

SH-Exh-X-38
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 38 TO
CROSS EXAMINATION**

EXHIBIT 38

TO CROSS EXAMINATION OF BOB BLACKMAN AND RACHEL STARK

July 25, 2018

Blackman Deposition dated 08-28-2017

**SARAH HAND'S EXHIBIT 38 TO CROSS
EXAMINATION - DOCKET UW 170924**

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30(b)(6) Deposition of

Robert L. Blackman

August 28, 2017

Hand & Smith v. Rainier View Water Company, Inc.

No. 17-2-05538-2



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

SARAH HAND AND GRETCHEN SMITH,)
)
married couple,)
)
Plaintiff,) No. 17-2-05538-2
)
vs.)
)
RAINIER VIEW WATER COMPANY, INC.,)
)
Defendant.)

CR 30(b)(6) DEPOSITION OF ROBERT L. BLACKMAN

August 28, 2017

Seattle, Washington

Byers & Anderson, Inc.

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**Robert L. Blackman
August 28, 2017**

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EXAMINATION INDEX

EXAMINATION BY:	PAGE NO.
Mr. Malden	5
Mr. Rankin	119

EXHIBIT INDEX

EXHIBIT NO.	DESCRIPTION	PAGE NO.
Exhibit No. 1	4-page Amended Notice of Deposition to Rainier View Water Company, Inc.	5
Exhibit No. 2	9-page Declaration of Robert Blackman in Support of Defendant Rainier View Water Company, Inc.'s Motion for Summary Judgment.	7
Exhibit No. 3	7-page Rainier View Water Company Annual Water Quality Report: 2016.	5
Exhibit No. 4	5 pages consisting of: Consumer Confidence Report Certification Form; "The Pipe Line" Southwood Water System Water Quality Report.	76
Exhibit No. 5	2 pages of Water Management Laboratories, Inc., Inorganic Chemicals (IOCS) Reports.	78
Exhibit No. 6	2-page e-mail from Bob Blackman to Rachel Stark dated 12/8/16, with attached Summary of Pilot Test Results, Rainier View, Fir Meadows Well, dated 8/9/16. Labeled RVWC000040 - RVWC000041.	81

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EXHIBIT INDEX (Continuing)

EXHIBIT NO.	DESCRIPTION	PAGE NO.
Exhibit No. 7	9-page ATEC Systems Associates, Inc., Operation and Maintenance Manual for Rainier View Water Company Fir Meadows Iron and Manganese Removal System.	84
Exhibit No. 8	1-page tariff exemption: Rule 20 - Limitations on Liability.	93
Exhibit No. 9	6-page Secondary Contaminant Treatment Requirements and Options, Washington State Department of Health.	95

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1 BE IT REMEMBERED that on Monday,
2 August 28, 2017, at 901 Fifth Avenue, Suite 3400,
3 Seattle, Washington, at 11:35 a.m., before JOHN M.S.
4 BOTELHO, Certified Court Reporter, appeared ROBERT L.
5 BLACKMAN, the witness herein;

6 WHEREUPON, the following
7 proceedings were had, to wit:

8
9 <<<<<< >>>>>>

10
11 (Exhibit Nos. 1, 2, and 3
12 marked for identification.)

13
14 ROBERT L. BLACKMAN, having been first duly sworn
15 by the Certified Court
16 Reporter, deposed and
17 testified as follows:

18
19 EXAMINATION

20 BY MR. MALDEN:

21 Q Could you please state your complete name?

22 A **Robert Blackman.**

23 Q Mr. Blackman, my name is Nigel Malden, and I am an
24 attorney that represents Sarah and Gretchen Hand in
25 this case against Rainier View Water.

1 Have you ever had your deposition taken before?

2 **A Yes, I have.**

3 Q How many times?

4 **A Once, I believe.**

5 Q Do you remember how long ago that was?

6 **A 25, 30 years ago.**

7 Q I'd like to take a minute, then, and review with you
8 the rules of the deposition. You are testifying
9 under penalty of perjury just as you would be if you
10 were in court. It's very important that only one of
11 us speak at a time, as the reporter is taking down
12 everything that's said.

13 If I ask you a question that you don't hear or
14 you don't understand, please tell me and I'll be
15 happy to repeat or rephrase the question. Okay?

16 **A Okay.**

17 Q I'd like to start by asking you a few background
18 questions.

19 Can you summarize for us your educational
20 background?

21 **A I've got two years community college in engineering
22 assistance at Schoolcraft Community College.**

23 Q When did you go there?

24 **A 1976, '77.**

25 Q Did you say it's Schoolcraft Community College?

1 **A Correct.**

2 Q Where is that located?

3 **A It's in Livonia, Michigan.**

4 Q And what was your program of study there or course of
5 study there?

6 **A Engineering.**

7 Q What kind of engineering?

8 **A Civil.**

9 Q Did you obtain a degree from that institution?

10 **A I did not.**

11 Q Do you have any other formal education?

12 **A No.**

13 Q I'm looking at a document that's marked as Exhibit 2.
14 Actually, I'm going to hand this Exhibit 2 to you.

15 Do you recognize this document?

16 **A Yes.**

17 Q I just realized that your copy that's marked may have
18 some highlighting on it.

19 **A Mm-hmm.**

20 Q Can I take a look at that?

21 What I'm going to do is ask the reporter to mark
22 a different Exhibit 2 since this one has highlighted
23 in it. In other words, change the document.

24 (Exhibit No. 2 re-marked for
25 identification.)

1 Q (By Mr. Malden) I've handed you back the document
2 marked as Exhibit 2. This document is entitled
3 "Declaration of Robert Blackman in Support of
4 Defendant Rainier View Water Company, Inc.'s Motion
5 for Summary Judgment"; is that right?

6 **A Correct.**

7 Q And is this your statement?

8 **A It is my statement. But without reading the whole
9 thing, I -- I mean -- yes, I mean, I signed it.**

10 Q Okay. I'd like to just ask you a couple of questions
11 about some of the items mentioned in the declaration,
12 starting at Paragraph 2.

13 Paragraph 2 indicates that you're the general
14 manager of Rainier View Water Company; is that right?

15 **A Correct.**

16 Q What are your duties as general manager at Rainier
17 View Water?

18 **A Oversee the daily operations and make sure we're in
19 compliance with Department of Health regulations.**

20 Q Why do you ensure that you're in compliance with
21 Department of Health regulations?

22 **A I don't under -- not sure of the question.**

23 Q Okay. Is part of your job ensuring that your
24 operation complies with Washington Department of
25 Health regulations?

1 **A Yes.**

2 Q Do you know specifically what regulations you're
3 supposed to ensure are followed?

4 **A There's a whole WAC on different regulations, from**
5 **water quality to pressure. It's not one item. It's**
6 **just, we do overall compliance to maintain a green**
7 **operating permit.**

8 Q What's a green operating permit?

9 **A The State issues a permit depending on the water**
10 **system, whether it's in compliance or noncompliance.**
11 **Green, blue, yellow, and red. And green is in full**
12 **compliance, and works down from there. Red is out of**
13 **compliance.**

14 Q Is this a permit system?

15 **A Yes.**

16 Q And how often is the permit reviewed?

17 **A It's annually.**

18 Q And who issues the permit?

19 **A Department of Health. Washington State Department of**
20 **Health.**

21 Q Do you know which division within the Department of
22 Health?

23 **A Drinking Water.**

24 Q Do you have to submit an application every year in
25 order to get this permit?

1 **A They send us a renewal, and we fill it out and return**
2 **it.**

3 **Q Do you know what questions are asked on the renewal**
4 **form?**

5 **A Some basic system, number of connections, and that's**
6 **about it.**

7 **Q Does the form ask you the number of connections**
8 **within the water system?**

9 **A Yes, it does.**

10 **Q And that's all that it asks?**

11 **A I'm sure it must ask something else, but that's the**
12 **main -- main objective, because they base their fees**
13 **on that.**

14 **Q The Department of Health bases its fees on that?**

15 **A Yes.**

16 **Q And based on your response to that questionnaire, you**
17 **obtain a permit; is that right?**

18 **A I'm not sure it's a questionnaire, but it's a renewal**
19 **form.**

20 **Q Okay. And what were the different codes again that**
21 **you could get? Did you say green?**

22 **A Green, yellow, blue, and red.**

23 **Q Is this a code system that's set forth in a**
24 **Washington Administrative Code regulation?**

25 **A I cannot answer that.**

1 Q Do you know how long the DOH has been using this
2 particular color-coded system?

3 **A Many years.**

4 Q Can you tell us what each one means? What does green
5 mean?

6 **A Means you're in full compliance.**

7 Q What does yellow mean?

8 **A It means, I think it's substantial compliance.**

9 Q And what does blue mean?

10 **A Substantial compliance but un -- without a water
11 system plan to allow you to grow. Something along
12 those lines.**

13 Q Do you know what that means?

14 **A Yeah, if I tried to add additional connections onto
15 the system, it would be denied.**

16 Q What does red mean?

17 **A That's you're out of compliance.**

18 Q Does that mean out of compliance of any regulation or
19 a specific regulation?

20 **A They don't say what. They just say out of
21 compliance.**

22 Q And have these documents or this particular method
23 been used for a number of years?

24 **A Yes.**

25 Q At least five years?

1 **A At least five years.**

2 Q At least 10 years?

3 **A Yes.**

4 Q Are you the one that fills out the documentation for
5 this?

6 **A Yes.**

7 Q And what ratings or what color codings have you
8 gotten back over the years?

9 **A A lot were -- had some blue, but majority of them**
10 **were green. The blue, we got resolved into -- by**
11 **submitting water system plans to the State and**
12 **getting the approvals. They're -- they're all now**
13 **green operating permits except for one.**

14 Q Which is the one that isn't?

15 **A Nisqually Park water system.**

16 Q Where is that located?

17 **A It's out at the entrance to Mount Rainier. Nisqually**
18 **entrance.**

19 Q What community does that serve?

20 **A The Nisqually Park. It's its own little recreational**
21 **properties.**

22 Q And how is it out of compliance?

23 **A We cannot obtain a water system plan due to the water**
24 **rights that the State issues, Department of Ecology.**

25 Q Do you maintain copies of these permit documents?

1 **A Yes.**

2 Q Dating back how far?

3 **A I'm going to guess 10 years.**

4 Q And this, did you say it's called an operating
5 permit?

6 **A Yes.**

7 Q And the operating permit, what does that allow you to
8 do?

9 **A It's more a designation for the County for building
10 permits. If a water system is out of compliance, the
11 County will not issue building permits.**

12 Q Getting back to your declaration marked as Exhibit 2,
13 it states that before you were general manager, you
14 were operations manager for 22 years; is that right?

15 **A Yes.**

16 Q What were your job duties as operations manager at
17 Rainier?

18 **A The -- overseeing the operations of the system. Make
19 sure that -- there again that we're in compliance,
20 water quality complaints.**

21 Q Who do you report to at Rainier View?

22 **A I report to the board of directors.**

23 Q Who's on the board of directors?

24 **A Neil Richardson, Rick Richardson, Doug Fisher, Chuck
25 Warner, and myself.**

1 Q Is your -- or strike that.

2 Do you have an immediate supervisor?

3 **A I guess Neil Richardson would be my -- as the**
4 **president.**

5 Q Do your other board members -- or strike that.

6 Let me ask an additional question here about your
7 declaration.

8 Your declaration, Paragraph 2, also says that you
9 received a water distribution manager 3 certification
10 in 2002 along with a cross control specialist
11 certification; is that right?

12 **A Correct.**

13 Q What is a water distribution manager 3 certification?

14 **A To operate a water system in the state, you have**
15 **to -- depending on the size of the system, you have**
16 **to have a certain certification. Rainier View is at**
17 **a size that a distribution 3 is required.**

18 Q What is the size that requires the certificate 3?

19 **A I don't remember the numbers.**

20 Q What do you have to do to obtain a manager 3
21 certification?

22 **A Combination of experience allows you to even take the**
23 **test, and then the exam.**

24 Q Is this an exam that's administered by the State?

25 **A Yes.**

1 Q Do you know what agency within the State?

2 A **The Department of Health Office of Drinking Water.**

3 Q Is it the DOH that issued the certification 3?

4 A **Correct.**

5 Q Do you have to do anything to maintain that
6 certification?

7 A **Yes.**

8 Q What do you have to do?

9 A **Have to obtain 30 hours of continuing education every
10 three years.**

11 Q What is the cross control specialist certification?

12 A **State requires utilities to have a cross-connection
13 program. Cross-connection, which basically says you
14 have to have someone on staff to operate the program.**

15 Q What did you have to do to get a cross control
16 specialist certification?

17 A **I had to take an exam.**

18 Q When did you take that exam?

19 A **2002.**

20 Q Was that exam administered by the DOH?

21 A **Yes.**

22 Q Do you have to do anything further to maintain that
23 cross control specialist certification?

24 A **It's same 30 hours, I believe can all be compiled
25 into the one -- one -- basically all the credits can**

1 be used for both, the water distribution and cross-
2 connection.

3 Q Your declaration marked as Exhibit 2 indicates that
4 you have Washington State Department of Health
5 Certification No. 3535; is that right?

6 A Correct.

7 Q What is that?

8 A That's the number they issued when I got my WDM 1.

9 Q And that was in 1985?

10 A No. That was in 19 -- '85? Yes. Yeah. Yes.

11 Q Okay. Does your State Department -- excuse me.

12 Does your Washington State Department of Health
13 certification remain the same when you go from water
14 distribution specialist to water distribution manager
15 3?

16 A It stays the same.

17 Q As general manager, do you typically work a full-time
18 40-hour week, workweek?

19 A Or more.

20 Q And can you describe for us what kinds of things you
21 do typically during the week?

22 A I work with new customers, developers that want to
23 develop a new piece of property. Work with
24 Department of Health. Answer -- get a lot of phone
25 calls just inquiring about the water systems.

1 Q You're familiar with the Springwood Estates
2 subdivision?

3 **A Yes.**

4 Q And that's serviced by Rainier View Southwood Water
5 System; is that right?

6 **A Correct.**

7 Q And what is the groundwater source that the Southwood
8 Water System draws from?

9 **A There's multiple sources. But the main source is**
10 **most likely the Fir Meadows water system, or wells.**

11 Q Can you draw upon several different wells to service
12 the Southwood Water System customers?

13 **A Yes.**

14 Q How many different wells can you draw on?

15 **A It's made up of five different pressure zones. So**
16 **the zone that the Springwood Estates is in, we could**
17 **pull off of, I think it's probably eight different**
18 **wells.**

19 Q What factors into your decision as to what well or
20 wells to draw upon when you're supplying water to a
21 particular community?

22 **A They are run by our SCADA system that just, as the**
23 **pressure in the tank goes down, the wells will turn**
24 **on by pressure. It determines which -- so one area,**
25 **if they're having a fire event, the wells in other**

1 **areas will turn on. If the tank gets low, certain**
2 **wells will turn on.**

3 **Q** Did you say a SCADA?

4 **A** **Yes.**

5 **Q** What does that -- what does that mean?

6 **A** **SCADA's a supervisory control and data acquisition.**
7 **Basically it allows us to monitor the wells and tanks**
8 **remotely.**

9 **Q** And when you say "monitor," you're specifically
10 referring to pressure?

