
2 changing their policy of manganese to support the EPA's lifetime health advisory noting that
3 manganese does have a potential health concern in excess levels. Mr. Means referred to the
4 DOH "very old historic fact sheet that is no longer current on iron and manganese in water
5 systems..." (See **Exhibit 4** Means Depo. Page 8)

7 **Robert Blackman's Testimony**

8 Q. Have you read Robert Blackman's testimony?

9 A. Yes.

10 Q. Did he say anything you wish to respond to?

11 A. Yes. A few things. Mr. Blackman is implying that Rainier View has a pristine five year
12 record with the UTC and the DOH/ODW.

13 Q. Do you dispute that?

14 A. Yes. In the UTC Investigation Report regarding Rainier View dated June 2014 in UW-
15 140616, the UTC investigator documented 28 violations of commission laws and rules and
16 recommended penalties for 26 violations in four violation categories. (See **Exhibit 5**)

17 Q. Anything else?

18 A. Yes. I read the report as reprimanding or admonishing Rainier View for, among other
19 things, failing to keep customer complaint records in proper order. I have the very same issue in
20 my case.

21 Q. Anything else?

22 A. Yes. My impression is that the the UTC investigator found various aggravating factors
23 including that Rainier View's misdeeds were intentional and that it failed to self-report
24 violations or complaints.

1 Q. What about Mr. Blackman’s claim of a spotless five year record with the DOH/ODW?

2 A. I think its foolish bragging.

3 Q. Explain?

4 A. The main issue in this case is whether Rainier View supplied me with “impure” water
5 not whether Rainier View was previously cited or punished by the DOH/ODW which relies on
6 water purveyors to self-report and self-police themselves.

7 A. Any other reason you think its foolish bragging?

8 A. Yes. The DOH/ODW testified at deposition that it knew nothing about the hundreds of
9 brown water complaints from customers so its not surprising it took no action against Rainier
10 View. Rainier View does not instruct its customers to direct water quality complaints to the
11 DOH/ODW nor does Rainier View self-report customer complaints to the DOH/ODW as its
12 legally required to do by law so what would we expect?

13 Q. Is this relevant to any of Rachel Stark’s testimony?

14 A. Yes. Ms. Stark describes a communication she had with a DOH ODW engineer, Virpi
15 Salo-Zieman. She states as follows:

16 According to Ms. Salo-Zieman, the DOH would only take action on aesthetic issues if the
17 majority of the customers on the system had specific concerns and also understood the cost of
18 addressing those concerns.⁵

19 Q. What is your issue with that?

20 A. It is a misstatement of the law.

21 Q. What do you mean?

22
23
24
25
26
27
28 ⁵ TESTIMONY OF RACHEL STARK Exh. RS-1T Docket UW-170924 Page 8


1 A. The DOH ODW testified that it would have taken action upon receipt of just five
2 customer complaints.⁶ Receipt of five complaints would have triggered the requirement that
3 Rainier View educate and poll its customers to determine what remedial action could and should
4 be taken under WAC 246-290-320 (3)(d). Instead, Rainier View's private Board met in secret
5 and devised its own plan with zero input from its customers.
6

7 Q. Anything else?

8 A. Yes. Mr. Blackman now denies telling me that Rainier View "is protected by a
9 commission." But, those were in fact his exact words which I reported to Rachel Stark which
10 she recorded verbatim in her notes. There is no doubt in my mind that Mr. Blackman made
11 these statements to me in an effort to bully and intimidate me into dropping my complaint.
12

13
14 Dated this 2 day of July, 2018

15 Signed in Pierce, Washington

16
17 
18

19 Sarah Hand, Complainant
20
21
22
23
24
25
26

27
28 ⁶ See Depo of Michael Means, DOH Page 18-22