



March 24, 2026

**VIA EMAIL & CERTIFIED MAIL NO.: 91 7199 9991 7033 8629 3508**

James K. Ingalsbe  
Assistant Director  
Office of Asset and Facilities Management  
U.S. Department of Homeland Security  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

RE: 3501 Mountain Road, Upper Bern Township, Berks County

Dear Assistant Director Ingalsbe:

Thank you for your letter dated March 17, 2026 acknowledging receipt of the administrative order issued by the Pennsylvania Department of Environmental Protection (DEP) concerning the property referenced above, which the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) recently purchased.

As a preliminary matter, DEP is aware through public reporting and the “ICE Detention Reengineering Initiative” from February 13, 2026, that ICE is in the process of purchasing facilities to convert into “large-scale detention centers” that will house between 7,000 and 10,000 people and “processing sites” that will house between 1,000 and 1,500 people. The Reengineering Initiative states that ICE aims to fully implement this “new detention model” by September 30, 2026, and to “activate all facilities by November 30, 2026.” Despite ICE’s plans to implement this new initiative on an incredibly expedited timeline, the March 17 letter is the first communication DEP has received from ICE and raises significant concerns as described below.

To start, the Reengineering Initiative states that “ICE is complying with the National Environmental Policy Act (NEPA) to evaluate the impacts of proposed actions and their reasonable alternatives” and that ICE’s “engineering team reviewed the proposed use and capacities for electricity, water usage, waste exportation, and water capacities for life safety building systems (fire protection systems). Once these capacities were identified, an engineered solution was developed, using standard code compliant methodologies within the design of the facility.”

With respect to water usage, the Reengineering Initiative states that “each facility selection study identified if there was a need for additional fire protection water supply which would exceed the capacities currently in place at the site. While the new building configurations will require additional sprinkler distribution, the general determination was the existing capacities are sufficient to address this minimal new demand.” The Initiative also states that ICE “reviewed the additional

capacities for domestic water supply within each facility, and the engineering assessment indicated the capacities currently at the sites are sufficient to support the new facilities.”

As to wastewater, the Reengineering Initiative acknowledges that facilities will require additional infrastructure but notes that “there are numerous solutions which will be implemented to utilize the existing infrastructure without creating an adverse impact to the water authority infrastructure. To engineer these plans, the design builder will require the engagement and data/capacities from the water authority.”

Although the Reengineering Initiative indicates that ICE has engaged in certain due diligence about the sites it has purchased, DEP has not received record of any of the work ICE has previously done regarding its intended use of the 3501 Mountain Road property.

Further, your recent response to DEP conflicts with the ICE statements set forth above, and raises concerns about whether ICE has done due diligence with respect to the 3501 Mountain Road commercial warehouse. In particular, you note that plans for water and sewer usage will not be done until April 30, 2026. You also acknowledge that the well meant to serve the 3501 Mountain Road commercial warehouse has not been approved to operate.

Notwithstanding the lack of information provided, ICE has asked for modifications to the administrative orders issued on March 5, 2026. DEP is not able to consider those requests until ICE shares its planning and due diligence work for the 3501 Mountain Road property. To evaluate the majority of your requests and provide meaningful responses, DEP must see ICE’s work to date. Those materials should include the NEPA documentation supporting ICE’s finding of “No Detrimental Effect” and all other engineering evaluations and studies that reflect ICE’s plans with respect to water and sewage for the facility. I ask that you submit that information to DEP as soon as possible.

Additionally, if ICE is contemplating purchasing any other facilities in Pennsylvania to convert into detention facilities, please identify those as well as any water and sewer studies ICE has engaged in.

Finally, your letter makes several additional requests, which DEP is responding to below:

- 1. A request for copies of the inspection report and any notifications DEP made to the previous owners about the water system’s apparent deficiencies.**

Enclosed are documents regarding the public water system at the property. These are public documents maintained by DEP and are generally made available upon request.