11 **A** **Pressure. We can look at certain items as in chlor --**
12 **what our chlorine residuals are, pH, temperature.**

13 **Q** You do that with sensors located in the wells?

14 **A** **On the well site.**

15 **Q** So when you say "remotely," where can you look at
16 this from? From headquarters at Rainier View?

17 **A** **From our office or from phones. iPhones, iPads.**

18 **Q** Can you remotely monitor water quality in these
19 wells?

20 **A** **Quality's a pretty vague term. So I say the pH,**
21 **chlorine residuals. That's -- far as quality, yeah,**
22 **that's about it.**

23 **Q** Okay. If the Springwood Estates people can be
24 serviced by up to eight different wells, what would
25 factor into the decision which water they're going to

1 be given?

2 **A Well, it -- like I said, the system really determines**
3 **which wells turn on. We count on the SCADA system to**
4 **determine which -- which wells needed to keep the**
5 **pressures up and provide the water in the system.**

6 Q And this SCADA, is this a computer software program?

7 **A It's -- yes.**

8 Q If you want to, are you able to override SCADA?

9 **A Yes.**

10 Q How do you do that?

11 **A The operator will just turn it -- just -- we can run**
12 **it in hand -- handoff operations or SCADA. You can**
13 **go in and turn it off and just start running it**
14 **manually if need be.**

15 Q Has this Fir Meadows -- or strike that.

16 Let me ask a question about the Fir Meadows well.
17 Where is it exactly?

18 **A You want a physical address? It's --**

19 Q If you know.

20 **A It's 6600 block of 204th Street.**

21 Q And is this a holding tank?

22 **A There is a reservoir. There are three wells on-site**
23 **that we can use.**

24 Q When were those wells dug?

25 **A Two of the wells were drilled back in the '70s when**

1 **Fir Meadows was its own water system. That was prior**
2 **to us acquiring it. A third well is -- was drilled**
3 **probably eight, nine years ago.**

4 Q Are you --

5 THE REPORTER: What was that?

6 THE WITNESS: I was trying to
7 remember the timelines, and it's just -- eight,
8 nine -- it was probably -- it may have been 12 years
9 ago.

10 Q (By Mr. Malden) Are you aware of any of the
11 residents in Springwood Estates complaining about the
12 color or quality of the water supplied to them?

13 **A Yes.**

14 Q In your opinion, do these complaints generally arise
15 from the water supplied by the Fir Meadows wells?

16 **A It has come to our attention that one well at Fir**
17 **Meadows does have excessive manganese.**

18 Q Is it one of the three wells at Fir Meadows that has
19 excessive levels of manganese?

20 **A Yes.**

21 Q Do you know, how is that well referred to?

22 **A Well, it's Well 4 or Well D.**

23 Q Is there a significant difference in the relative
24 levels of manganese between that well and the other
25 wells that form the Fir Meadows system?

1 **A Yes.**

2 **Q How big is the difference?**

3 **A Wells 1 and 2 are virtually non-detect. And this**
4 **well is -- Well 4 is, I think it's .12, .13**
5 **milligrams per liter.**

6 **Q Do you have a theory or an opinion as to why that one**
7 **well has a higher level of manganese than the others?**

8 **A It's deeper than the others. It's 120 foot deeper**
9 **into a -- into a different aquifer.**

10 **Q Why does that make a difference?**

11 **A Different aquifers have different mineral contents in**
12 **them. Just different -- yeah, different areas have**
13 **different levels of iron or manganese or other types**
14 **of minerals.**

15 **Q Could Rainier stop using this Well 4 or Well D to**
16 **service Springwood Estates customers?**

17 **A Yes. And we turned it offline once it became**
18 **apparent last year that -- met with Department of**
19 **Health out on the site, did our tests of all three**
20 **wells, and we decided to shut that well off until we**
21 **could implement our treatment.**

22 **Q And when was it shut off?**

23 **A November of 2016.**

24 **Q Has it been used since?**

25 **A We recently got approval to turn the well back on**

1 with the treatment passing all its required testing.

2 Q Did you say that it still has to be tested to get
3 approval or you had approval?

4 A No, we have approval.

5 Q Okay. And what did you do to reduce the amount of
6 manganese in that particular well water?

7 A We're using a system that's called ATEC Water
8 Systems. It's an iron/manganese removal system.
9 We -- we've used it on a couple other well sites that
10 had good results at a fairly reasonable expense. So
11 we put that online, I believe it was June. June or
12 July.

13 Q Of this year?

14 A Yes.

15 Q What is the ATEC system?

16 A It's -- it's a treatment where the -- the media will
17 attract the manganese once it's precipitated out into
18 a -- and then oxidized. The -- and it just traps the
19 manganese in there and then backwash it out of the
20 system so that the water going through is reduced
21 down to acceptable levels.

22 Q Is this similar to a filter?

23 A It is a filter. I guess I could have shortened that
24 up quite a bit.

25 Q Okay. Okay. And how big is this filter?

1 **A** This one, there's a series. I believe there's six
2 filters, four foot diameter each, and probably eight
3 foot tall.

4 **Q** And does the water run through each of the six in the
5 series?

6 **A** Yes.

7 No. I'm sorry. They run through -- in series,
8 do you mean, like, start -- one tank to the next,
9 to...?

10 **Q** Right.

11 **A** No. They're just six tanks. They run concurrently
12 through all of them.

13 **Q** And have you been testing how these filters work?

14 **A** Yes.

15 **Q** How well have they been working?

16 **A** We're getting almost non-detect on the posttreatment.

17 **Q** Do you know how much it costs to equip the Firwood --
18 Fir Meadows Well 4 or D with this ATEC filter?

19 **A** It was close to 275 to 300,000.

20 **Q** Was the sole purpose of the ATEC filter to reduce or
21 eliminate the excessive levels of manganese?

22 **A** Yes.

23 **Q** At this point in time, do you believe that that ATEC
24 filtration system will likely eliminate the
25 complaints regarding the quality of the water that

1 have come from people at Springwood Estates?

2 **A In time, it should eliminate those complaints.**

3 Q Why wouldn't it eliminate the complaints right away?

4 **A There have been 25 years of buildup of manganese**
5 **maybe in the syst -- or as long as that -- that**
6 **well's been online, been pumping some manganese into**
7 **the system. It gets -- gets onto the bottom of the**
8 **water lines and it once in a while will break loose.**
9 **So it takes a while for it to get flushed out of the**
10 **system.**

11 Q When you say "flushed out of the system," are you
12 including the plumbing in the residents' houses?

13 **A We don't do that flushing. But in time, it will work**
14 **its way through their services.**

15 Q Is what you meant, though, that the 25 years of the
16 high-manganese-level water, that that has put the
17 manganese into the system, embedded it in the system,
18 if you will?

19 **A Mm-hmm.**

20 Q The pipes, themselves; is that right?

21 **A Right. Correct.**

22 Q Do you recommend that the homeowners do anything with
23 the plumbing inside their home to expedite the
24 process?

25 **A We'll probably send out some notices. Because it's**

1 not just to the Springwood. Because this affects
2 probably seven or eight thousand homes. So we're
3 looking to put a flushing program together once
4 we're -- once we're all assured that this is working
5 properly, we'll put that together, start flushing the
6 mains, and make -- make it known to the residents
7 that they should probably be flushing their lines.

8 Q What is the process for flushing the mains?

9 A Either through fire hydrants or what's called a
10 blow-off assembly at the end of the lines, where you
11 move a large enough volume of water to create a
12 velocity through those pipes to pick up as much of
13 the minerals as you can. A lot of the minerals, it's
14 not just manganese. There are other minerals in the
15 water. There is iron that -- naturally occurring.
16 It's -- like I say, it's not always just manganese.

17 Q This cost of 275 to \$300,000, was that the cost that
18 was the driving force behind Rainier's request to the
19 State to increase rates?

20 MR. RANKIN: Objection. Can you be
21 more specific?

22 Q (By Mr. Malden) Let me phrase it this way. The 275
23 to \$300,000 cost of the ATEC system, will that be
24 passed along to the customers?

25 A Yes.

1 Q How will it be passed along to the customers?

2 **A In a surcharge. Treatment surcharge.**

3 Q And when does that surcharge go into effect?

4 **A It's in effect right now.**

5 Q Was this the surcharge that was the subject of a
6 December 2016 hearing?

7 **A Yes, it was. Along with two other treatment centers.**

8 Q I want to ask you a couple questions about manganese.
9 Have you undertaken any research or study to
10 determine what health effect or risk, if any, having
11 manganese in the water has on a person?

12 **A No.**

13 Q Have you communicated with any State government
14 official to discuss the issue of what effect
15 manganese has if it's consumed by people in drinking
16 water?

17 **A No. We take our lead from the Department of Health,
18 so I would assume that they've done the -- if
19 they're -- if they have a concern, that they would
20 have let us know.**

21 Q You're referring to the Washington State Department
22 of Health?

23 **A Correct.**

24 Q That your expectation would be that if there was any
25 element in the water that might be a risk to human

1 health, you would expect the DOH to bring it to your
2 attention; is that right?

3 **A Yes.**

4 **Q** Does Rainier, in your view, have any obligation to do
5 any research of its own to determine whether there's
6 anything in the water that may be a risk to human
7 health?

8 **A We don't do any type of outside risk reduction like**
9 **that.**

10 **Q** You don't do any outside research either, do you?

11 **A No.**

12 **Q** Who have you -- or strike that.

13 Do you recall the names of any of the people at
14 the Washington State Department of Health that you
15 have talked to about manganese?

16 **A Yes. Bob James, John Ryding, Derek Pell, Chris**
17 **McMeen.**

18 **Q** Do you know how to spell that last name?

19 **A M-c-M-e-e-n. He was a regional engineer at**
20 **Department of Health.**

21 Jolyn Leslie, reg -- excuse me -- regional
22 engineer, Department of Health. And Virpi
23 Salo-Zieman. She's our current regional engineer.

24 **Q** Have you read any report or document published by the
25 Washington State Department of Health that discusses

1 manganese in drinking water?

2 **A Just the limits that are allowable.**

3 Q Do you know what the allowable limit is for
4 manganese?

5 **A .05 milligrams per liter.**

6 Q Do you know how that figure was set?

7 **A I do not.**

8 Q Do you know who set the figure?

9 **A I do not.**

10 Q Do you know what scientific studies, if any, went
11 into setting that figure?

12 **A I do not.**

13 Q Have you ever asked anyone at DOH what risk, if any,
14 there is to human health in exceeding that level of
15 .05?

16 **A I'm always told it's a secondary contaminant. And...**

17 Q What does that mean to you?

18 **A It means it's more of aesthetics, the color, and that
19 there's no health risk involved.**

20 Q And that's what DOH told you?

21 **A That's what -- yes.**

22 Q So DOH has assured you that manganese poses no risk
23 to human health; is that right?

24 **A By categorizing it as a secondary contaminant, I'm --
25 I might be assuming that. I don't know if I've ever**

1 had them come out and say that, that there's no risk.
2 But in our -- in our testing procedures and staying
3 in compliance with DOH, we've -- we just count on
4 them to be the regulatory agency to let us know
5 what's -- what we should be looking for.

6 Q On this one, I want to just ask the question to be a
7 little bit more careful. Because if -- I would want
8 to know if you're assuming or if you know.

9 A Mm-hmm.

10 Q There is a difference in this --

11 A Sure.

12 Q -- particular question. And I appreciate you gave
13 your best to give your answer, but let me just try to
14 rephrase it.

15 Do you have any recollection of having a
16 particular conversation with anyone from the State of
17 Washington Department of Health on the issue of the
18 risk posed to human health of manganese levels in
19 excess of .05 in drinking water?

20 A I don't recall any particular time I actually sat
21 with anybody and talked about it.

22 Q Do you know how the State of Washington DOH went
23 about setting that standard for manganese of .05?

24 A No.

25 Q Have you ever asked anyone at DOH how they came up

1 with that standard of .05?

2 **A No.**

3 Q Did you have to have discussions with the DOH to
4 obtain their approval to install this ATEC filtration
5 system?

6 **A Yes.**

7 Q Did you have to explain to them what the plan was and
8 then they have to give you approval to go through
9 with it?

10 **A Correct.**

11 Q Did you submit documentation to the DOH explaining
12 the goal of this ATEC system?

13 **A Yes.**

14 Q Did they make any suggestion as to doing anything
15 different or did they just accept what you had
16 suggested?

17 **A I'm sure there were some comments back from the
18 engineering. I don't recall what they were, but I
19 know there was some communication between our
20 engineer and theirs.**

21 Q This word "ATEC," is that the name of the
22 manufacturer?

23 **A Yes, it is.**

24 Q And is it A, hyphen, TECH, T-E-C-H?

25 **A It's A-T-A-C or E-C.**

1 Q ATAC?

2 A **ATEC. I guess it's E-C.**

3 Q And where are they located?

4 A **I think they've manufactured out of -- in Hollister,
5 California.**

6 Q Is this a new product that they just came out with?

7 A **Been out for maybe 10, 12 years.**

8 Q What was the rationale for installing the ATEC
9 filters just this last summer?

10 A **Well, because of the complaints we were getting and
11 the knowledge that we had at the level of manganese,
12 we decided that was one of the sites -- one of the
13 three sites that we'd pick this year.**

14 Q Did Rainier ever consider purchasing and installing
15 the ATEC filters before?

16 A **No.**

17 Q Whose idea was it to install ATEC filters? Was it
18 yours or someone else working at Rainier?

19 A **It was a board decision.**

20 Q With regard to the board, let me ask you a few
21 questions about the board members. Do they have your
22 kind of technical expertise in water management
23 systems?

24 A **There's -- one of the board members is a WDM 3.**

25 Q Which one is that?

1 **A** Doug Fisher. Chuck Warner has a WDM 2. And that's
2 probably the most qualified.

3 **Q** Do you have regular board meetings?

4 **A** Yes.

5 **Q** How often?

6 **A** Monthly.

7 **Q** And are minutes kept of those meetings?

8 **A** Yes. Our legal counsel comes to all of our meetings,
9 and he keeps the minutes.

10 **Q** Is that Mr. Finnigan?

11 **A** Yes, it is.

12 **Q** Did you discuss this ATEC filtration system at one of
13 these monthly meetings?

14 **A** I'm assuming we did.

15 **Q** Can you estimate -- can you estimate approximately
16 when you recall first discussing the possible use of
17 the ATEC filtration system for the Fir Meadows wells?

18 **A** Probably spring of '16.

19 **Q** And I think you indicated that -- or strike that.

20 Let me ask it this way:

21 Was one of the driving forces of getting the ATEC
22 filtration system the fact that you were getting
23 complaints from your customers?

24 **A** Yes.

25 **Q** Can you describe for us approximately how many

1 complaints you'd gotten in 2015 and 2016?

2 **A** **By certain areas or by certain -- just all our**
3 **systems?**

4 **Q** Let's start with and focus on Springwood Estates.

