



GOVERNOR JOSH SHAPIRO

February 12, 2026

The Honorable Kristi Noem
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Noem:

I have learned that the Department of Homeland Security recently purchased two large warehouses in Pennsylvania—one in Schuylkill County and another in Berks County—and plans to convert these facilities for use as mass immigration detention centers, capable of housing up to 9,000 individuals in total.

Like many Pennsylvanians, I am horrified and saddened by the scenes unfolding across our country. Americans are watching as agents under your command disregard our fundamental rights, eviscerate the trust between law enforcement and those they serve, and wreak havoc on our communities. Your agency is indiscriminately stopping and detaining record numbers of people, including children, based on the flimsiest of justifications and without any legal basis. Too often, we have seen your agents resort to unnecessary and excessive force, leading to innocent people being injured or tragically killed. Because of your campaign of indiscriminate round-ups, American citizens and individuals with legal status are being wrongly detained and, in some cases, even deported.

These practices do not keep communities safe and your directives are violating the constitutional rights of our fellow Americans.

Your Department's record is reason enough to oppose your plan to use warehouses in Schuylkill and Berks Counties as detention centers. But as described further in the attached letter from members of my Cabinet, these facilities will also jeopardize the health and safety of Pennsylvanians who live nearby, overburden local infrastructure and emergency response personnel, and deprive the communities of important tax revenue.

The Honorable Kristi Noem
February 12, 2026
Page Two

Several local and state officials of both parties have spoken out against your plans to interfere with our communities because of the chaos and harm your actions will bring. Your Department, however, has failed to engage state or local leaders about any of these very real concerns, disregarding how your plans will harm the people who live near them.

For the people of Tremont—as well as those in nearby towns such as Good Spring and Joliett to the West and Newtown to the East—the local water supply is already under extreme stress. These communities currently depend on emergency water supplies, brought in on tanker trucks, to provide the water local residents need to drink, to shower, and for other necessities of daily life. Your proposed facility could require up to 800,000 gallons of water per day, more than double the entire current system capacity. This could drain the community’s reservoir in a single day, leaving taps empty and homes and lives at risk in case of fire.

Likewise, in Upper Bern Township, the planned facility would double the population overnight, disrupting residents’ daily lives and placing unsustainable demands on local infrastructure. Using the current structure as a detention center would likely result in more than 14 times the legally permitted amount of wastewater, which would strain the local water treatment plant and pipe infrastructure, posing a substantial risk of raw sewage polluting local waterways.

The impact on residents in surrounding communities is also deeply troubling. Tremont Township is served by a single ambulance company and Upper Bern Township by a single volunteer fire department. The influx of over 9,000 people at your planned facilities, plus the thousands of staff, will divert vital services from County residents and may overwhelm the ability of first responders to react to emergencies.

Making matters worse, your detention centers will deprive local communities of critical tax revenue. The people of Pennsylvania deserve better.

In the Commonwealth, we are laser-focused on creating opportunities and keeping people safe. Under my Administration, we’ve reduced crime by 12% and fatal gun violence by 42%. We need law enforcement agencies to build more trust, not enter into secretive deals that will drain local resources.

The Honorable Kristi Noem
February 12, 2026
Page Three

In addition to these very real harms and your Department's shameful record, your planned actions raise substantial legal and regulatory concerns, as described in the attached letter from leaders in my Administration. Given the threats to clean water and functioning sewers, the strain on our first responders, and the loss of revenue for local communities, I strongly urge you to reconsider the conversion of these two sites. Should you choose to go forward, you would be violating the rights of Pennsylvanians, increasing utility costs, harming our economy, and making us less safe. If you press ahead, my Administration will aggressively pursue every option to prevent these facilities from opening and needlessly harming the good people of Pennsylvania.

Sincerely,



Governor Josh Shapiro

cc: Senator John Fetterman
Senator Dave McCormick
Representative Dan Meuser
Senator Dave Argall
Senator Chris Gebhard
Representative Jamie Barton
Representative JoAnne Stehr
Christian Y. Leinbach, Chair, Berks County Commissioners
Michael S. Rivera, Vice-Chair, Berks County Commissioners
Dante Santoni, Jr., Commissioner, Berks County Commissioners
Larry J. Padura, Jr., Chair, Schuylkill County Commissioners
Barron L. Hetherington, Vice-Chair, Schuylkill County Commissioners
Gary J. Hess, Commissioner, Schuylkill County Commissioners
Upper Bern Township Supervisors
Tremont Township Supervisors



COMMONWEALTH OF PENNSYLVANIA

February 12, 2026

The Honorable Kristi Noem
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Noem,

The Commonwealth of Pennsylvania has learned that the United States Department of Homeland Security (DHS) has recently purchased a warehouse at 51 Rausch Creek Road in Tremont Township, Schuylkill County, as well as a second warehouse at 3501 Mountain Road in Upper Bern Township, Berks County. Although DHS has not shared details about its plans with state officials, public reporting indicates that DHS intends to detain 7,500 people at the Tremont location and 1,500 people at the Upper Bern location, with several thousand more people working between the two facilities.