- 2. A request to modify the administrative order to allow ICE to operate the existing drinking water system at a pumping rate of 12,240 gallons per day.**

As noted in your letter, the public water system at 3501 Mountain Road has never been approved to operate. DEP implements a two-step permitting process for public water systems in which applicants first seek a construction permit based on the development of a water source, such as a well, and the design of the proposed storage, treatment, and distribution components. In this first

step, the water source is evaluated for quantity and quality for the proposed use. *See* 25 Pa. Code § 109.503. The second step is the operation permit which confirms the construction was completed in accordance with the construction approval and the system is capable of being operated in accordance with regulatory standards. *See* 25 Pa. Code § 109.504.

As indicated in the enclosed documents, the public water system at the 3501 Mountain Road property was never approved to operate and the former owners could not have obtained the approval without addressing discrepancies between the construction of the system and the construction permit. One of those deficiencies noted by DEP is an unpermitted connection with the fire protection system. Thus, the water restrictions in the administrative order reflect the *status quo*. Until the discrepancies are addressed and an operating permit is obtained, DEP cannot authorize ICE or anyone else to operate this water system.

**3. A request to modify the administrative order to allow ICE to generate and dispose of wastewater at the same level previously authorized for the use of the property as a warehouse before ICE seeks an amendment to the Upper Bern Township Official Sewage Facilities Plan.**

Your request to modify the administrative order to allow sewage flows from the property without the required planning is not feasible in the absence of further information from ICE. The Pennsylvania Sewage Facilities Act requires comprehensive sewage planning implemented by local governing bodies and approved by DEP for the purposes of orderly management of sewage that is protective of human health and the environment. *See* 35 P.S. § 750.3. Planning under the Sewage Facilities Act is based on the specific use of the property and the design of adequate sewage treatment systems for that particular use. Available information suggests that ICE intends to substantially modify the building's use. Without further information about ICE's immediate plans for the property, DEP cannot modify the administrative order to allow the sewage flows that had been authorized for a commercial warehouse because ICE's specific use of the property would be drastically different.

**4. A request to extend the time for ICE to submit its written water and sewage plans for the property's use as a detention center because ICE has not finalized them yet and doesn't expect them to be finalized until April 30, 2026.**

As indicated above, the basis for your request to extend the timeframes for submission of ICE's written plans for water and sewage for the detention center at the 3501 Mountain Road property appears to conflict with public statements about ICE's due diligence work for the ICE Detention Reengineering Initiative. Submitting to DEP the information gathered and reports prepared for 3501 Mountain Road as part of that initiative will better allow DEP to consider your request regarding these deadlines. Without more information, DEP cannot grant your request at this time.

**5. A request to suspend the 30-day period to appeal the DEP administrative orders.**

DEP cannot extend the time for appealing the administrative orders. In Pennsylvania, appeals of DEP final actions are decided by the Pennsylvania Environmental Hearing Board (EHB). The EHB is established by statute as an adjudicatory body independent of DEP. An appeal must be filed

and perfected in accordance with the EHB's regulations for it to have jurisdiction. *See* 35 P.S. § 7514(c). The 30-day appeal period is jurisdictional in nature and cannot be extended as a matter of grace. Therefore, DEP cannot extend the time and directs your attention to the appeal instructions stated at the end of the administrative orders.

**6. A request to meet with ICE representatives and municipal representatives to discuss a practicable timeline and process flow for working together to find solutions to the problems DEP has identified in its orders.**

When DEP receives the information requested in this letter, DEP will be in a better position to address your requests and meet with ICE representatives and municipal representatives to discuss timelines and process. I ask that you submit the information as soon as possible. In the meantime, the DEP administrative orders remain as issued.

If you have any questions about the enclosed documents or the DEP requests contained in this letter, please do not hesitate to contact me at (717) 705-4900 or [rdigilarmo@pa.gov](mailto:rdigilarmo@pa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. DiGilarmo II", with a small circled "R" or similar mark to the right.