5 **A** **Okay. I don't have a number for Spring -- we don't**
6 **track by just one reg -- or one subdivision. We can**
7 **look at it by pressure zone. Like I said, the**
8 **Southwood System was made up of five different**
9 **pressure zones. And we can look at it by**
10 **system-wide, but it's really difficult to narrow it**
11 **down to -- by subdivisions.**

12 **Q** Okay. Was there anything unusual about the number of
13 complaints that were coming from the -- let me
14 rephrase that question.

15 Was there anything unusual about the number of
16 complaints regarding the water coming from Springwood
17 Estates versus other subdivisions in that same
18 pressure zone?

19 **A** **Yes. We did notice an increase. Personnel --**
20 **employees that actually go out and do the flushing**
21 **were saying that we're getting a lot of -- doing a**
22 **lot of work out in that area.**

23 **Q** Specifically Springwood Estates?

24 **A** **They don't say Springwood. We don't look at it as**
25 **subdivisions. We look at it as areas of the system.**

1 Q Okay.

2 **A But Springwood is in that subdivision. Or Springwood**
3 **is in that -- was is in that region.**

4 Q Okay. The region we're talking about, then, it's a
5 group of approximately how many residential
6 customers?

7 **A Probably four to five hundred.**

8 Q So is what you're saying, it's better to refer to the
9 group of the four to five hundred customers than just
10 focusing on Springwood Estates?

11 **A Yes.**

12 Q It's more accurate?

13 **A Yes.**

14 Q Okay. Back in 2000 -- or strike that.

15 Does Rainier View have a policy for recording or
16 documenting complaints that come in from customers
17 regarding water quality?

18 **A Yes.**

19 Q What system do you have?

20 **A The billing system has a comments comment. When --**
21 **if the call comes in, they look up the account and**
22 **will forward it on to whether it's a billing or water**
23 **quality issue. And then notes are made and a service**
24 **order is created out to the employees out in the**
25 **field, and they go do the flushing in this case.**

1 Q If any customer complained of a brownish appearance
2 of the water, would that necessarily result in a
3 customer ticket being created?

4 **A It should.**

5 Q So in every instance where there's a complaint of
6 brownish-looking water, there actually should be
7 documentation of that?

8 **A There are incidents where, in a case of a water line**
9 **break, where you have a mass area experiencing**
10 **discoloration because of the water line break, those**
11 **might not get created every time because of the --**
12 **just the sheer number. And it could be lumped into**
13 **one incident. But if an individual calls on a normal**
14 **day, that should get logged in and a service order**
15 **created.**

16 Q Now, did you personally communicate either by phone
17 or in person or by e-mail with Sarah or Gretchen
18 Hand?

19 **A Yes. I -- I have talked to her.**

20 Q In person or by phone?

21 **A Both.**

22 Q Can you estimate about how many times?

23 **A Are we talking about regarding this complaint or any**
24 **one particular complaint?**

25 Q I think --

1 A Trying to think. I've probably talked to her a half
2 dozen times on the phone and three or four times in
3 the office.

4 Q You're referring to Sarah Hand?

5 A Yes.

6 Q Okay. And what did you understand to be her
7 complaints about the water?

8 A The -- my initial contact with her wasn't regarding
9 the -- it was -- regarding the dirty water. It was
10 really regarding her pressure-reducing valve, which
11 she claims was caused by the dirty water, by the
12 discoloration and the manganese.

13 Q Did you feel differently?

14 A I never saw the valve. And we typically don't -- and
15 I explained to her, we don't typically pay for
16 anything beyond the meter. We would -- I'd bring it
17 up before a couple different groups or customer care
18 group and ask them about it, and they said, no, we
19 typically don't. And I brought it before the board
20 even, and they said, no, we can't handle -- we can't
21 pay for customers' facilities.

22 Q The construction -- or excuse me. The addition of
23 the ATEC filters this last summer, at a cost of 275
24 to \$300,000, how many different customers is that
25 supposed to benefit?

1 **A It'll benefit everybody within that pressure zone.**

2 Q And how many people are in that pressure zone?

3 **A There are about 8,000 connections. But that water**
4 **can make its way down to a different pressure zone,**
5 **which would bring it up to probably 12 to -- 12 to**
6 **14,000.**

7 Q Did Ms. Hand explain to you her complaint with the
8 appearance of the water?

9 **A Yes.**

10 Q How did she explain that complaint to you?

11 **A She -- I believe she brought a bottle of water in**
12 **from -- that she says she got out of her kitchen.**
13 **And it was discolored.**

14 Q Did you have reason to disbelieve that that water
15 came from the faucet in her house?

16 **A I had no idea where that water came from. I mean,**
17 **it's -- I have seen manganese in water, and it did**
18 **look like manganese.**

19 Q Can you estimate approximately how many people in the
20 pressure zone that includes Fir Meadows voiced a
21 complaint about the appearance of the water to
22 Rainier View over the last five years?

23 **A It'd be in the hundreds.**

24 Q And what typically have been the gist of these
25 complaints?

1 **A That there's discolor -- it's discolored, looks**
2 **dirty.**

3 **Q Does Rainier View take an official position as to**
4 **whether the customers have a legitimate complaint**
5 **about the coloration or discoloration of the water?**

6 **A Oh, it's a -- we feel it's a legitimate complaint.**
7 **They shouldn't -- you know, we're doing everything we**
8 **can to eliminate that. We have employees and**
9 **families and friends that live on that system, so**
10 **we're trying to provide the best water we can.**

11 **Q What type of factors went into consideration to**
12 **determine whether -- or strike that.**

13 Do you believe that, before the installation of
14 this ATEC filter system, that Rainier was providing
15 the best water they could, the best-quality water
16 they could?

17 **A We were providing the water that we could due to**
18 **the -- what was naturally coming out of the ground.**

19 **Q I previously asked you about approximately how many**
20 **complaints you had been aware of. I think I said**
21 **over the last five years.**

22 **A Mm-hmm.**

23 **Q What if we were to expand that time frame? These**
24 **complaints about the water coming out of the Firwood**
25 **Meadows wells, when did those start?**

1 A I can't say. Because it's not always -- I mean, they
2 were complain -- there could have been complaints
3 there prior to those -- to that third well being
4 online. There's natural minerals in the -- the water
5 that can discolor it other than manganese. So, yes,
6 you're always going to have -- on groundwater
7 systems, you'll always have some level of
8 discoloration.

9 Q Is there a guideline or a legal standard that you
10 would refer to, to determine what amount of effort or
11 what amount of cost your company was supposed to make
12 in order to improve the water quality?

13 A I'm not sure there's a guideline. It does come down
14 to -- the cost of the filtration is obviously the
15 biggest item. These new systems are quite a bit less
16 money, so, you know, we're starting to use them.
17 We've got I believe 10 online now. So we got to look
18 at, there's a balancing act of how much is a customer
19 going to pay for, you know, for what we have to spend
20 for the treatment.

21 Q Did you make an effort to determine what your
22 customers would be willing to spend to make the
23 treatment?

24 A I'm not sure I understand the question.

25 MR. MALDEN: Can I have you read

1 back his last answer, please?

2 (Answer on Page 39, Lines 13
3 through 20, read by the
4 reporter.)

5
6 Q (By Mr. Malden) Let me rephrase my question.

7 A Okay.

8 Q When did Rainier View start considering purchasing
9 these filters, these ATEC filters, in order to try
10 and minimize the problem at Fir Meadows?

11 A We looked in -- in April, or spring of 2016, we
12 started looking into it.

13 Q Did you say -- you started looking into it in the
14 spring of 2016.

15 A Correct.

16 Q Okay. Before spring of 2016, did Rainier make any
17 effort to look into what it would cost to mitigate or
18 reduce the level of manganese in the wells?

19 A No.

20 Q I'd like to go back to your declaration, which we've
21 marked as Exhibit 2. And I'd like to draw your
22 attention to Paragraph 6 at Page 2. In the second
23 sentence of Paragraph 6 -- well, let me rephrase
24 that.

25 A Mm-hmm.

1 Q The second sentence of Paragraph 6 reads, "Secondary
2 contaminants are deemed not to be health hazards, and
3 maximum contaminate level guidelines are not
4 enforceable, but rather act as a guide to protect
5 consumer confidence."

6 Do you see that?

7 **A Yes.**

8 Q Did you actually write this particular Paragraph 6?

9 **A No.**

10 Q Even though you didn't personally write Paragraph 6,
11 do you agree with the accuracy of what it says?

12 **A The enforceable -- it could be enforceable by DOH if
13 they deem it's a big enough issue. Other than that,
14 I don't have a problem with it.**

15 Q What do you mean when you say that they could be
16 enforceable by DOH?

17 **A If DOH gets enough complaints, they can require us to
18 put filtration on.**

19 Q Did that happen in this particular case, that DOH
20 required you to put filtration on, or was that your
21 idea that you took to DOH?

22 **A It was our idea and took it to DOH.**

23 Q Did DOH ever pressure you to try and solve this
24 manganese problem?

25 **A No.**

1 Q Did DOH exhibit any concern to Rainier View about any
2 of the complaints about manganese in the water in
3 2015 and 2016?

4 **A I'm not aware of DOH having any complaints.**

5 Q I think that probably answers my question, but I'm
6 going to ask him to read back that question just to
7 be sure.

8 MR. MALDEN: If you could read back
9 my last question.

10 (Question on Page 42, Lines
11 1 through 3, read by the
12 reporter.)

13
14 Q (By Mr. Malden) Okay. So I think I want to re-ask
15 that question.

16 Did anyone at DOH ever contact you and express
17 concern about either customer complaints or its own
18 determination that there were excessive levels of
19 manganese in one or more of the wells?

20 **A It wasn't until November of '16 when I met with Bob**
21 **James out at Fir Meadows 3 and we did our -- we did**
22 **testing on all three wells to determine exactly what**
23 **the levels of manganese are there. But as far as I**
24 **know, he did not or was not aware of any complaints**
25 **from the customers.**

1 Q Do you know Bob James' job title?

2 A He might be the regional engine -- or regional manager
3 now for Northwest -- Northwest regional manager of
4 the drinking water.

5 Q And he met with you personally?

6 A Yes.

7 Q In November of 2016?

8 A Correct.

9 Q And he met with you out at the Fir Meadows well?

10 A Yes.

11 Q And water samples were taken then?

12 A Correct.

13 Q Do you know why Mr. James took it upon himself to go
14 out there personally to meet with you?

15 A He was contacted by KIRO TV and thought he better
16 find out what's going on.

17 Q Who conducted the testing of the water samples that
18 day in November when you met with Bob James?

19 A We had our water quality personnel there. We did
20 some on-site testing, and we submitted samples to
21 Water Management Laboratories for -- to confirm our
22 results.

23 Q Do you recall basically what the results were?

24 A Wells A and -- excuse me. Wells 1 and 2, virtually
25 non-detect. And Well 3 had limits of approximately

1 **.13 milligrams per liter.**

2 **Q** Did you get the test results back the same day?

3 **A** **The ones that we took and ran through our own testing**
4 **equipment, we did, immediate results. And they**
5 **did -- the laboratory did confirm that our results**
6 **were the same.**

7 **Q** Did you discuss with Bob James the significance of
8 this finding of .13 concentration of manganese?

9 **A** **Yes.**

10 **Q** Did you discuss it with him that day in November?

11 **A** **Yes.**

12 **Q** What was the gist of the discussion?

13 **A** **That we take that well offline until we get some**
14 **treatment.**

15 **Q** Is that what Bob James told you?

16 **A** **He recommended it. He also realized that, in an**
17 **emergency, in a fire event or something, we might**
18 **need to turn that well on. But we didn't have to.**

19 **Q** Did Bob James indicate that the only reason he wanted
20 that Well No. 3 shut down was because of the level of
21 manganese?

22 **A** **Yes.**

23 **Q** Did you ask him why he was so concerned, since this
24 was just a secondary contaminant?

25 **A** **No.**

1 Q Did you take issue or question the necessity of
2 shutting the well down?

3 A No. No. We -- we had already done a pilot study to
4 show how we were going to treat the system, or treat
5 that well. And, you know, so everything -- it was in
6 the works already to get to -- so -- so we were
7 pretty confident that, you know, we were going to get
8 this treatment online by summer of '17.

9 Q And you didn't have any argument with the position
10 that a manganese level of .13 in the drinking water
11 was too much? Well, let me rephrase the question.

12 Would it be fair to say that Bob James and the
13 Washington State Department of Health told Rainier
14 View in November of 2016 that supplying water that
15 had a manganese concentration of .13 was not
16 acceptable?

17 MR. RANKIN: Objection.

18 You can answer it if you can.

19 THE WITNESS: Well, I can't answer
20 what Bob James is thinking. I can only answer what
21 he told me, and that was the -- if we can shut it
22 down. If you can maintain pressure on the rest of
23 the system without it, shut it down.

24 Q (By Mr. Malden) You didn't have any argument with
25 that?

1 **A No.**

2 Q Did it cost Rainier any money to do that?

3 **A No.**

4 Q Did it cost Rainier any -- or strike that.

5 Was it inconvenient in some way for Rainier View
6 to do that?

7 **A No.**

8 Q Did it have any effect on any -- or strike that.

9 Did it have any negative effect on anybody, on
10 any of your customers, taking Well 3 offline in
11 November of 2016?

12 **A No. We were able to maintain pressures without it,
13 so didn't affect anybody.**

14 Q Is it something that you could have done the year
15 before?

16 **A Had we known the issue, we -- we could have. We
17 would have needed it in the summertime. But during
18 the winter, we could have shut it down maybe.**

19 Q What do you mean by "had we known of the issue"?

20 **A Well, the prior summer, summer of '15, we weren't
21 aware that that well was causing the problem that it
22 was.**

23 Q The problem being what?

24 **A The discoloration of water. The manganese.**

25 Q Did you, yourself, ever go out to any of the homes in

1 this pressure zone, whether Springwood Estates or
2 some other --

3 **A Mm-hmm.**

4 **Q** -- subdivision, and yourself physically inspect the
5 water coming out of the tap?

6 **A No.**

7 **Q** Did anyone employed by Rainier View that -- or excuse
8 me.

9 Did anyone employed by Rainier View, to your
10 knowledge, ever go out to one of these homes in the
11 pressure zone, including Springwood Estates, to look
12 at the water coming out of the tap?

13 **A Yes.**

14 **Q** Who did that?

15 **A Field personnel. Operations manager and field**
16 **superintendent both go out and do the same function.**
17 **Flush lines.**

18 **Q** Do they work under you?

19 **A Yes.**

20 **Q** Maybe I should get the work hierarchy here straight.

21 **A Okay.**

22 **Q** So you report directly to the board; is that right?

23 **A Correct.**

24 **Q** And then who reports to you?

25 **A Bob -- excuse me. Bob Bell. And Chuck Warner.**

1 **Chuck Warner is the operations manager. Bob Bell is**
2 **the field superintendent.**

3 Q And as far as you know, they did personally go out
4 and look at the water coming out of the tap of some
5 of these people that had complaints?

6 A **Sure. Yes.**

7 Q And to your knowledge, did they confirm the gist of
8 the complaint through their observation?

9 A **On some of the homes, yes. On some of the homes, the**
10 **water was clear when they got there.**

11 Q Did you hear anyone ever complain that using this
12 water made it difficult to wash clothing?

13 A **Yes.**

14 Q Is that a legitimate complaint in your opinion?

15 A **Yes.**

16 Q You told us earlier that Ms. Hand told you that she
17 thought her pressure valve had been damaged by the
18 water. You never got a chance to expect it, though;
19 is that right?