If reporting about DHS's plans is accurate, the facilities will violate legal requirements applicable to public drinking water, sewage, and water pollution. State authorities will not issue required permits that would violate these legal requirements. More than that, the reported facilities will threaten public safety in the local communities. The stress each facility will place on local infrastructure will, among other things, jeopardize Pennsylvanians' access to safe water, deplete resources and infrastructure needed for emergencies, and overextend already strained emergency response personnel.

DHS may not impose such intolerable burdens on residents of Schuylkill and Berks counties and therefore must not proceed with any plans to convert the former industrial warehouses into mass detention centers. These concerns are explained in more detail below.

1. Drinking Water Requirements

Federal agencies must comply with all federal, state, and local safe drinking water requirements. *See* 42 U.S.C. § 300j-6. Under the federal Safe Drinking Water Act, Pennsylvania can enforce those various requirements, *see* 42 U.S.C. § 300g, which it does through the Pennsylvania Safe Drinking Water Act, 35 P.S. §§ 721.1-721.17, and the regulations found at 25 Pa. Code, Chapter 109.

The law Pennsylvania passed to enforce federal drinking water standards recognizes that “[a]n adequate supply of safe, pure drinking water is essential to the public health, safety and welfare.” 35 P.S. § 721.2(a)(1). Public water suppliers must “protect the water sources under [their] control,” and treat water to levels “adequate to assure that the public health is protected,” among other obligations. 25 Pa. Code § 109.4

To protect Pennsylvanians' legal right to safe drinking water, the Pennsylvania Department of Environmental Protection (PADEP) reviews proposals to construct and operate drinking water systems before they can be used. 25 Pa. Code §§ 109.503, 109.504. The Pennsylvania Safe Drinking Water Act makes it unlawful to operate or substantially modify a community water system without first receiving a permit from the PADEP. 35 P.S. § 721.7. A "substantial modification" is one that may affect the quality or quantity of water served to the public or may be prejudicial to the public health or safety. 35 P.S. § 721.7; 25 Pa. Code § 109.501(b), (d). PADEP may issue required permits if the proposed system "is not prejudicial to the public health." 35 P.S. § 721.7(j). To meet this standard, PADEP reviews proposed sources of water for contamination, treatability, and to determine if there is a safe and sustainable yield of water, among other requirements. 25 Pa. Code § 109.503. PADEP must have confirmed that these requirements were satisfied before DHS can draw from public water systems for either location.

DHS cannot avoid these requirements through alternatives to public drinking water systems. Development of a new source of water to serve the people working and detained at either the Tremont or Upper Bern facility would require new source development, a construction permit, and an operations permit from the PADEP. 25 Pa. Code § 109.503(a)(1)(iii). DHS also cannot bulk haul water to the facility without a permit from the PADEP. 25 Pa. Code § 109.506. *See Procedures for Emergency Tank Truck Bulk Water Hauling*, (Pa. Document No. 3940-FS-DEP-1488). And because any increased water needs from these facilities would be the result of planned development, PADEP would not consider the bulk water hauling to be an emergency response action under 25 Pa. Code § 109.506(b).

Tremont Facility

The Tremont facility is a former commercial distribution warehouse that receives drinking water from the Schuylkill County Municipal Authority (SCMA) public water system. SCMA currently serves 2,515 customers across Tremont Borough, Tremont Township, and Frailey Township—one-third the number of people DHS reportedly intends to detain at the new Tremont location. More than tripling the number of people dependent on the public water system would be unsafe and cannot be permitted under the standards described above.

As a commercial distribution center, the Tremont facility had water needs that averaged 7,675 gallons per day in its last year of use, with a maximum daily usage of just over 10,400 gallons. A detention center for 7,500 people would require up to 800,000 gallons per day of safe water. For comparison, SCMA's total available storage for the Tremont area is 1,000,000 gallons.