Robert M. DiGilarmo II  
Regional Director  
Southcentral Region

Enclosure

c: Andrew D. Hoffman, Esquire, Upper Bern Twp. Solicitor (via email)



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**July 16, 2020**

Robert Dobilas, Managing Partner  
GACSD Industrial Development, LLC  
5 Knowles Creek Road  
New Hope, PA 18938-9250

Re: Noncommunity Water Supply Approval to Construct  
PWS ID No. 3061286  
APS ID No. 1016563  
Auth ID No. 1314665  
New Water System  
Upper Bern Township, Berks County

Dear Robert Dobilas:

The Department of Environmental Protection (Department) has completed its review of the Noncommunity Water System Application (NCWSA) that was received on May 6, 2020 to describe your proposed noncommunity public water system. Based on the information provided in your NCWSA, the system appears to meet the minimum design requirements. The approved water system is included in "Attachment A: Construction/Modifications" of this letter.

The Department hereby approves your water system as described in your NCWSA. No deviations from approved plans or specifications affecting the treatment process, quality, or quantity of water shall be made without prior written approval from the Department. If you intend to make any changes other than those described in your NCWSA, please contact the Department to obtain written authorization prior to proceeding.

The proposed facilities may not be placed into service until you obtain a separate operation approval from the Department. Please notify this office within 15 days of completion of the construction. At that time, the Department may schedule an inspection of the water system.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time period. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

**IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.**

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions, please contact Nicholas Pyo of this office at [npyo@pa.gov](mailto:npyo@pa.gov) or 717.705.4923.

Sincerely,

*Joseph M. Mattucci*

Joseph M. Mattucci  
Program Manager  
Safe Drinking Water Program

cc: Kelly Saikkonen, P.E., Natural Systems Utilities  
Paul Scott, P.G., Geo-Technology Associates, Inc.

Robert Dobilas, Managing Partner  
GACSD Industrial Development, LLC

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July 16, 2020

bcc: Shawn Cable (paper)  
Nicholas Pyo (paper + pdf)  
Lynne Sheetz (pdf)  
Joseph Mattucci (pdf)  
Susan Werner, Reading District Office (pdf)

Kelly Saikkonen, P.E.  
Natural Systems Utilities  
170 Township Line Road  
Suite C  
Hillsborough, NJ 08844

Paul Scott, P.G.  
Geo-Technology Associates, Inc.  
3445-A Box Hill Corporate Center Drive  
Abingdon, MD 21009

July 16, 2020

Attachment A: CONSTRUCTION/MODIFICATIONS

PWSID No. 3061286

GACSD Industrial Development, LLC

The following facilities and treatments systems are approved and shall be installed as described in your NCWS Application. The facilities and treatments systems shall be maintained and kept in working condition.

<input checked="" type="checkbox"/> Well			
Well Name	<b>Well No. 1</b>	Maximum Instantaneous Pumping Rate	<b>8.5 gpm</b>
Location	<b>Lat. 40° 31' 32.45 "N Long. 76° 05' 49.88 "W</b>		
<input checked="" type="checkbox"/> Cartridge Filtration			
Make of Housing	<b>Pentair Pentek</b>	Number of Units	<b>2</b>
Model of Housing	<b>20" Big Blue (20" x 4.5")</b>	Location	<b>Prior to each UV unit</b>
Cartridge Micron Size	<b>5 micron</b>		
<input checked="" type="checkbox"/> Ultraviolet Light			
Make	<b>Viqua</b>	Number of Units	<b>2</b>
Model	<b>Pro 10</b>	Location	<b>Between cartridge filters and acid neutralizer</b>
<input checked="" type="checkbox"/> Distribution System			