20 A **Correct.**

21 Q Would it be fair to state, though, that having high
22 levels of manganese in the water can damage pressure
23 release valves for these water heaters?

24 MR. RANKIN: Objection.

25 You can answer it, if you can.

1 THE WITNESS: Well, number one,
2 it's a pressure-reducing valve, not a pressure relief
3 valve.

4 Can the manganese get into it? Yes. Can it
5 cause it to fail? That -- you know, they can be
6 cleaned. They can -- it's -- depending -- depending
7 on how old they are. I mean, if it's been in the
8 house since it was built, yeah, they're gonna fail
9 eventually.

10 Q (By Mr. Malden) Do you know how often these
11 pressure-reducing valves on home heaters should be
12 replaced?

13 A **It's not on the heater. It's on -- it's an incoming**
14 **line so that it reduces the pressure to the whole**
15 **house. So it's totally different item.**

16 **But there's -- I'm sure there's a life expectancy**
17 **of, you know, something that they've come up with. I**
18 **don't know what it is.**

19 MR. RANKIN: If we're at a good
20 stopping point, I'm going to suggest that we go for
21 lunch, when you get a chance. We've been in here for
22 about an hour and a half already.

23 MR. MALDEN: You know, I think I'm
24 fine with that, if you want to do that.

25 MR. RANKIN: Or if you're near the

1 end of a line of questions.

2 (Pause in proceedings from
3 12:51 p.m. to 1:32 p.m.)

4
5 Q (By Mr. Malden) We're back on the record.

6 **A Okay.**

7 Q I'd like to just remind you you're still testifying
8 under oath.

9 I'd like to follow up on a question about
10 filters. As I understand your testimony before the
11 break, Rainier has spent 275 to \$300,000 to obtain a
12 set of six filters from ATEC; is that right?

13 **A The dollar amount includes all the construction, the**
14 **backwash facilities, the treatment -- the ATEC**
15 **filtration itself is probably somewhere, 75 to a**
16 **hundred thousand dollars.**

17 Q Are there third parties that Rainier has to pay to
18 get this work done or is it just paying ATEC?

19 **A We pay ATEC. We pay the electrician. And the**
20 **balance, the plumbing and construction, we do it**
21 **internally.**

22 Q And did you sign a contract with ATEC in 2017?

23 **A I think we signed a contract and PO in '16.**

24 Q To do this work?

25 **A To start the construction of the filtration.**

1 Q Had you conducted any business with this company,
2 ATEC, before 2016?

3 A Yes. On multiple wells. Other -- other water
4 systems and other wells within the Southwood System.

5 Q What had you had them do before?

6 A The same thing. Manganese removal, filtration.

7 Q Which wells had you done that for?

8 A There's Country Park 2. There's -- on the printout
9 of posttreat -- our treatment monitoring, it's got
10 all the wells, if you have that there. Instead of
11 trying to -- should just be a spreadsheet or a --
12 yeah.

13 Yeah. Do you want me to just read off the list
14 to you?

15 Q If you could tell me what the list is.

16 A This is the iron manganese treatment monitoring.
17 These are the systems that we have implemented ATEC
18 systems on.

19 Q Oh, okay.

20 A And then it's the -- they're in alphabetical order.
21 But it's Artondale, Behm, which is spelled B-e-h-m.
22 Cascade Highlands, Country Park 2, Emerald Terrace.
23 Then the Fir Meadows is the current one. Lauradel,
24 spelled L-a-u-r-a-d-e-l. Madrona, Muck Creek, just
25 like it sounds, Shining Mountain, Silver Creek,

1 Southwood 1, and Swanson well.

2 Q Is this a spreadsheet that you've prepared?

3 A Yeah, it's one that we have our water quality -- they
4 monitor the iron/manganese removal, how well it's
5 working.

6 Q Okay. And these various wells that you've listed
7 off, these are all wells that are now equipped with
8 the ATEC filtration system?

9 A Correct.

10 Q And what years were these wells outfitted with the
11 ATEC filtration system?

12 A I can't tell you which each one is. But over the
13 last 12 years, they've all come online.

14 Q Has the cost of each filter system for each well been
15 about the same?

16 A They vary by the amount of water that they'll treat.
17 So the smaller wells are cheaper, and larger-
18 producing wells, a little more expensive.

19 Q In addition to this filtration system that ATEC
20 sells, would another possible solution be to add some
21 kind of filter just before the water goes into the
22 customer's house?

23 A It would -- at the customer's expense or are you
24 talking for us to install?

25 Q I'm talking about, if the customer wanted to install

1 a filter, is that a viable option?

2 **A Yes.**

3 Q Do you know what kind of filter a homeowner would
4 like to -- would have to get?

5 **A It would -- I don't. I mean, I'm not a filter**
6 **expert. But it would probably be some sort of a**
7 **sediment filter that collects -- you're not really**
8 **treating the water. You're just collecting the**
9 **particulates coming through.**

10 Q Do you have any particular background or experience
11 with that type of filter system?

12 **A No.**

13 Q Has Rainier View ever suggested to any of its
14 customers that have complaints of brown water that
15 one option is for them to install a filter at their
16 expense?

17 **A I'm sure we have, yes.**

18 Q Have you personally done that?

19 **A No.**

20 Q And you're not personally aware of a particular
21 filter that you could recommend to a customer; is
22 that right?

23 **A That's right.**

24 Q Do you think it would be cheaper or better -- or
25 strike that.

1 Is treating the well water using the ATEC system,
2 in your opinion is that better in some way -- cheaper
3 or more efficient or something else -- something
4 better than having the individual customers treat the
5 water just before it comes into their home?

6 **A** **I would -- I feel that it's more effective to treat**
7 **the well. You're not solving the problem by putting**
8 **the filters at the homes. You're not removing**
9 **them -- you're not -- you're not -- the solution is**
10 **really to treat the water as it's coming out of the**
11 **well. Because it affects -- that way it affects**
12 **everybody. You can -- you can help -- help all**
13 **customers, not pick and choose with filtration at a**
14 **home.**

15 **Q** With regard to the various wells that you listed off
16 for us from the spreadsheet, those were all -- or
17 excuse me. They all had the filtration systems
18 installed over the course of the last 12 years.

19 **A** **Mm-hmm.**

20 **Q** Is that right?

21 **A** **Correct.**

22 **Q** And out of that list, Fir Meadows is the last one to
23 have that filter system installed; is that right?

24 **A** **No. Actually, we got approvals for the Fir Meadows,**
25 **Southwood 1, and Lauradel. Fir Meadows -- of those**

1 three that we got approved, Fir Meadows was the first
2 one we installed, then Southwood 1, and then
3 Lauradel.

4 Q Was the motivation for installing these ATEC
5 filtration systems on these other wells, was it also
6 to eliminate complaints of brown water?

7 A Yes.

8 Q And before you outfitted these well systems with the
9 ATEC filters, did you always wait -- or strike that.

10 Did you have a record of complaints that was used
11 to justify purchasing the ATEC filtration system?

12 A I think just the number of complaints. I'm not sure
13 a recordkeeping of it or just -- some of these are
14 fairly small systems, so it only took a handful of
15 calls to realize there's a problem.

16 Q Was the cost of these ATEC systems all passed on to
17 the customer via the rate increase as what happened
18 in the case of Ms. Hand?

19 A It's --

20 MR. RANKIN: Objection. Do you
21 mean surcharge?

22 THE WITNESS: Surcharge.

23 MR. MALDEN: Surcharge. Excuse me.
24 Yes.

25 THE WITNESS: Yes. They're all

1 handled through the surcharge.

2 Q (By Mr. Malden) And is it your testimony that you --
3 when I say "you," Rainier -- Rainier decided to equip
4 the Firwood Meadows wells with the ATEC filtration
5 system once you realized there were a significant
6 number of complaints?

7 A Significant complaints as well as the determination
8 that the one well was producing a higher level of
9 manganese than the rest.

10 Q And how did you make that determination?

11 A By testing it.

12 Q But it's also your testimony that the decision to
13 install the ATEC filter was not made until November
14 16 when the DOH came out to observe the testing; is
15 that right?

16 A That's not correct. We -- we -- in, I believe,
17 January or -- not January. June or July of '16, we
18 contracted with ATEC to come out and do their pilot
19 study to determine what they could do, how much they
20 could remove, how much of the manganese they could
21 remove, and if they could do it efficiently.

22 So, and then in August, they came out and did
23 their pilot study. And then I believe we ordered the
24 tank in October or something, the construction. So
25 that was actually -- we implemented that before the

1 **Hand complaint.**

2 Q You implemented what?

3 **A The treatment program. The process of, you know,**
4 **doing the pilot study, getting -- hire an engineer to**
5 **do the design for it, then ordering the tank,**
6 **constructing.**

7 Q I'd like to direct your attention back to Exhibit 2,
8 which is your declaration.

9 I notice that there is a document attached as
10 Exhibit 1. This looks like it's a four-page
11 document.

12 Have you ever seen this document before?

13 **A Yes. This is the consumer confidence report.**

14 Q And did Rainier View draft this consumer confidence
15 report?

16 **A Yes.**

17 Q This particular report is called "The Pipe Line"; is
18 that right?

19 **A Yes.**

20 Q And underneath, or in the title, it says "Spanaway
21 Ranch Water System Water Quality Report."

22 What does that mean, "Spanaway Ranch Water
23 System"?

24 **A Well, this is for the Spanaway Ran -- this is one of**
25 **our systems that we own and operate. This is -- it's**

1 out towards Roy.

2 Q Does this involve Springwood Estates?

3 A No, it doesn't. Southwood Water System. Which,
4 Springwood has its own confidence report.

5 Q How do you decide which customers get which customer
6 confidence report?

7 A By their account number. Their account number is
8 attached to the water system.

9 Q Do you recall why this particular document, marked as
10 Exhibit 1, was attached to your declaration?

11 A I do not.

12 MR. RANKIN: That very well may
13 have been my goof in attaching the wrong --

14 MS. LEE: CCR.

15 MR. RANKIN: Yeah.

16 MR. MALDEN: Okay.

17 Q (By Mr. Malden) Okay. I'd like to now direct your
18 attention to Exhibit 3. Do you recognize Exhibit 3?

19 A Yes. This is our consumer confidence report.

20 Q That's actually a question that I wanted to ask you.

21 A Mm-hmm.

22 Q The title of this document says "Annual Water Quality
23 Report: 2016." I was trying to figure out whether
24 this is the same thing as the confidence report.

25 A Yes. It's the same -- it was -- 2016. This is

1 the -- this is for last year. Yes, this is our most
2 up -- our most current for the Southwood System.

3 Q Did you, yourself, participate in drafting this
4 report?

5 A No, I wasn't.

6 Q Who drafted this report, if you know?

7 A It's a combination of Jim -- Jim Jensen, who's the
8 water quality manager, and he ran it by a couple
9 people for editing.

10 Q Did you ever hold that position of water quality
11 manager?

12 A No, I didn't.

13 Q What are Mr. Jensen's job duties as water quality
14 manager?

15 A Oversee the water quality. Make sure that the
16 chlorination levels are where they're supposed to be,
17 pH adjustments.

18 Q Does he have a science background?

19 A No.

20 Q How old is he about?

21 A 28.

22 Q Do you know what his education is?

23 A I don't.

24 Q Does he work under you?

25 A Yes. I mean, eventually under me.

1 Q Who does he report to directly?

2 A **Chuck Warner.**

3 Q What is Chuck Warner's job title?

4 A **He's the operations manager.**

5 Q Do you know who James Jensen would have had help him
6 draft this particular annual report?

7 A **Probably Martin Colette.**

8 Q What is Martin Colette's job title?

9 A **He was office -- he works more in the accounting than
10 he does with the quality, but he has a pretty --
11 pretty good knowledge of editing.**

12 Q Do you know his educational background?

13 A **I don't. I know he -- he went to and I believe he
14 graduated from U-Dub Tacoma in -- with some kind of --
15 sort of business.**

16 Q About how old is he?

17 A **Late 40s.**

18 Q Do you have someone that works for Rainier that you
19 consider to be an expert in biochemistry or chemistry
20 or water chemistry?

21 A **No.**

22 Q I'd like to direct your attention to the second page
23 of this report. And by the way, I just want to make
24 sure that my terms are correct. This says "Annual
25 Water Quality Report: 2016," but this is actually

1 the same as a confidence report.

2 **A Correct.**

3 Q Is there something unique about Southwood that causes
4 you to call this a water quality report?

5 **A I think the State will accept either term. I**
6 **think -- I know they wanted to revamp the old,**
7 **instead of calling it "The Pipe Line," and I think**
8 **the Southwood was the, being the largest of the**
9 **systems, the first one to get done.**

10 Q Going to Page 2, there's a paragraph that reads, "A
11 Message from our Water Quality Control Manager."

12 And that is James Jensen; is that right?

13 **A Correct. I'm not sure on -- wrong page.**

14 Q How long has Mr. Jensen worked for Rainier View?

15 **A He's been with us for 10 years. 10 or 11 years.**

16 Q Has he always been the water quality control manager?

17 **A No. It's been about three years he's been the water**
18 **quality control manager.**

19 Q There's a couple of statements that he makes in here
20 that I wanted to run by you. One of the statements
21 that he makes is, "Rainier View Water Company has
22 always, and will continue to provide the safest
23 possible water to every last free flowing tap that we
24 serve."

25 Do you see that? I'm looking at the second

1 paragraph.

2 **A Second paragraph? Okay. Yes. That's pretty poetic.**

3 Q Do you know if he came up with that or is that some
4 official, you know, byline for Rainier View?

5 **A I guess he came up with that himself.**

6 Q Okay. In that same paragraph, there's another
7 sentence that says, "It is of the utmost importance
8 to us to remain in compliance with all State and
9 Federal guidelines regarding water quality."

10 Do you believe that's a true statement?

11 **A I do.**

12 Q Whose responsibility is it at Rainier to ensure that
13 Rainier remains in compliance with all state and
14 federal guidelines regarding water quality?

15 **A Well, Jimmy is the one that does all -- makes sure
16 the testing is done, but I am the ultimate person
17 responsible.**

18 Q When you say that James is responsible for the
19 testing, you're referring to the regular water
20 sampling and testing that's required?

21 **A Yes.**

22 Q Do you know specifically what the rules are for that,
23 how much testing is required?

24 **A We receive a -- the QMR water quality testing -- no.
25 What do they call it? Monitoring report. Water**

1 quality monitoring report from the State for every
2 water system that we operate. And they tell us
3 what -- what tests to run on which wells.

4 Q The DOH tells you which tests to run on which wells?

5 A Correct.

6 Q Isn't there a standard set of tests to be run on
7 every well?

8 A There is a frequency that certain wells, you can get
9 exemptions if the quality's a certain point where it
10 doesn't concern the State.