Even without DHS's proposed facility, SCMA has had to be incredibly diligent to make sure it meets the present and projected needs of its existing customers. SCMA is already using emergency measures to meet the safe drinking water requirements of the local community. Extreme drought over the past few months in the area has resulted in critically low levels of water storage in the SCMA system. That drought required PADEP to issue emergency permits in

December 2025 and January 2026 to allow for the bulk hauling of drinking water to meet the needs of SCMA's current customers for consumption and fire protection—which PADEP cannot continue to do. SCMA has been closely working with PADEP to add a new raw water source to its system just to ensure it can meet the needs of its existing customers without resorting to emergency measures. That process began in 2023 and is just now nearly at its end. Identifying any additional new sources of water for the SCMA system would be a years-long process, and there are no obviously available sources beyond those SCMA has already identified through its meticulous preparation.

Even if a sufficient water supply for DHS's proposed facility could be identified—which it cannot in the near term—SCMA's water treatment facility cannot process the volume of water that would be needed for both its existing customers and the 7,500 people DHS reportedly plans to detain at the Tremont facility. The Tremont water treatment facility's permitted capacity is 400,000 gallons per day, although it has been limited by the Susquehanna River Basin Commission to 330,000 gallons per day. The treatment plant's capacity is far below the daily needs of the contemplated detention center alone. Introducing volume beyond the permitted treatment capacity cannot be safely accomplished and would violate Maximum Contaminant Levels and other health-based standards established by the Environmental Protection Agency, as well as Section 7 of the Pennsylvania Safe Drinking Water Act, 35 P.S. 721.7(a), and 25 Pa Code §§ 109.4, 109. 501(b). Changes to expand the treatment center's capacity could not be completed with first obtaining the required construction permits from PADEP.

Adding thousands more people to Tremont's public water system would mean that none of the people who depend on the system could reliably expect safe water. That would not only threaten daily health and well-being but could also lead to calamity in the event of an emergency. The same safe water supply used for homes is needed for emergencies. If there were a fire after DHS began using the Tremont facility as a detention center, there could be insufficient supply or water pressure to extinguish the fire. Indeed, a 2024 fire in Tremont required using 600,000 gallons of water in less than 24 hours. With the detention center in operation, Tremont may not be able to respond to a similar fire.

Upper Bern Facility

The Upper Bern facility is a vacant commercial warehouse designed to receive potable water from an on-site water well because there is no municipal water system in Upper Bern. The water well and associated treatment system at the Upper Bern facility constitute a public drinking water system regulated by the PADEP and subject to both federal and Commonwealth laws. PADEP authorized the construction of the drinking water system because it could provide treated water for use by a limited number of employees engaged in warehouse activities based on three anticipated separate shifts in a 24-hour period. PADEP approved the construction for a pumping rate of only 8.5 gallons per minute with filtration, ultraviolet light disinfection, and pH adjustment.

While PADEP has authorized the construction of the water system that would serve the Upper Bern facility, it has not authorized the operation of this drinking water system—as will be legally required for its use. At this time, then, there is no authorized source of drinking water to supply the Upper Bern facility. Additional technical information regarding the potable water treatment system and the results of a new pump test of the water well must be submitted and approved before it may be used to supply water as it was designed for the warehouse. *See 25 Pa. Code § 109.503 (a)(1)(iii).*

Further, PADEP found several deficiencies in an April 2025 inspection that indicate the drinking water system was not constructed in accordance with the approved designs. These deficiencies must be addressed before the drinking water system could be permitted to operate for the facility even as just a commercial warehouse.

Even if the deficiencies identified in the April 2025 inspection were addressed and the pump test is successfully completed, the drinking water system at the Upper Bern facility still is not designed, constructed, or permitted to provide the quantity or quality of drinking water necessary for a facility that would house people 24 hours a day—especially one that would house as many as 1,500 people. DHS’s proposed use would require more than ten times the permitted pumping rate, which would overwhelm the approved filtration and disinfection equipment.

In Upper Bern, too, there are no clearly available alternative water supplies. The aquifers used for the facility likely do not have sufficient reserves. And, in any event, accessing any new water supplies would require permitting from PADEP.

2. Sewage Requirements

Under the federal Clean Water Act, federal agencies must comply with all federal, state, and local requirements governing the control and abatement of water pollution. 33 U.S.C. § 1323. PADEP administers and enforces the permitting of discharges, such as sewage, through the National Pollution Discharge Elimination System (NPDES). In addition, PADEP implements and enforces the Pennsylvania Clean Streams Law, 35 P.S. §§ 691.1-691.1001, and the Pennsylvania Sewage Facilities Act, 35 P.S. §§750.1-750.20a, to prevent pollution of waters of the Commonwealth. It has promulgated regulations to implement these laws. *See generally 25 Pa. Code Chapters 71-73, 91-96.*