Internal Review and Recommendations (IR&R) for NCWSA				
PWS Name:	GACSD Industrial Development, LLC (PWSID 3061286)			
Summary description of the internal review and decision process:				
<p>This NCWS application was submitted by Geo-Technology Associates, Inc for GACSD Industrial Development, LLC and was received on April 7, 2020. The application is for construction of a new NTNC water system. Module 1 was reviewed by Derrick Havice on April 8, 2020 and he determined the well appears to be groundwater. It was received with a \$50 check payable to Commonwealth of PA. Due to the COVID-19 closure, we were not able to transfer the application to TFS so on April 29, 2020 we requested the client send another copy of the application to Harrisburg for TFS review.</p>				
Add additional sheets if necessary				
	Print	Sign	Date	Approve/Deny
Sanitarian				
Sanitarian Supervisor	Susan Werner	<i>Susan M. Werner</i>	05/04/20	forwarded
Operations Chief				
Program Manager				
<b>Technical Services Section review (if necessary)</b>				
<p>Explain how new sources meet guidance (or justified alternative to guidance), including new source location and setbacks, well construction, pump testing, new source sampling, and surface water influence evaluation. Write "N/A" if Technical Services review is unnecessary.</p>				
<p>The Technical and Financial Services received the application from the Operations staff on May 6, 2020.</p> <p>This new water system will serve a single warehouse distribution facility located in Upper Bern Township, Berks County. The water system will consist of one groundwater well (Well No. 1), UV disinfection and other appurtenances. New source samples from July 25, 2019, reported coliform to be present, alkalinity of 33 mg/L, turbidity of &lt; 0.20 NTU, and pH of 5.94. There were no MCL or SMCL exceedances reported.</p> <p>Well No. 1 is located approximately 125' east of the southeast corner of the warehouse. The well will have a permitted rate of 8.5 gpm and will be equipped with a submersible pump (Grundfos 7S05-11, 1 stage, 0.5 HP motor), rated for 8.5 gpm at 164.3' TDH. A check valve will be installed in the well. A pitless unit (Baker 6" Standard Pitless Unit) will be installed onto the well casing.</p> <p>Upon entering the building, the well discharge line will have a check valve, gate valve, 8 gpm flow restrictor (Dole), flow meter, pressure gauge, sample tap, and blow off line. The common line then splits to two separate lines, each having a 5 micron cartridge filter (20" Big Blue Sediment Filter, 4.5" x 20" housing with pressure relief valve) followed by a UV disinfection light (Viqua PRO10).</p> <p>After passing through the UV units, the two individual lines combine to a common line and pass through an acid neutralizer (Clack Model 2.5 ft<sup>3</sup>. Non-backwashing Acid Neutralizer, plain calcite fill, treats minimum pH of 5.5) to neutralize the water before distribution. The neutralizer is strictly for pH adjustment and not for corrosion control treatment. After the neutralizer will be a check valve, pressure tank (Well Mate WM-35WB, 120-gallon), pressure sensor a sample tap. All piping after the UV units will be above ground.</p>				
Add additional sheets if necessary				
Based on the information provided in the NCWSA, the proposed system/modification appears to meet the minimum requirements in the Part IV of the PWSM.				
	Print	Sign	Date	Approve/Deny
Engineer	Nicholas T. Pyo	Nicholas T. Pyo	07.16.2020	Approve
Geologist	See Attached IR&R			
Tech Services Chief	Shawn G. Cable, P.E.	Shawn G. Cable, P.E.	07.16.2020	Approve
Program Manager	Joseph M. Mattucci	Joseph M. Mattucci	07.16.2020	Approve

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SAFE DRINKING WATER PROGRAM**

**HYDROGEOLOGY INTERNAL REVIEW AND RECOMMENDATIONS**

<b>Name of Applicant</b> GACSD Industrial Development, LLC Warehouse	<b>Project Location</b> Upper Bern Township Berks County	<b>APSID No.</b> 1016563 <b>PWSID:</b> 3061286
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**HYDROGEOLOGY SUMMARY**

**Permit Well No. 1 @ 8.5 gpm.**

Well No. 1 (aka TW-5 Alt 3) will serve as a source of supply for a new warehouse located in Upper Bern Township, Berks County. The warehouse will be a non-transient noncommunity water system. Well No. 1 was drilled by Funks Well Drilling Inc License No. 1253. Well No. 1 was drilled on May 8, 2019 using air rotary methods. The well is located at 40° 31' 32.45" North Latitude and 76° 05' 49.88 West Longitude. Well No. 1 is drilled into the Ordovician Age Hamburg Sequence, Lithotectonic Unity 1. Lithotectonic Unit 1 is comprised of brown to gray calcareous greywacke interbedded olive-weathering gray shale and slate.