11 Q Do you know the rules for how frequently water
12 samples should be taken and tested?

13 A I can't recall every one. I know we do 50
14 bacteriologicals a month. Inorganics typically were
15 every three years, but you can do -- like I said, I
16 think you can get exemptions from -- to get it less
17 frequently. They allow you to do blending. Then
18 there's the SOCs and VOCs, different types of
19 testings that I -- I can't recall.

20 Q And would it be James Jensen's responsibility at
21 Rainier to make sure that the correct tests are being
22 done at the correct time?

23 A Correct.

24 Q That's one of his primary --

25 A That's one of his primary...

1 Q -- responsibilities?

2 **A Correct.**

3 Q Do you know how he goes about doing that?

4 **A Well, once he gets the report, he'll schedule it out**
5 **on a calendar on -- to make sure that the wells --**
6 **because not just for this system. It's on all wells**
7 **that we operate. Make sure that he's doing what is**
8 **required.**

9 Q Getting back to one of the sentences in Paragraph 2
10 of the annual report. The sentence, this is about
11 halfway through the paragraph. Quote, "There have
12 been times throughout the year that the product
13 delivered to you has been aesthetically displeasing,
14 but I guarantee it has been safe to drink or cook
15 with," close quote.

16 Do you see that?

17 **A Mm-hmm.**

18 Q Is that a "yes"?

19 **A Yes, I do.**

20 Q Have you, yourself, ever issued that kind of personal
21 guarantee on water supplied by Rainier?

22 **A Yes. That we've -- with chlorination, we feel -- I**
23 **guarantee that the water is safe to drink.**

24 Q And that's regardless of the, to use the word here of
25 Mr. Jensen, aesthetically displeasing appearance?

1 A Yes.

2 Q Would you agree with me, though, that a consumer that
3 buys water from Rainier is entitled to have an
4 aesthetically pleasing product?

5 A I agree. Yeah, that's -- we would -- we'll do
6 everything we can to make it aesthetically pleasing.
7 If it requires flushing, whatever. Whatever it
8 takes. We will do our best.

9 If someone does have a level of manganese that,
10 you know, if it's discolored, you know, then we
11 can -- well, we've never not been able to solve it by
12 flushing. Yeah, I mean, our recommendation would be
13 to let it run until it does come clear. You know,
14 we're not going to ask you to drink a glass of
15 discolored water. But it will be safe.

16 Q Do you agree it would be unreasonable to expect your
17 consumer to drink a glass of discolored water even
18 with your assurance that it was not damaging to their
19 health?

20 A I'm not sure how to answer that one. I would -- no,
21 I would not expect them to drink a glass of water if
22 it's totally discolored. I don't think it's going to
23 harm them, in that there's no bacteriological issues,
24 but it's not something aesthetically pleasing that
25 you'd want to take a big drink out of.

1 Q You did have some interactions and communications
2 with Sarah Hand. I want to ask you, therefore: Did
3 she say or do anything -- let me break it down this
4 way.

5 Did Ms. Hand say anything to you that you felt
6 was irrational or unreasonable?

7 **A The way she approached some of the issues, I thought,**
8 **were irrational. She was -- you know, her opinion**
9 **was one thing. Mine was something different. Most**
10 **of my -- like I said, most of my communication with**
11 **her really was regarding the valve and wanting it to**
12 **get paid for. But I haven't -- I haven't had that**
13 **much interaction with her to say it was irrational.**

14 Q Okay. I believe you have taken the position that it
15 was not reasonable for her to ask Rainier to pay for
16 that valve; is that right?

17 **A That's right.**

18 Q Aside from that, though, was there anything she said
19 to you or some aspect of her complaint or complaints
20 that you thought was irrational or unreasonable?

21 **A I don't recall.**

22 Q At the beginning of the deposition, I asked you about
23 your knowledge of manganese. And would it be fair
24 for me to summarize your testimony by saying that
25 whatever you know about the health risk posed by

1 manganese, you got from the DOH?

2 **A That is correct.**

3 Q You've not done any independent research regarding
4 manganese, have you?

5 **A I have not.**

6 Q You've not had any discussions -- or strike that.

7 You're not really in a position, are you, to
8 personally guarantee that it's safe to drink or cook
9 with this water that has excessive levels of
10 manganese, are you?

11 **A I know with the levels of chlorine we have in the
12 water, that it's considered safe.**

13 Q You're referring to safe from some kind of bacterial
14 infection, right?

15 **A Correct.**

16 Q I'm referring to consumption of manganese in water
17 that has levels in excess of the maximum -- secondary
18 maximum contaminant level.

19 Would it be fair to state that you really don't
20 know, because you don't have the experience or the
21 training, whether that is potentially damaging to
22 human health?

23 MR. RANKIN: Objection.

24 You can answer it if you can.

25 THE WITNESS: I can't answer it.

1 Rephrase it or -- maybe I shouldn't say that, but...

2 MR. MALDEN: Actually, you're
3 welcome to ask me to rephrase a question if you don't
4 understand it correctly. I'm happy to repeat or
5 rephrase.

6 On this one, let me ask the reporter to read that
7 back slowly.

8 (Question on Page 67, Lines
9 16 through 22, read by the
10 reporter.)

11
12 THE WITNESS: I go back to what
13 Department of Health tells me, that they tell us it's
14 a secondary contaminant, there's no health risks. So
15 as long as I'm -- I have to put my trust in them,
16 that they know what they're talking about.

17 Q (By Mr. Malden) Is it your understanding that
18 there's no health risk regardless of the level or
19 concentration of manganese in the water?

20 A **I'm not aware of any health risks.**

21 Q You're not aware of any health risks, no matter how
22 much manganese is in the water; is that right?

23 A **That's correct.**

24 Q Do you have an understanding as to why the State of
25 Washington set a maximum secondary contaminant level

1 of .05 milligram per liter for manganese in the
2 drinking water?

3 **A I don't know why they came up with that number.**

4 Q Have you ever asked anyone at DOH why they came up
5 with that number?

6 **A I have not.**

7 Q In your mind, is there any significance to the fact
8 that the State of Washington has put a maximum level
9 for manganese in the water?

10 **A I don't know why.**

11 Q Have you done any research, perhaps reviewing any
12 medical or scientific articles published in the last
13 two or three years that talk about the potential risk
14 of manganese in drinking water?

15 **A I haven't seen any articles. I haven't researched
16 it, but I haven't seen any come through any of the
17 waterworks journals.**

18 Q This particular exhibit that we've been looking at,
19 the annual report marked as Exhibit, I think it's 4?

20 **A 3.**

21 Q Exhibit 3. Excuse me. Okay.

22 Did you read this before today?

23 **A I'm sure I glanced through it when they -- when they
24 brought it out.**

25 Q Did you ever have any discussion with anybody at

1 Rainier about use of words and phrases like
2 "guarantee," "I guarantee it has been safe to drink
3 or cook with"? Did you have any discussion with
4 anyone at Rainier about whether or not that type of
5 language is appropriate?

6 **A I haven't.**

7 Q To your knowledge, this language that Mr. Jensen is
8 using -- and specifically I'm talking about his
9 personal guarantee that the water's been safe to
10 drink or cook with -- is that something that has been
11 typically published in other confidence reports and
12 annual reports that Rainier has sent out?

13 **A I'm not aware of it.**

14 Q Mr. Jensen: What is his role in connection with the
15 publication of this document?

16 **A He's in charge of producing it and making sure that
17 it gets distributed in accordance with the DOH
18 regulations.**

19 Q Do you know who it's distributed to?

20 **A All our customers, by system. Made available through
21 the Internet. It's on our website.**

22 Q If you could go to the, I think it's about the fifth
23 page. It has a water quality table.

24 **A Mm-hmm.**

25 Q Now, this is a document that summarizes water quality

1 testing; is that right?

2 **A Yes.**

3 Q And do you know when this testing was done?

4 **A In 2015.**

5 Q The second column down, under the Southwood Water
6 Quality Table, it has manganese?

7 **A Mm-hmm.**

8 Q And it indicates last tested 2016. And it indicates
9 the manganese level is .23; is that right?

10 **A That's what it says.**

11 Q Now, that's more than four times the maximum level
12 specified by the State of Washington Department of
13 Health; is that right?

14 **A Yes.**

15 Q Do you know how many different test samples were used
16 to get this result?

17 **A I don't.**

18 Q I notice that also on the water quality table there's
19 reference to nitrate. Do you see that?

20 **A Yes.**

21 Q Are you familiar with nitrate?

22 **A Yes.**

23 Q That's a chemical?

24 **A I don't believe it's a chemical. It's a natural
25 reaction from -- between nitrates and nitrites. It's**

1 a -- I'm not a chemist. I don't know of all how it's
2 created, but it's part of a whole cycle that they
3 talk about, but...

4 Q Is nitrate something that poses a potential health
5 risk to humans in drinking water?

6 A Yes.

7 Q Do you know what that risk is?

8 A Can be -- for pregnancies. It can create some issues
9 with pregnancies. And it's just something you don't
10 want in your water.

11 Q How do you know that?

12 A I've read enough on that to be considered a health
13 risk.

14 Q Just out of curiosity, just to pick another one of
15 these items, like -- let's see if I can pronounce
16 it -- trihalomethane?

17 A Mm-hmm.

18 Q Are you familiar with that?

19 A Yes.

20 Q Is there a danger to that?

21 A From what I understand, there can be. I'm not sure
22 what the effects are. It's just, it would be
23 considered a hazardous -- hazardous to your health.

24 Q What about compounds like lead and copper? Are those
25 potentially dangerous to human health?

1 **A** Lead is more so than copper. I think -- like I say,
2 I'm not an expert on it, but I do know the difference
3 between health hazards and aesthetics.

4 **Q** If you did have a water sample test that came back
5 with nitrate in excess of the maximum level --

6 **A** Mm-hmm.

7 **Q** -- what would be the responsive action?

8 **A** The responsive action would be shut the well off
9 immediately. There'd be notification to the
10 customers, and try to figure out how to get rid of
11 it.

12 **Q** Is there a law that requires Rainier View to notify
13 customers of certain events involving the water?

14 **A** Yes.

15 **Q** Do you know what the specific requirement is?

16 **A** Depends on the event that we're addressing. Anything
17 from, what they call an acute violation would be
18 within, I think, 48 hours. Then there's non-acute
19 that you have up to 30 days. And then there's other
20 violations that you have to the next year.

21 **Q** Is it all set forth somewhere in a Washington
22 Administrative Code regulation, which one is which?

23 **A** Yes. I can't recall which one, where it's at, but
24 it's a -- it's in the WACs.

25 **Q** Do you know how notices are given to your customers?

1 MR. RANKIN: Objection. Can you be
2 more specific about the notice?

3 Q (By Mr. Malden) Well, okay. Let's just say
4 hypothetically that there was a situation where you
5 did a test sample and it came back with an excessive
6 level of something that requires reporting to the
7 consumer or --

8 A Mm-hmm.

9 Q -- to the customer.

10 How, logistically, does Rainier View do that?

11 A Well, if it's a non-acute, we can mail it, send out a
12 notice by mail. You can do hangers, depending on the
13 size of the system.

14 Q What's a hanger?

15 A Basically staple the notice to a door hanger.
16 Deliver it that way. There's electronic. I guess
17 media would be one of the ways also.

18 Q The reason that I'm asking is I'm just assuming that
19 if you have thousands of customers that you have to
20 give written notice of something, how do you delegate
21 that? Is there someone within Rainier View that is
22 responsible for checking mailing lists and so forth,
23 making sure --

24 A Mm-hmm.

25 Q -- that that notice is given?

1 A The notice would go to the -- the board would
2 typically create the notice, or someone on the board.
3 There again, depends on what the notice is regarding.
4 Whether it's, you know -- depending. It could be a
5 UTC, you know, notice of a rate increase. It could
6 be -- you know, that's created through the chief
7 financial officer and then given to the billing
8 department, who has records of all the accounts and
9 where to mail them to.

10 We use a third-party mailing. They send out the
11 bills. And they know who to send -- by the account
12 number, they can tell, you know, which system they're
13 on and who gets the notice and who doesn't.

14 Q Does Rainier View, to your knowledge, have a record
15 showing any incidents that resulted in notices being
16 sent to consumers over a period of time?

17 A Other than notices for rate increases and UTC issues,
18 I don't think we've had -- had to send any notices
19 out.

20 Q The whole time you've been there?

21 A No, we've sent out notices -- I'm trying to -- on
22 some of the smaller systems, we've sent out notices
23 for if a sample wasn't taken when it was supposed to.
24 That was years ago. There again, I say on the
25 smaller systems, sometimes just easier to go out and

1 **drop off 20 notices than it is to create a mailing.**

2 Q Have you also -- in addition to the DOH, have you had
3 communications with the WUTC, the Washington
4 Utilities Transportation Commission?

5 A **Mm-hmm.**

6 Q Is that a "yes"?

7 A **Yes.**

8 Q What kinds of communications have you had with the
9 WUTC?

10 A **Every time we submit a request for rate increase or**
11 **surcharge increase or any type of change to our**
12 **tariff, we have to send out notices to all our**
13 **customers.**

14 Q Has the WUTC, to your knowledge, ever required that
15 you send copies of test reports or other
16 documentation to them regarding the quality of water?

17 A **No.**

18 **(Exhibit No. 4 marked for**
19 **identification.)**

20
21 Q (By Mr. Malden) You've just been handed a document
22 that's marked as Exhibit No. 4. Have you ever seen
23 this document before?

24 A **I don't recall this document particularly.**

25 Q It looks like a document on stationery of the

1 Department of Health that's entitled "Consumer
2 Confidence Report Certification Form."

3 **A Mm-hmm.**

4 Q Down at the bottom, it looks like there's a name,
5 Tony Peredo?

6 **A Peredo.**

7 Q Do you know who that is?

8 **A Yes.**

9 Q Who is he?

10 **A He is an employee of Rainier View. He is in charge
11 of -- he is our cross connection specialist. And he
12 used to do all the consumer confidence reports.**

13 Q Over what period of time did he do all the confidence
14 reports?

15 **A Oh, probably last 15 years, up until -- actually, I
16 thought Jimmy had been doing them, so looks like -- I
17 don't know why Tony signed this one.**

18 Q It looks like the purpose of this document is just to
19 certify that the accompanying report was sent out to
20 the customers.

21 **A Mm-hmm.**

22 Q Is that right?

23 **A Yes.**

24 Q Do you know if -- getting back to the document marked
25 as Exhibit 3, do you know why this doesn't have the

1 same form on the first page, the Consumer Confidence
2 Report Certification Form?

3 **A I don't.**

4 Q Do you remember when you first started discussing the
5 Firwood Meadows system with this filter company,
6 ATEC?

7 **A Mm-hmm. Like I say, in I believe it was July of '16,**
8 **we requested them to come out and do a pilot study to**
9 **make sure that they could remove the manganese.**

10 Q And that was for Southwood?

11 **A For the Fir Meadows system as well as the Southwood 1**
12 **well and the Lauradel well.**

13 (Exhibit No. 5 marked for
14 identification.)

15
16 Q (By Mr. Malden) You've just been handed a document
17 marked as Exhibit 5. I'd like to ask you some
18 questions about this.