The Sewage Facilities Act (commonly referred to as Act 537 in Pennsylvania) requires municipalities to develop and implement a comprehensive sewage facilities plan that addresses the present and future sewage disposal needs of the municipality and its residents. These plans must be modified when new land development projects are proposed or whenever a municipality’s sewage disposal needs change. Each reported facility would be subject to this legal obligation. PADEP reviews and approves the official plans and any subsequent revisions. No facility can be connected to a community sewage system and no building can be occupied without first obtaining

a permit indicating that the site is in compliance with the provisions of the Sewage Facilities Act. *See 35 P.S. § 750.7.*

Tremont Facility

SCMA provides public sewage services to the Tremont facility and treats the wastewater at an SCMA wastewater treatment plant. SCMA's Tremont wastewater treatment plant can treat only 500,000 gallons per day.

As a commercial distribution center, the Tremont facility was planned and approved for no more than 6,000 gallons per day of sewage. A detention center for 7,500 people would produce several hundred thousand gallons of sewage daily, far beyond the current permissible limit. In fact, the warehouse is currently connected to the treatment facility by a 2-inch diameter pipe—a pipe that would not be suitable for the needs of the reported Tremont mass detention center.

Expected sewage volumes from the Tremont facility would overwhelm the existing infrastructure, pump station, and cause hydraulic overloading of the SCMA wastewater treatment plant. The addition of the detention facility will almost certainly result in the uncontrolled discharge of untreated or inadequately treated sewage to surface waters from the SCMA plant, in violation of its NPDES permit, the Clean Water Act and the Clean Streams Law.

Because the approved sewage plan for Tremont Township provides for public sewage and treatment at the SCMA wastewater treatment plant, DHS cannot use a holding tank, retaining tank, privies or chemical toilets to manage sewage from the detention facility without Tremont Township amending the approved sewage plan and getting approval from PADEP. 25 Pa. Code § 71.63. Proceeding to use holding tanks, privies or chemical toilets without a permit from Tremont Township or PADEP will violate the Sewage Facilities Act.

Upper Bern Facility

Upper Bern Township provides public sewerage services to the Upper Bern facility and treats the wastewater at the Upper Bern Township wastewater treatment plant. The Upper Bern facility was planned and approved for no more than 8,000 gallons per day of sewage based on its assumed use as a commercial warehouse with approximately 230 people divided into three shifts. The planned DHS detention center would result in sewage of far more than 100,000 gallons per day. Upper Bern Township's maximum monthly flow from serving its current customers is 131,000 gallons per day and its entire wastewater treatment plant is designed to adequately treat only 155,000 gallons per day.

Expected sewage volumes at the Upper Bern facility will overwhelm the existing sewerage facilities and cause hydraulic overloading of the Upper Bern wastewater treatment plant. The addition of the detention facility will result in the discharge of untreated or inadequately treated sewage to surface waters from the Upper Bern plant, in violation of its NPDES permit, the Clean Water Act and the Clean Streams Law.

Because the approved sewage plan for Upper Bern Township provides for public sewerage and treatment at the Upper Bern wastewater treatment plant, DHS cannot use a holding tank, retaining tank, privies or chemical toilets to manage sewage from the detention facility without Upper Bern Township amending the approved sewage plan and getting approval from PADEP. 25 Pa. Code § 71.63. Proceeding to use holding tanks, privies or chemical toilets without a permit from Upper Bern Township or PADEP will violate Section 7 of the Sewage Facilities Act.

3. Health and Safety

Tremont Township has a population of approximately 300 people. Upper Bern Township has a population of approximately 1,600 people. Converting two buildings designed as commercial warehouses into centers to detain people far in excess of the existing communities' populations will stretch the capabilities of the townships' public infrastructure and emergency response resources beyond tolerable limits. Such a dramatic change could have a devastating impact on each township's emergency services and harm their respective residents.

Police, Fire, and Ambulance Services: Tremont Township is currently serviced by five fire departments and one ambulance service from the surrounding communities. Upper Bern Township is currently served by one volunteer fire department and depends entirely on the Pennsylvania State Police for police services. DHS has not shared its emergency operations plan for either facility. However, the exponential occupancy increases contemplated at each facility will lead to increased demands on the local fire, ambulance, and police resources. Detaining 7,500 people in Tremont and 1,500 in Upper Bern (to say nothing of employees at the two locations) will require additional resources and increased capabilities to meet the needs of the two townships' entire current populations. Given that, any significant emergency event could quickly overwhelm local public safety assets.

Moreover, the planned detention centers will increase emergency calls to each building. The increase in emergency calls and events will create a critical need to keep routes cleared during inclement weather to make sure there is access to the building. This will place an even greater burden on the limited township resources available for this work.

