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# Private Nation Properties

DBA. Lazy Rive Mobile Retreat

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03/12/2023

Tyler Fornati:

This letter is in response to DEQ's review of drinking water system regulations, Docket number 58-0108-2301.

My wife and I own the Lazy River Mobile Retreat located in Payette, Idaho. Our PWS ID is 3380019. It is a mobile home park with about 30 spots with about 150 yards of frontage on the Snake River about two miles North of Payette. Our average rent is less than \$400 per month and we own only one of the homes, which is currently being sold to its occupant on an installment sale.

The water that our tenants use comes from a well on the north part of the property that's been in continuous use for over thirty years. It's treated with a chlorine injection system and tested monthly as per DEQ guidelines that were in place when we purchased the park in 2015.

Here's a quick synopsis of our dealings with DEQ to help you understand our perspective.

Due to a business misunderstanding, our equipment provider removed the treatment equipment in June of 2020 with no notice. We notified the tenants and scrambled to get new equipment installed (not easy in summer of 2020!).

During the time when our equipment was offline, we (unsurprisingly) had some problematic water quality tests. DEQ used these to justify ordering a Ground Water Influence study which was performed the following spring. After two borderline tests, DEQ informed us that we must either install a new well or install equipment rated to treat surface water.

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Almost three years and thirty thousand dollars later (which doesn't include the \$15,000 we spent for a new chlorine injection system in 2020) it's not obvious that we're any closer to solving this problem.

The proposed budget we received for a new well was over three hundred thousand dollars. That's a big number to reach with an affordable housing business that collects total rent of \$130,000 per year.

We have some issues with the current regulatory system and the implementation of it.

1. The thresholds are too stringent. At one point, our liaison, Brandon Lowder, told me that hundreds of small water systems were currently being subjected to the kind of review that we were going through. If there are that many dangerous water systems in Idaho there should be an epidemic of water borne illness in Idaho. I searched through CDC data and other available public sources and see no evidence of that.
2. The process requires a ridiculous amount of engineering. The drinking water system general submittal and review process requires SEVEN separate engineering reports. This is ridiculous.

In August of 2021, we met with a well driller in the area and discussed our situation with him. He pulled up his computer and, in less than three minutes, said that by going 300 feet down and full casing to 250' we should be hitting an aquifer that's below a couple of layers of blue clay that should be clear of surface water influence and that they could put us on the schedule for November of 2021.

Needless to say, the people we were working with at DEQ would not take the well driller's word for it, so we paid two separate engineering firms \$13,000 each for a Hydrological Survey and Well P&S which concluded that by going 300 feet down and full casing to 250' we should be hitting an aquifer that's below a couple of layers of blue clay that should be clear of surface water influence. It took six months and over \$25,000 to confirm what the well driller had told us for free in his office.

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With \$26,000 engineering behind the development of the new well (so far!) then we should know that the well will be good, right? Wrong. The budget calls for another \$40,000 plus in post installation testing.

Human beings have been pulling water out of the ground for 10,000 years and has been successfully treating it to make it potable for over 100. The locations of aquifers and their quality is well known in developed areas of the United States. Calculations for the amount of water needed for 30 homes and the amount of power it takes to move that water are easily accomplished – especially since we’re just replacing an existing system. It’s clear to me that remedying a mistake in a plan that I could draw up is much more cost effective than what we’re paying to engineer a system which still might require corrections!

By regulating process instead of results, the current administrative regime mandates costliness, delays and inefficiency.

3. The agency seems to operate without accountability or regard for any kind of cost-benefit balance. When we were scrambling to replace the chlorinator that our vendor had unexpectedly removed we were able to find a system that was similar to what had been pulled out – only newer and better. I sent the product literature to our liaison and he indicated that it would probably qualify as a like-for-like exchange. Months later, after it was installed and working to great reviews from the tenants, he changed his mind and determined that we would need to do a full facility plan and well house engineering report. This was also when he decided that he was going to order the ground water influence test.

We had two tests taken at the height of the spring runoff. The first test (which I later learned are evaluated subjectively) scored 20, the second 17. Both right on the borderline of what’s considered problematic. These tests were used to justify the requirement of either a new well or GWUI rated equipment (the proposed budget on that was over a million dollars plus operating costs).

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There was no evidence that the system which had been serving the park for 40 years had suddenly deteriorated. It didn't matter and it was made clear to us that we had no recourse other than to comply with DEQ's edict.

There are other examples I could share of moments where DEQ had opportunities to exercise discretion, but their actions have always increased the burden of compliance.

Thirty months after our initial equipment issue, we still have our tenants on a boil notice. We have submitted the reports and specifications necessary to engage a well driller. We're sending RFP's to well drillers in three states but so far we have not received a single proposal. The feedback we've received is that drillers are reluctant to engage in projects in which DEQ is involved. Apparently Idaho DEQ is getting a reputation for being arbitrary, capricious and unreasonable.

One more story, I was discussing the requirements with the DEQ personnel the installation of the new well and somebody mentioned that the supply pipes needed to be NSF rated. New NSF PVC is widely available so that's not really a problem. But I said to him, "Ok, the existing distribution pipes are all 40 years old. I have no idea if those are NSF rated or not. Are we going to be required to re-pipe the whole park as part of this?"

His answer : "As long as nobody in the park complains about the water, we won't look into that." How are we supposed to operate an affordable housing complex if somebody from the government can just show up and impose a quarter million dollar capital project anytime they feel like it?

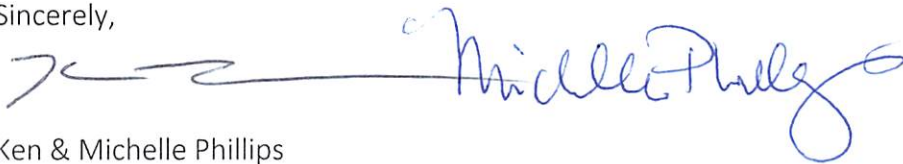
We have worked hard and spent a lot of money in the last eight years making the park a great, affordable place for our tenants to live. Within the current regulatory environment, however, this business simply isn't viable. We have no timeline for completion, no assurance that the already ludicrous budget will be enough, and no confidence that some additional burden won't be dropped into our lap.

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Our wish is to find some cost effective way to resolve the water issue and continue to operate the park. However, we have currently listed it for sale and expect that the eventual buyer will be a land developer who will displace the 50 tenants who live there and build a handful of luxury homes for California refugees.

Please review these regulations and find some way to make it possible to operate affordable housing businesses like ours.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle Phillips". The signature is written in a cursive style with a long horizontal flourish extending to the left.

Ken & Michelle Phillips  
Members, Private Nation Properties LLC  
DBA Lazy River Mobile retreat