19 Have you seen this before?

20 **A Yes.**

21 Q It's entitled an Inorganic Chemicals Report; is that
22 right?

23 **A Correct.**

24 Q Is this something that Rainier prepares or is it
25 something that's prepared for you by Water Management

1 Laboratories, Inc.?

2 **A Water Managements did the -- did the report.**

3 Q So is the way this works, that Rainier collects the
4 samples and then delivers them to Water Management
5 Laboratories?

6 **A Correct.**

7 Q Is it always Rainier that takes the samples?

8 **A Yes.**

9 Q How long has Rainier been using Water Management
10 Laboratories to do its sample testing?

11 **A Oh, probably 30-plus years.**

12 Q And does Water Management Laboratories, Inc., do all
13 the testing for all of Rainier View's wells?

14 **A On the inorganics, yes.**

15 Q Does someone else do testing on organics?

16 **A Some of the testing that we had to do last year, or
17 the year before, QMR, yeah, they're not equipped to
18 do all tests that are required through the EPA Safe
19 Drinking Water Act. But as far as inorganics and I
20 believe the SOCs and VOCs, they -- they can.**

21 Q Down at the bottom, under "comments."

22 **A Mm-hmm.**

23 Q It says "full chem 28." Do you know what that means?

24 **A I don't.**

25 Q Down at the bottom right corner, you can see --

1 **A Mm-hmm.**

2 **Q -- it looks like it says scanned date, April 16, '14.**

3 **A Mm-hmm.**

4 **Q Do you know what that is?**

5 **A That's when, looks like Ken -- one of our employees**
6 **scanned -- had them scan all of our sampling into the**
7 **computer.**

8 **Q What is the normal lag time between the date the**
9 **sample is drawn and the date that you get the test**
10 **report back?**

11 **A It's usually about a week or so. Like on this**
12 **example, collected on the 7th and report was back on**
13 **the 12th. So five days.**

14 **Q I'm looking down at the first page on Exhibit 5.**

15 **A Mm-hmm.**

16 **Q You know, this particular test report, have you seen**
17 **this before, this particular one?**

18 **A I probably have.**

19 **Q Under the manganese column, can you read what the**
20 **test sample was for manganese?**

21 **A It's .12.**

22 **Q This document then indicates -- or strike that.**

23 **Would it be fair to state this document shows**
24 **that as of March 7, 2013, Rainier was aware that the**
25 **level of manganese in the water in these particular**

1 wells was twice the maximum level set by the
2 Department of Health for the State of Washington?

3 MR. RANKIN: Objection.

4 You can answer.

5 THE WITNESS: The test results are
6 what they are. I can't say what they did with them.

7 (Exhibit No. 6 marked for
8 identification.)

9

10 Q (By Mr. Malden) Have you seen Exhibit 6 before?

11 A Yes.

12 Q This is an e-mail that you sent to Rachel Stark at
13 the WUTC; is that right?

14 A Yes.

15 Q Have you communicated with Rachel Stark before?

16 A Yes.

17 Q Do you know what her job title is?

18 A She works with the utilities commission, in the
19 consumer protection division.

20 Q Why were you sending this e-mail to her?

21 A She was handling the Hand complaint. And this is
22 just a follow-up on another e-mail.

23 Q When you say that Ms. Stark was handling the Hand
24 complaint, what do you mean by that?

25 A Well, Sarah Hand filed a complaint with the utilities

1 commission in -- I'm not sure when, and she asked
2 them -- you know, asked us to resolve it.

3 Q Rachel Stark asked you to resolve it?

4 A To address it and -- yeah. Their job is to close the
5 complaint too.

6 Q What is one of your customers supposed to do, what is
7 the process by which one of your customers should
8 register a complaint regarding the quality of the
9 water?

10 A Well, I think they have a couple options. If it's --
11 you know, they have the Utilities/Transportation
12 Commission. They're there to handle those
13 complaints. They have the right to call the
14 Washington State Department of Health. And that's --
15 you know, go that route.

16 Q Is it your understanding that the WUTC has the
17 authority to respond to a consumer complaint?

18 MR. RANKIN: Objection. It's a
19 legal conclusion.

20 THE WITNESS: Rephrase. I watch
21 too much TV.

22 MR. RANKIN: I mean, you can answer
23 if you can.

24 THE WITNESS: I better -- re-ask
25 the question, please.

1 Q (By Mr. Malden) Okay. In this particular case, are
2 you aware that Ms. Hand did, in fact, complain to the
3 WUTC?

4 **A Yes.**

5 Q Were you at the hearing -- or strike that.

6 Did you know that the WUTC told Ms. Hand that
7 they don't have jurisdiction to hear or resolve her
8 complaint?

9 **A I have never heard that.**

10 Q And as far as you know, that would be inaccurate?

11 **A As far as I know, that would be inaccurate.**

12 Q What does the WUTC have the authority to do, in your
13 opinion?

14 **A Well, pursue it as a formal complaint and go to the
15 next step of getting some kind of closure on it.**

16 Q Do you know what the procedure is for filing a formal
17 complaint with the WUTC?

18 **A I don't.**

19 Q Do you know the difference between a formal and an
20 informal complaint with the WUTC?

21 **A I know the formal complaint would end up before an
22 administrative law judge or something similar to that
23 and is looked at as a, as I says, a more formal
24 complaint.**

25 Q Do you know what kind of remedy or relief, if any,

1 the WUTC is authorized to give a consumer?

2 **A I am not.**

3 (Exhibit No. 7 marked for
4 identification.)

5
6 Q (By Mr. Malden) Have you ever seen Exhibit 7 before?

7 **A No.**

8 Q Did Rainier View discuss with ATEC systems means of
9 treating the water back in 2012?

10 MR. RANKIN: Objection. What
11 water?

12 MR. MALDEN: I'll withdraw that
13 question and try and rephrase it.

14 Q (By Mr. Malden) You've never seen Exhibit 7 before;
15 is that right?

16 **A I'm not -- not aware of this document.**

17 Q Were you aware that anyone at Rainier had any
18 communication with ATEC about installing a treatment
19 system for iron and manganese removal back in 2012?

20 **A I'm not aware of it.**

21 Q Can you think -- or strike that.

22 Would there be anyone at Rainier other than
23 yourself that should have knowledge of communications
24 with ATEC --

25 **A Mm-hmm.**

1 Q -- if, in fact, they did take place in 2012?

2 A I would have thought I would have been, as well as
3 Chuck Warner and Doug Fisher. The board would have
4 been brought up-to-date on it.

5 Q Is it your testimony that in 2012 Rainier View was
6 not aware of the need for any manganese treatment
7 system on the Fir Meadows wells?

8 A Yes, I'm not aware of it. I wasn't -- I have a
9 speculation what's going on, but...

10 Q What's your speculation?

11 A That ATEC, when we had to submit the operation --
12 operation/maintenance -- operations and maintenance
13 manual, they just did a cut and paste off of their
14 manual, just their standard operations and
15 maintenance manual, and then this kind of left the
16 revised document October 12th. That's when the last
17 time this manual was revised. And one of the reasons
18 I'm saying that is, I don't see where they're system-
19 specific. This is just -- they hand this out on
20 every system they build.

21 Q Okay.

22 A But I'm just speculating. I don't know yet.

23 Q Okay.

24 A I'm not aware of this.

25 Q Did ATEC provide you with an operation and

1 maintenance manual in conjunction with their
2 installation of the filters in 2017?

3 **A I would think so.**

4 Q Are you aware of there being an ATEC operation and
5 maintenance manual at Rainier View?

6 **A I'm sure, we should have one for each system.**

7 Q I'd like to get back for a moment to Exhibit 6.

8 I'm looking at Page 2 of Exhibit 6, and there's a
9 table. It looks like there were 10 different tests
10 of water for manganese in this one year; is that
11 right?

12 **A This is the pilot study. These are all taken at the**
13 **same time -- or the same day. When they come out and**
14 **do the pilot study, they run multiple tests just to**
15 **make sure they have a consistent level.**

16 Q Are they taking the sample from the same place?

17 **A Yes.**

18 Q So they're taking 10 samples in a row from the same
19 place?

20 **A Yes.**

21 Q Do you know why they took 10 samples?

22 **A To make sure they have a consistent number to work**
23 **off of. In case it fluctuated, they can average it**
24 **out and say this is what we have. You know, make**
25 **sure there's -- make sure there's consistency, I**

1 **guess.**

2 Q Normally when Rainier goes out and tests a water
3 sample, do they actually take 10 different samples
4 and ask the lab to run 10 different tests?

5 **A No. One.**

6 Q Did anyone at -- or strike that.

7 Is it ATEC that did this particular testing
8 that's shown on this table?

9 **A Yes.**

10 Q And is it your understanding that ATEC took 10
11 samples to ensure accuracy?

12 **A Correct.**

13 Q That apparently ATEC believes taking one sample and
14 acting on the basis of one sample isn't good enough?

15 MR. RANKIN: Objection;
16 speculation.

17 THE WITNESS: Yeah, I don't know
18 why they do it.

19 Q (By Mr. Malden) Do you see any legitimate purpose in
20 taking multiple samples to ensure accuracy?

21 **A I think they're -- because they're running it through
22 their filter at different rates, they're trying to
23 determine what the finished product is. On the left
24 side, he has the product water, which the manganese
25 level, they look at what -- what it -- as it's**

1 running through the filter, what your pretreatment
2 running through the filter at different rates and
3 your finish water is the .006 in the first -- first
4 start, first testing.

5 Q Can you run that by me again?

6 A On the left -- okay. So you got on the left side you
7 have your source water, and they actually have their
8 start, which is .121. And then on the right side,
9 after running it through their filtration and
10 chlorination, your finish water -- no, I'm sorry. On
11 the first test is 1.18, and the finish water is .006.

12 And so then they -- they run the second test, get
13 their raw water, run it through their filtration at
14 different rates, until they're assured that -- you
15 know, then they find the most optimum rate to send it
16 through.

17 Q The optimum rate being, you mean, the --

18 A The flow.

19 Q The flow rate?

20 A The flow to surface area of the media.

21 Q Okay. In your declaration, at Paragraph 5, you
22 indicate that tests of Southwood Water System source
23 indicate elevated levels of manganese and/or iron
24 from time to time, close quote.

25 Do you see that?

1 **A Mm-hmm.**

2 **Q** Does that mean that -- well, let me rephrase it.

3 The complaint of the brownish appearance of the
4 water, can that be caused by excessive levels of
5 either manganese or iron?

6 **A Yes.**

7 **Q** Is there any way to determine the cause of the
8 discoloration in a specific case, whether it's
9 manganese or iron?

10 **A By the color or by -- I mean, without actually going**
11 **out and doing a test, probably not. There are some**
12 **rule of thumbs in that iron is more of a yellow color**
13 **and manganese is a little darker.**

14 **Q** Do you have a -- or have you made a conclusion in the
15 case of the Hands, if we assume that what they've
16 reported is accurate, whether that discoloration is
17 likely caused by iron or manganese or some
18 combination of the two?

19 **A I think it's mostly manganese. If you -- well, on**
20 **the pilot study they showed -- they did tests for --**
21 **they didn't show results on the -- the iron. So my**
22 **guess is they're so low that it didn't -- didn't even**
23 **register. So in the Hands' case, the iron is**
24 **probably not an issue.**

25 **Q** I want to go back to a couple of general background

1 questions about Rainier View.

2 Rainier View is a privately owned company; is
3 that right?

4 **A Yes, it is.**

5 Q And who owns the company?

6 **A Neil Richardson and his wife, Paula.**

7 Q They own the company 100 percent?

8 **A I'm not aware of their financial.**

9 Q Are you aware of anyone else, though, owning --
10 excuse me.

11 Are you aware of anyone else having an ownership
12 interest in the company other than those two?

13 **A I'm not aware of it.**

14 Q Are you paid a wage or a salary or are you paid -- or
15 strike that. Let me just ask it that way.

16 Are you paid a wage or a salary?

17 **A Salary.**

18 Q Are you paid a bonus of any type that's based on
19 company profits?

20 **A No.**

21 Q Do you own any stock in the company?

22 **A No.**

23 Q Do you know if -- the individual and his wife that
24 you mentioned a few moments ago, do you know if
25 they're the sole shareholders in the company?

1 A They do have siblings, so -- or kids, I should say,
2 offspring that may have ownership in it.

3 Q Do you know when they started Rainier View?

4 A It started as Richardson Water Company back in '62.
5 And roughly in 1990 it was incorporated into Rainier
6 View.

7 Q Does Neil Richardson maintain any active role in the
8 company?

9 A He comes in when he can. He's in his mid 80s.
10 Having a hard time getting around, so -- but he comes
11 in whenever he can. Attends the board meetings as
12 much as he can.

13 Q Are you familiar with the so-called tariff agreement
14 between the State of Washington and Rainier View?

15 MR. RANKIN: Object. It's not an
16 agreement.

17 THE WITNESS: It's a tariff. I've
18 never heard it called an agreement, but...

19 MR. MALDEN: Okay. Well, I
20 probably misspoke then.

21 THE WITNESS: Okay. Okay.

22 MR. MALDEN: Let me just --

23 THE WITNESS: Tariff.

24 MR. MALDEN: Let me correct the
25 question then.

1 Q (By Mr. Malden) Are you familiar with the terms of
2 the tariff between the State and Rainier View?

3 **A Majority of them.**

4 Q Were you personally involved in negotiating or
5 drafting the terms of the tariff?

6 **A No.**

7 Q Is the tariff something that's renewed every year?

8 **A No.**

9 Q Do you know when it was last renewed?

10 **A It changes on a regular basis, but not, you know,**
11 **renewed -- you don't renew the whole thing. You**
12 **know, if we have a rate change or a surcharge**
13 **addition, we may have to change that page if we're --**
14 **you know, or schedule.**

15 Q Could you explain to me, what is your understanding
16 of the purpose of that tariff?

17 **A It's to act as the, I don't want to say agreement,**
18 **because that's just -- but it's basically the**
19 **guidelines that we use, you know, what we can do,**
20 **what we can charge, what our obligations are to our**
21 **customer, as well as our customer's obligation back**
22 **to us.**

23 Q There's one paragraph in the tariff that refers to
24 limitation of damages and limitations of liability.
25 Are you familiar with that particular paragraph?

1 **A** Not particularly. Our legal counsel drafted that up,
2 so...

3 **Q** Okay. So if I -- would you be able to even answer
4 the question what the limitation of damages means?

5 **A** I probably wouldn't be the one to ask.

6 MR. RANKIN: To the extent you're
7 asking for a legal conclusion, he wouldn't be. But I
8 believe he could answer, you know, basic questions
9 about this.

10 MS. LEE: Do you want just this?

11 MR. MALDEN: Yeah.

12 THE WITNESS: Do I have time for a
13 break? Just a quick...?

14 MR. MALDEN: Sure.

15 (Pause in proceedings from
16 2:51 p.m. to 2:54 p.m.)

17 (Exhibit No. 8 marked for
18 identification.)

19

20 **Q** (By Mr. Malden) Okay. We're back on the record.
21 You've got Exhibit 8 there in front of you?

22 **A** Yes.

23 MR. RANKIN: Can I have a copy of
24 that? Thank you.

25 **Q** (By Mr. Malden) Okay. Do you recognize Exhibit 8 as

1 an excerpt from the tariff?