If there is an incident that disrupts critical utilities at the detention center, the township will not be able to provide the necessary resources to support large-scale evacuation and sheltering of the occupants. Currently, there is no nearby site that would be able to meet the immediate needs of the people who will reportedly be detained at the two facilities.

Emergency Medical Services: Schuylkill County EMS is currently the only advanced life support (ALS) provider in the area with minimal basic life support (BLS) coverage in Tremont and Pine Grove. BLS are life-saving medical procedures performed in the early stages of an emergency to main life functions, while ALS can provide more sophisticated interventions and procedures. The estimated 7,500 beds in the ICE detention facility alone would be an increase of more than half of the population of the City of Pottsville, Schuylkill County's largest municipality. EMS services do not have the resources required for this increase. And the expected need for EMS

services will not be limited to incidents occurring within the facility. If these two warehouses are converted into new detention centers, it is reasonable to expect more people to be in the area for reasons such as work or protesting.

Upper Bern Township is covered by Hamburg EMS, a small community organization that responds to Hamburg and the surrounding communities. The estimated 1,500 beds in the ICE detention facility, along with federal employees and staff, will significantly increase the demand on this service and increase the number of required mutual aid agencies to respond into this community.

The strain that the two facilities will place on emergency response and preparation will certainly create significant delays for all Schuylkill and Berks County residents that depend on these critical emergency services without providing any benefits to the local communities.

Hospitals and Other Healthcare Facilities: The location of both detention centers may have an impact on the hospitals in the region, which are already strained following enactment of H.R. 1 last summer.

The healthcare facilities near Tremont Township are relatively small, with already relatively long transport times of greater than 30 minutes. These facilities serve a geographically large and resource-limited area where increased demand may affect availability of emergency and specialty medical services. There are only three acute care hospitals in Schuylkill County: St. Luke's Hospital Miners Campus, which had over 20,000 emergency department visits in 2024; Geisinger St. Luke's Hospital which had nearly 30,000 emergency department visits; and Lehigh Valley Hospital Schuylkill, which had over 25,000 emergency department visits.

For Upper Bern, there are only two acute care hospitals nearby. Reading Hospital reported over 100,000 emergency department visits in 2024, and Penn State Health St. Joseph's had over 44,000 emergency department visits.

A sudden, poorly planned increase to the patient population served by these hospitals could strain these health care resources, impacting quality of care and patient outcomes. Congregate facilities at the capacities contemplated would significantly impact these hospitals' emergency preparedness plans. Hospitals are required under state and federal law to maintain a comprehensive emergency preparedness plan that utilizes an all-hazards approach. *See* 42 C.F.R. § 482.15; 28 Pa. Code §151.31. Facilities intended to house thousands of people in the vicinity of a hospital significantly impact that planning, and hospitals will need to prepare for events that could result in a significant influx of patients from the detention centers, such as a fire. Area hospitals may not have the capacity to prepare for these emergency events without support and the lack of communication from federal officials raises serious concerns.

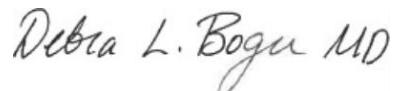
4. Building Code Standards

Each of the two buildings that DHS has purchased is currently a commercial warehouse. Warehouses typically fall within the S-2 (storage group) occupancy code under the 2021 International Existing Building Code and International Building Code (IBC). The reported detention centers, however, likely will fall within the I-3 (institutional group) occupancy code. Substantial alterations will be required to convert the warehouses from S-2 buildings to I-3 buildings. The IBC imposes strict requirements on what work must be completed before an I-3 building can be occupied.

The two buildings' new intended uses—and any work needed to complete their conversions—must comply with state and local zoning requirements as well as with nationally recognized building codes, including the IBC. *See* 40 U.S.C. § 3312(b)-(c).

As authorized under 40 U.S.C. § 3312(d)(1)(B), the Department of Labor & Industry requests that DHS submit all plans for the Tremont facility and for the Upper Bern facility to the department for review.

Sincerely,



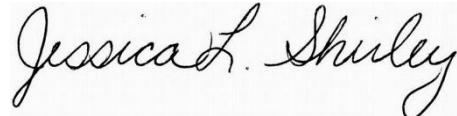
Debra L. Bogen, M.D.
Secretary of Health



Thomas Cook
State Fire Commissioner



Randy Padfield
Director of Emergency Management



Jessica Shirley
Secretary of Environmental Protection



Nancy A. Walker
Secretary of Labor & Industry

cc: Senator John Fetterman
Senator Dave McCormick
Representative Dan Meuser
Senator Dave Argall
Senator Chris Gebhard
Representative Jamie Barton

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