2 **A Yes.**

3 Q And we're looking specifically at Rule 20,
4 limitations on liability.

5 Now, did you participate in the drafting of this
6 paragraph?

7 **A I was not involved in it.**

8 Q Have you discussed the meaning of Rule 20 in the last
9 12 months with anyone other than your attorney?

10 **A I have not.**

11 Q One of the phrases that's used in this document is
12 "gross negligence." Do you, yourself, know what
13 gross negligence is?

14 MR. RANKIN: Objection. It's a
15 legal conclusion.

16 THE WITNESS: No, I don't.

17 Q (By Mr. Malden) Do you know if Rainier View has been
18 sued by any water customer other than Sarah and
19 Gretchen Hand in the last 10 years?

20 **A No.**

21 Q Does that mean you don't know or that, no, it hasn't?

22 **A I'm not aware of any lawsuits in the last 10 years.**

23 Q Okay. Do you know what the import is of this Rule
24 20, what effect it has on the relationship between
25 customer and Rainier View?

1 **A I do not know.**

2 Q Do you know if this Rule 20 has been changed or
3 modified in any way over the last several years?

4 **A It doesn't look like it's been changed since '93, so**
5 **don't know.**

6 Q Is it Rainier View's attorney, Richard Finnigan, that
7 handles the tariff updates or revisions when they're
8 necessary?

9 **A Yes, he does.**

10 MR. MALDEN: Let's go off the
11 record a moment.

12 (Pause in proceedings from
13 2:58 p.m. to 3:28 p.m.)

14 (Exhibit No. 9 marked for
15 identification.)

16

17 Q (By Mr. Malden) You've just been handed a document
18 marked as Exhibit 9. I'd like to give you a minute
19 or two and have you look through that.

20 **A (Witness peruses exhibit.)**

21 Q Have you had a chance to look at Exhibit 9?

22 **A Yes.**

23 Q Have you ever seen Exhibit 9 before?

24 **A I am not familiar with it.**

25 Q Do you mean by that, that you've not seen Exhibit 9

1 before?

2 **A I have not seen this.**

3 Q Have you seen anything like Exhibit 9 before? And
4 I'm referring, of course, to something --

5 **A Sure.**

6 Q Well, let me just leave it at that. Have you seen
7 anything like Exhibit 9 before?

8 **A Well, I see it's from the Water System Design Manual,**
9 **so I probably read through it and seen it, but I**
10 **don't recall what it said.**

11 Q What is the Water System Design Manual?

12 **A That's Washington -- I imagine this is from the**
13 **Washington State Department of Health. When a water**
14 **system is designed, you will follow their guidelines.**

15 Q Let me ask you a couple of questions in general about
16 this. Now, in this particular instance, Rainier View
17 and DOH determined that the best thing to do was to
18 hire ATEC to put in a filtration system; is that
19 right?

20 **A It was Rainier View's decision to hire ATEC to do the**
21 **pilot study, hire -- hire Apex Engineering to do the**
22 **engineering to design it and obtain approval from**
23 **DOH.**

24 Q So once again, DOH never stepped in and ordered
25 Rainier to do this, did it?

1 **A It did not require us to put treatment on this site.**

2 Q Would it be fair to state that, as far as you know,
3 the Department of Health was not even aware of the
4 complaints of excess levels of manganese?

5 **A I'm not aware if DOH has gotten any complaints.**

6 Q Did Rainier View make any specific effort to
7 determine if the customers that were experiencing the
8 brown water were willing to pay, via surcharge, the
9 cost of the ATEC filtration system?

10 **A Because, through our surcharge, they're already**
11 **paying a portion of all the treatments, so we were**
12 **just gonna follow that procedure instead of going**
13 **through as questionnaires or surveys to see if they**
14 **wanted to pay for it. Because it affects not just**
15 **the people on this system; it affects everybody.**

16 Q What do you mean by, "It affects everybody"?

17 **A We have a uniform rate. All water systems pay the**
18 **same rate. All our customers, whether they're in Gig**
19 **Harbor or Kitsap County, they pay the same rate as**
20 **the customers at Springwood and the Southwood System.**

21 Q If that's correct, then would it be also correct,
22 then, that there's a lot of customers paying for this
23 ATEC system that will not derive direct benefit from
24 it?

25 **A That's correct.**

1 Q Is that how Rainier View has always handled these
2 well improvement projects?

3 A That's the way the utilities commission requires us
4 to handle them.

5 Q What do you mean by that?

6 A The uniform rates are set by the -- required by the
7 UTC. They want us to have one uniform rate for all
8 customers.

9 Q And is that something that's imposed on Rainier View
10 by statute or regulation or the tariff or something
11 else?

12 A I'm not sure what -- how the UTC arrived at it, but I
13 know ourselves and I know Washington Water Service, I
14 believe, does it also, which is the other large
15 water -- water purveyor that's regulated.

16 Q Are you familiar with the use of customer surveys?

17 A I have done a customer survey.

18 Q When did you do a customer survey?

19 A Years ago at Cascade Highlands. We sent out notice
20 as they would like to see -- I think it might have
21 been for generators. It was either generators or
22 treatment. I can't remember which. But it would
23 have increased their bills, and they rejected it.

24 Q I'm going to read to you a -- it's the second
25 sentence from Paragraph 2 of Exhibit 9. Well,

1 actually, I may as well read the first two sentences
2 of the paragraph to make it complete.

3 Quote, "The purveyor of any public water system
4 providing service that has secondary inorganic MCL
5 exceedances shall take follow-up action as required
6 by the department. Follow-up action shall be
7 commensurate with the degree of consumer acceptance
8 of the water quality and their willingness to bear
9 the costs of meeting the secondary standard," close
10 quote.

11 My question is: Did Rainier View make any effort
12 to determine the degree of consumer acceptance of the
13 water quality?

14 **A No.**

15 **Q** Did Rainier View make any effort to determine the
16 willingness of the customers to bear the cost of
17 installing the ATEC system filtration?

18 **A Rephrase that or re-ask that.**

19 MR. MALDEN: Could I have you read
20 back that last question?

21 (Question on Page 99, Lines
22 15 through 17, read by the
23 reporter.)

24
25 THE WITNESS: We didn't send out

1 any surveys or notices to ask if they wanted it or
2 not. We felt that it was just something that was
3 necessary to provide the service that a number of
4 customers requested.

5 Q (By Mr. Malden) You felt it was necessary because
6 you knew that a number of customers had legitimate
7 complaints about the brown water; is that right?

8 **A That's correct.**

9 Q The fourth paragraph down on the first page of this
10 exhibit says that, "DOH will require action by the
11 purveyor when the purveyor receives five or more
12 specific complaints associated with a secondary
13 contaminant from different customers in a 12-month
14 period," close quote.

15 Would it be fair to state that Rainier View did,
16 in fact, receive five or more specific complaints
17 involving brown water from different customers --

18 MR. RANKIN: Objection.

19 Q (Continuing by Mr. Malden) -- during a 12-month
20 period? I'm referring to the customers that are in
21 the same, I believe you used the word "pressure"?

22 **A Pressure zone?**

23 Q Pressure zone?

24 MR. RANKIN: Objection; misquotes
25 the -- misrepresents the document.

1 MR. MALDEN: You know, I actually
2 can rephrase my question. I don't need to look at
3 the specific document. I'm just -- let me ask it
4 this way.

5 THE WITNESS: Okay.

6 Q (By Mr. Malden) Okay. To your knowledge, did
7 Rainier, in fact, receive five or more specific
8 complaints associated with brown water from different
9 customers in a 12-month period?

10 **A Yes.**

11 Q I'm looking down near the bottom of the first page of
12 Exhibit 9, and there's a paragraph that begins, "If a
13 water system has a 'significant' problem." Do you
14 see that?

15 **A Yes, I do.**

16 Q Would you agree that Rainier View installed the ATEC
17 filtration system because it recognized the water
18 system had a significant problem?

19 MR. RANKIN: Objection.

20 THE WITNESS: I don't know what
21 "significant problem" means in this case, but we felt
22 it was best to put a filtration system on.

23 Q (By Mr. Malden) Did you prepare an engineering
24 report that evaluated all reasonable alternatives to
25 this filtration system?

1 **A I believe our engineer did.**

2 Q Who's your engineer?

3 **A Kim Savage from Apex Engineering.**

4 Q Did Rainier View hire Apex Engineering to prepare an
5 engineering report?

6 **A Yes.**

7 Q And did you get an engineering report?

8 **A Yes.**

9 Q When did you get the engineering report?

10 **A When it was submitted to DOH.**

11 Q Is it your recollection that the engineering report
12 came up with more than one option?

13 **A Probably not.**

14 Q Do you know why not?

15 **A Well, we have a proven record with the ATEC system.
16 And the other methodologies are not near as effective
17 and cost-effective.**

18 Q Have you worked with Kim Savage and Apex Engineering
19 before?

20 **A Yes.**

21 Q How long have you worked with them?

22 **A I've worked with Apex before Kim, probably the last
23 15 years. 15 to 20 years.**

24 Q This report prepared by Kim Savage and Apex
25 Engineering, was that made available to Rainier's

1 customers?

2 **A It was a DOH document. So if someone requested it**
3 **from DOH, they would probably provide it. But we did**
4 **not offer it to the customers.**

5 Q Did the DOH ever ask Rainier View whether this ATEC
6 solution had been run by the customers?

7 **A I don't believe they ever asked.**

8 Q If I could direct your attention to the third page of
9 Exhibit 9, under the heading Roman numeral 3,
10 "Treatment Considerations."

11 **A Mm-hmm.**

12 Q It says here, quote, "When removal of iron or
13 manganese is required, the most common method for
14 removal employs oxidation followed by sedimentation
15 and filtration."

16 I'm just curious whether you know what these
17 other methods are: Oxidation and sedimentation.

18 **A Well, that's actually one method. When the water**
19 **comes out of the wellhead, it's perfectly clear.**
20 **Manganese is in a state that can't be treated, so you**
21 **have to oxidize it with either the chlorine or the**
22 **potassium per -- potassium permanganate, right?**

23 Q Yes.

24 **A Yeah. Anyways, those two oxidants will break that**
25 **manganese into a state that you can actually see, and**

1 then it -- you can then filter it.

2 The others, methodologies would be sequestering,
3 which is not a real good -- you know, it's much more
4 expensive. It's where you put a chemical into the
5 water. It -- there again you still have to oxidize
6 it to a point where the chemical encapsulates it and
7 it settles down to the bottom of the tank, and then
8 you have to remove it that way. And it's just much
9 more complicated, expensive, and I don't believe it's
10 as effective.

11 It's used in large -- sequestering is used in
12 large wastewater treatment plants with big open
13 basins where they can treat millions of gallons at
14 once. But at the most, iron manganese removal is
15 done with this first methodology of oxidation and
16 filtration.

17 Q Which is the method that --

18 A ATEC does.

19 Q -- ATEC -- okay.

20 Since installing the ATEC system, has Rainier
21 View been checking water samples monthly?

22 A Yes. We do posttreat -- post and pretreatment, or
23 posttreat testing. Results have been what we are
24 expecting, coming in below the MCLs. I believe we've
25 tested it every three weeks or so.

1 Q Okay. I'd like to go back for a minute to the
2 amended notice of deposition marked as Exhibit 1.
3 What we're going to do here is just coast through a
4 couple of these numbered paragraphs. I've got to ask
5 you some follow-up questions about each subject
6 category. Okay?

7 **A Mm-hmm.**

8 Q I've already asked you some questions about customer
9 complaints submitted to Rainier regarding the quality
10 of the water. I just want to ask a couple of
11 follow-up questions.

12 Does Rainier View have a system for keeping
13 written or electronic complaints from customers?

14 **A If they're electronic -- either way, they should be**
15 **put into the customer comments on their account. So**
16 **they should show up when we run a report.**

17 Q Would that require, though, someone to look at the
18 individual bill of every customer?

19 **A No. You can run -- you can filter it and just ask**
20 **for all comments about brown water.**

21 Q Have you ever done that?

22 **A Yes.**

23 Q And --

24 **A Well, back up a little bit. I have to -- I'm not**
25 **sure that the report that we ran, the last one we**

1 did, if that was just service orders. So to actually
2 go in, do customer -- I'm not -- I'm not sure if we
3 could do it that way. We may have to go in and look
4 at every account.

5 Q Okay. On the service orders, though, if someone made
6 a complaint that required someone to go out --

7 A Mm-hmm.

8 Q -- or someone went out in response to the complaint,
9 then you would keep a record of that?

10 A Yes. The service order -- we have a record of all
11 the service orders that way.

12 Q Okay. But would it be possible to have someone make
13 a complaint, but no one goes out on a service order?

14 A There could be a complaint. Like, I think I
15 mentioned earlier, scenario would be if a water main
16 broke and it was a large event where hundreds of
17 calls came in -- maybe not hundreds; we wouldn't be
18 able to handle hundreds -- you know, dozens of calls
19 came in, there might not be a record of it.

20 Q Okay. So did you recently do a report, then, that
21 showed how many brown water complaints there were
22 that resulted in a service visit or --

23 A Yes.

24 Q -- service appointment?

25 A Yes.

1 Q Okay. And what were those results?

2 A We ran them from June of 2015 to June of 2016 and had
3 roughly 400 complaints or service orders. And then
4 from June of '16 through June of '17, we had 180-some
5 service orders.

6 Q Could you discern any trend in the complaints? Are
7 they getting better?

8 A We feel they're better, and that we've got a lot less
9 of the brown water complaints since -- since we've
10 put the other treatments on.

11 Q The statistic of 400 complaints resulting in service
12 orders between June 2015 and June 2016, that is out
13 of a pool of customers of how many?

14 A 18,000.

15 Q Do you have the ability to do the same type of
16 research in years before 2015?

17 A I don't know if we could go back that far, but might
18 be able to.

19 Q Did you personally pick this one time period of June
20 2015 to June 2016?

21 A We actually started, the utilities commission asked
22 for that report in June of '17. So that's why we
23 started with the June number. We went back from June
24 '17 to June '16, came up with 180 service orders.
25 And then we decided, you know, let's see what we did

1 the prior year. So we went back an additional year.

2 Q For 2014?

3 A No. 2000 -- June of '16 to June of '17.

4 Q Oh, okay.

5 A So we have two years' worth.

6 Q If you wanted to, could you get the same records for
7 2014?

8 A Might be able to. I say we -- typically three years
9 is the max that the billing program holds, but I
10 can...

11 Q Did you say billing program?

12 A Yeah. It's still held in the billing. It's just --
13 it's not under customer comments. It's under service
14 orders. But it's the same software.

15 Q Do you have a, like, a customer complaint department?
16 If someone is calling with a complaint, do they go to
17 one specific person?

18 A If the complaint -- depends whether it's a billing
19 issue or a water quality.

20 Q What if it's a water quality issue?

21 A It'll typically go to Art Cullen. He handles it and
22 distributes -- makes up the work order and sends it
23 out.

24 Q What is Art Cullen's job title?

25 A Customer service.

1 Q Did you have a conversation with Mr. Cullen about
2 what to tell customers that called with a concern or
3 a complaint about brown water?

4 A I've had several comments with him about what to say.

5 Q What's the gist of the conversation?

6 A That we will get somebody out and flush. They, you
7 know, recommend, you know, they might open their
8 faucets a little, you know, run a little bit of
9 water, see if they can get the flush to stop, or
10 flush to do their own service, and if it clears up,
11 let us know. Otherwise, you know, in the interim,
12 the service order is made up and we're gonna -- we'll
13 send somebody out to double-check.

14 Q Did Rainier -- or strike that.

15 Is it up to Mr. Cullen, then, to decide when a
16 customer complaint warranted a service order?

17 A He's supposed to send them out to all -- all calls
18 that come in. We also have an after-hours line that
19 they receive, and we'll make up the notes and service
20 order if it comes in on that.

21 Q To your knowledge, did Mr. Cullen ever tell the
22 customers that called with a complaint of brown
23 water, "We're aware of the concern. We're in the
24 process of getting a filtration system. We're in the
25 process of taking care of it"?

1 **A** Depends -- we have multiple systems, multiple areas.
2 It's hard to determine exactly which treatment's
3 going to handle which customer. So it's kind of a --
4 it's actually too much of a position to try to get
5 him into it and say, Yes, this is going to solve your
6 problem.

7 **Q** Okay. I think maybe what I was getting at is, if
8 someone called that was being served by one of the --
9 by the Firwood Meadows well and had a brown water
10 complaint --

11 **A** Mm-hmm.

12 **Q** -- to your knowledge, did Mr. Cullen ever tell them,
13 "Well, we understand the complaint. We're taking
14 steps to resolve it. And that's basically it.
15 There's no reason to send anyone out because there's
16 nothing really they can do right now"?

17 **A** No. I can't believe he would say that.

18 **Q** Well, what -- let's talk, for example, about
19 Ms. Hand.

20 **A** Mm-hmm.

21 **Q** If she called Rainier and said, "I'm complaining
22 because I have brown water coming out of the faucet,"
23 what exactly would Rainier View be able to do via a
24 work order to solve the problem, if anything?

25 **A** We would go out and flush her service, flush the

1 mains, and try to remedy her immediate service.

2 Q What's involved with flushing the mains?

3 A Opening up hydrants and blow-off assemblies, move
4 enough water to get the manganese that's been
5 disrupted, get it out of the system, pull her
6 service, pull the meter, and open up a valve so that
7 you can flush out the service line.

8 Q Do you know if the excess levels of manganese in this
9 well, do they fluctuate day to day or week to week or
10 do they remain relatively constant?

11 A Remain relatively constant. I have seen where
12 earth -- the earthquake from, I think it was '02 did
13 disrupt quite a few of the wells.

14 Q If the manganese level, though, remains relatively
15 constant, what good does it do to flush the system?

16 A Temporary fix.

17 Q When you say "temporary," what do you mean?

18 A It could -- it could solve the issue for weeks or
19 months. Could solve it for a day. We don't know.
20 We can't see where the manganese is flowing, so
21 that's always -- it's always a difficult issue.

22 Q The approximately 400 complaints -- or actually let
23 me ask you: Was the 400, was that an approximate
24 number or was that exact?

25 A It's 4 -- I don't know the exact number we have. I

1 **don't know if you want to break it out, or...**

2 MR. RANKIN: Of course we don't
3 have numbers.

4 THE WITNESS: Is it on the bottom
5 of that spreadsheet?

6 MR. RANKIN: No, there's no totals.

7 THE WITNESS: It's 400 and
8 something.

9 Q (By Mr. Malden) Okay. Was that broken down by again
10 the pressure zone?

11 **A No.**

12 Q What is that broken down by?

13 **A That is the company-wide. That's all -- all our**
14 **systems, all our customers. All 18,000 customers.**

15 Q Including the customers that have already had the
16 filtration system put on their wells?

17 **A I can't -- I don't know that.**

18 Q Earlier on in the deposition, you took us through a
19 list of wells --

20 **A Mm-hmm.**

21 Q -- that had been outfitted with the ATEC filtration
22 system. Do you remember that?

23 **A Yes.**

24 Q Do you know what percentage of your total customers
25 are already on systems outfitted with the ATEC

1 filtration?

2 **A** The system -- I mean, because you get -- like, in the
3 Southwood, there's 22 different wells. Some are
4 treated; some aren't. Some don't need it; some do.
5 That's a portion of the system.

6 Other systems, we have some small systems with
7 one well that had high manganese levels that are --
8 seem to be operating fine now. So I don't know -- on
9 the 400-and-some complaints, I don't know where
10 they're from. I can't -- I -- I don't know. I'm
11 sorry.

12 **Q** I think I also asked for the number of complaints
13 arising specifically from the Springwood Estates
14 residential community.

15 **A** Mm-hmm.

16 **Q** Were you able to break that down?

17 **A** No.

18 **Q** And that's because logistically you can't do it?

19 **A** Logistically I can't -- not without going through
20 each one and breaking down, saying, Oh, this one's
21 within -- have to look at each account and say, Okay,
22 this account's in, this one's out, this one's in,
23 this one's out.

24 **Q** No way to do that automatically?

25 **A** No.

1 Q I also asked about Rainier's investigation response
2 to customer complaints regarding the quality of the
3 water. I think you've explained that in terms of, if
4 you get a complaint, you will send someone out.

5 **A Mm-hmm.**

6 Q Now, they don't go inside the house, though, right?

7 **A Correct.**

8 Q Did Rainier View arrange a flushing in response to
9 every single one of those 400 complaints?

10 **A I'd have to take a look at them. Probably --**
11 **majority of them.**

12 Q What's involved? How long does it take? What's
13 required to flush the system?

14 **A On some of them, it's a matter of pulling one**
15 **service, just the meter. Open it up until it runs**
16 **clear. Can take five, 10 minutes. Other times it**
17 **can -- open up a fire hydrant and do a major flushing**
18 **and can take several hours. Once you open up the**
19 **fire hydrant, you're actually -- you can make things**
20 **worse because you're actually dragging all the**
21 **manganese in the line that's settled on the bottom of**
22 **the main, you're disrupting that because of the**
23 **velocity you're pushing through. So you have to wait**
24 **for that whole portion of the main to clear up. So**
25 **that can take hours sometimes.**

1 Q One of my subject categories was measures taken by
2 Rainier View to remediate or mitigate manganese
3 levels in water supplied to residents of Pierce
4 County.

5 And I think you -- we've discussed that, and that
6 you've explained the use of the ATEC filtration
7 system.

8 **A Yes.**

9 Q Is there anything else that Rainier has recommended
10 that people do to minimize or mitigate manganese in
11 the water? Is there anything else they can do?

12 **A There's really nothing they can do other than maybe
13 flushing their own out of their hose bibs and try and
14 clean it up that way a little bit.**

15 Q What do you mean out of the hose bibs?

16 **A Faucets. Outside faucets.**

17 Q One of the subject categories I asked about was
18 potential risk to health of pets and people due to
19 the manganese. I think we've already covered that.
20 I believe you explained that you defer to the DOH.

21 **A Correct.**

22 Q Another subject category was potential risk of damage
23 to plumbing, pipes, and fixtures and household
24 appliances caused by manganese in drinking water. I
25 think I actually did start to ask you about this.

1 I'm not sure I finished up with it.

2 **A Mm-hmm.**

3 **Q** My question would be: Are you aware of excess levels
4 of manganese causing any damage or risk of damage to
5 plumbing, pipes, and fixtures and household
6 appliances?

7 **A** About the only item I have had, it's not really
8 damaging; it's really doing its job. And that's the
9 refrigerator filters. That's the number-one thing
10 that gets clogged up, because it's doing its job.

11 Other than that, sediment on the bottom of hot
12 water tanks, which manufactures typically recommend
13 that you flush those out on an annual basis. And
14 that's the only thing I'm really aware of.

15 **Q** One of the subject categories I asked about was
16 Rainier's duties and responsibilities, if any, to
17 investigate and correct customer complaints regarding
18 brown water or discolored by manganese.

19 Are you aware of the origin of any specific duty
20 you have to investigate customer complaints?

21 MR. RANKIN: Objection to the
22 extent that calls for a legal conclusion.

23 But you can answer, if you're able.

24 THE WITNESS: I'm not able to.

25 MR. MALDEN: Okay. I think that I

1 may be through with my questions. I'd like to take
2 just a minute and converse with Anna. This time, we
3 can just run out for a second.

4 (Pause in proceedings from
5 4:06 p.m. to 4:08 p.m.)
6

7 Q (By Mr. Malden) Okay. I think we just have one
8 other little question, one other little topic here.

9 A Okay.

10 Q I'm looking at an e-mail that you sent to Rachel
11 Stark.

12 A Mm-hmm.

13 Q I actually don't have an extra copy of it, but you
14 guys can take a quick look at this. And my
15 question's going to be real simple about it.

16 A Okay. I remember this one.

17 Q Okay. For the record, let me just identify the date
18 of this is November 28, 2016. And in this, one thing
19 that you mentioned is that you'd spoke with Sarah
20 Hand and suggested that, We would install an
21 electronic meter which would help us determine --

22 A Mm-hmm.

23 Q -- the amount of water used to flush their lines and
24 credit their account by that amount.

25 A Mm-hmm.

1 Q Is that something that is easy to do, that you can
2 install an electronic meter on someone's water
3 supply?

4 A **It's -- it is doable. We have several, actually
5 several -- we're switching to that.**

6 Q And in order for this to work the way --

7 A **Mm-hmm.**

8 Q -- you've explained it, would the customer then have
9 to call up Rainier and say, "Okay, I'm going to flush
10 my lines now"?

11 A **Mm-hmm.**

12 Q "And so between this period and this period, I'm
13 flushing"?

14 A **We could -- we could --**

15 Q Is that what you had in mind?

16 A **That's what we had in mind, you know, to try to help
17 mitigate that issue with -- when she flushed water,
18 you know, that water she's paying for. We might be
19 able to help her out on that end of it.**

20 Q Okay.

21 A **She wasn't real receptive to that. You know, she was
22 receptive until -- and I mentioned something, and she
23 threw a few words at me that just -- not -- yeah,
24 she -- she didn't like me very well. So it was
25 something along the lines of, "Screw you," dah, dah,**

1 dah, dah.

2 Q Okay.

3 A So it never got done.

4 Q Okay.

5 A Yeah, I was trying to be nice and try to help her
6 out, and that's why we didn't do it.

7 MR. MALDEN: Okay. Well, thank you
8 very much for your time and patience today. I'm
9 sorry that you had to wait at the start of the day.
10 But appreciate your time and your effort. And I
11 think that's all the questions we have.

12 THE WITNESS: Okay.

13

14

15 EXAMINATION

16 BY MR. RANKIN:

17 Q I just have one quick follow-up question that I need
18 a little bit of clarification on.

19 So just within the last 10 or so minutes, you
20 mentioned that the flow of manganese remains
21 constant. Do you remember making that statement?

22 A The flow of manganese or the level of manganese? The
23 level stays pretty constant in the wells.

24 Q Okay. But in the water, when the wells feed into the
25 water lines, is the level of manganese constant as it

1 leads into the water lines?

2 **A Yes. I mean, whatever comes out of the wellhead is**
3 **what you're gonna get.**

4 **Q So when it goes from the water lines, downstream,**
5 **through the system, into the consumer homes, will it**
6 **remain constant or will it be variable?**

7 **A That actually can become variable. Because as it**
8 **oxidizes -- say it comes out of the wellhead. It's**
9 **gonna be, you know, 1. -- .12, which it's been. As**
10 **it comes out of the wellhead, it actually becomes**
11 **oxidized through the air that's in the pipes. That's**
12 **just the way -- you wouldn't think there'd be any**
13 **more air, but there is.**

14 **And as it's -- as it's coming down the main**
15 **slowly, it actually oxidizes and turns into this**
16 **precipitant that actually settles to the bottom of**
17 **the mains. So by the time the consumer gets it, the**
18 **levels in the -- of the raw waters might be down, but**
19 **they're gonna see the particulate, the stuff that's**
20 **giving them the dirty-water look, as it breaks loose**
21 **off the bottom of that main and comes down and floats**
22 **down the service. And whoever happens to be running**
23 **their water at the time, that draws in out of the**
24 **main and into their homes.**

25 **Q So --**

1 **A** So...

2 **Q** -- as different amounts of customers at different
3 times of day, different seasons of the year,
4 different events take place, different customers may
5 experience spurts of brown in the midst of clear
6 water?

7 **A** Yeah.

8 **Q** Am I --

9 **A** Yeah.

10 **Q** Am I understanding that right?

11 **A** Because you have to -- yeah, just remember, because
12 there's -- it doesn't matter what system you're on.
13 There's going to be sediment on the bottom of water
14 mains. Just the way, nature of the game.

15 You have a disruption in service for some reason.
16 You know, hydrant gets opened, or -- you know, just --
17 or it just sloughs off the bottom of the pipe for no
18 apparent reason. It's coming down the pipe, all
19 dirty. I won't name names, but somebody turns on a
20 faucet. It gets drawn into their service. That
21 dirty water goes up into their home.

22 The next person, across the street, comes home an
23 hour later, turns theirs on, and it's perfectly
24 clear, because it's already had a chance to dissipate
25 back down to the bottom of the mains or whatever.

1 Q And so that's why, when a customer calls, your first
2 response is, We're going to create a work order and
3 we'll be out, but in the meantime, try flushing and
4 let us know if it clears up?

5 **A Yeah.**

6 Q And oftentimes that solves the problem?

7 **A Yes.**

8 Q And if it doesn't, that's when --

9 **A That's when we go out.**

10 Q -- your staff goes out to flush?

11 **A Yeah, we'll follow up with a major flush.**

12 Q And that's a bigger amount of water to clear up that
13 burst, right?

14 **A Right. Yeah. That's when we have to open up**
15 **hydrants, several hours of flushing in different**
16 **hydrants, and try and clear it up system -- more of a**
17 **regional area to clean up instead of one home.**

18 MR. RANKIN: Okay. I understand.
19 That's the only question I had.

20 MR. MALDEN: No further questions
21 from me.

22 (Signature waived.)

23 (Deposition concluded at
24 4:14 p.m.)

25

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1 STATE OF WASHINGTON) I, JOHN M.S. BOTELHO, CCR, RPR,
2) ss a certified court reporter
County of Pierce) in the State of Washington, do
hereby certify:


3
4
5 That the foregoing deposition of ROBERT L. BLACKMAN was
6 taken before me and completed on August 28, 2017, and
7 thereafter was transcribed under my direction; that the
deposition is a full, true and complete transcript of the
testimony of said witness, including all questions, answers,
objections, motions and exceptions;

8 That the witness, before examination, was by me duly
9 sworn to testify the truth, the whole truth, and nothing but
the truth, and that the witness waived the right of
signature;

10 That I am not a relative, employee, attorney or counsel
11 of any party to this action or relative or employee of any
12 such attorney or counsel and that I am not financially
interested in the said action or the outcome thereof;

13 That I am herewith securely sealing the said deposition
14 and promptly delivering the same to Nigel S. Malden.

15 IN WITNESS WHEREOF, I have hereunto set my signature on
the 22nd day of September, 2017.

16
17
18
19 
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