Well Information	Well No. 1
Total Depth	160 ft
Well Diameter	10" diameter to 100 feet 6" diameter 100 to 160 feet
Casing	6-inch heavy-wall steel casing with drive shoe to 100 ft 3.5 ft casing Stick-up
Grout	Pressure grouted with a neat cement grout (30 bags)
Water Bearing Zones	128-134 ft
Aquifer Thickness	60 ft
SWL	24.25 ft btoc
SWL Date	7.24/2019
Aquifer Code	364HMBG
Confined	Yes

A 24-hour pumping test was run from July 24, 2019 1:31 pm to July 25, 2019 1:31 pm. A recovery test was run after the pumping test for 3 hours on July 25, 2019 from 1:32 pm to 4:32 pm. The static water level was 24.25 ft btoc, final pumping water level was 29.97 ft btoc. Total drawdown in the well was 5.72 ft. The well was recovered to over 90% of prepumping levels in 3 hours. Well No. 1 can produce the requested rate of 8.5 gpm.

Based on the well construction (including casing and grouting), Well Risk Assessment Form and new source sample results, Well No.1 is classified as a true groundwater source and not subject to the Department's Surface Water Treatment Rule requirements.

In accordance with Section 109.604(b) of the Safe Drinking Water regulations all new sources shall be located to prevent or minimize impacts from existing potential sources of contamination and causes of diminution. After consideration of the information indicated above, it is the Department's determination that pumping Well No. 1 at 8.5 gpm should not cause an adverse impact to adjacent water resources.

**RECOMMENDATION and ACTION**

Approved	Returned	Signature	Date
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Derrick A. Havice, P.G. <i>Derrick A. Havice, P.G.</i> PROFESSIONAL GEOLOGIST	16 July 2020

WATER SUPPLY INSPECTION REPORT

<b>Facility Name</b> GACSD INDUSTRIAL DEVELOPMENT	<b>PWSID No</b> 3061286	<b>Inspection Date</b> 2025-04-17
<b>Facility Location</b> , PA	<b>County</b> Berks	<b>Municipality</b> Upper Bern
<b>Responsible Officials Name</b>	<b>Telephone:</b>	
	<b>SystemType:</b> NonTransient Non-Community	<b>Population:</b> 25
<b>Certified Operator name</b>	<b>Field Order Number:</b>	
	<b>Issue Date (mm/dd/yy):</b>	

Person(s) Interviewed

<b>Name:</b> Jeremy Crum	<b>Title:</b> Operator
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eFACTS info

<b>Inspection ID:</b> 3960304	<b>Inspection Type:</b> RTPT
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General Comments

Carol Rayos, Kylie Kalac, and Nicholas Pyo from the Department met with Jeremy Crum, Certified Operator from Suburban Water Technologies for a pre op inspection of the GACSD Industrial Warehouse (PWSID#3061286) on 04/16/2025. There is one potable well source, Well No. 1. The water treatment system is located inside the warehouse near the southeast corner of the building. The warehouse was currently unoccupied at time of survey. (A) Near the entrance to the building, outside, there is a white fire suppression storage tank. The potable well source was never approved to be connected to the fire suppression tank. Please investigate what source fills the suppression tank. (B) There appeared to be multiple Entry Point(EP) taps. Please label raw and EP taps, as well as water flow direction through the pipes. (C) There should be an 8 gpm flow restrictor on the raw water line. There was limited view of pipes due to white foam-like insulation covering most of piping. Please investigate and send photo evidence to the DEP. (D) There is a cross- connection between the blowoff piping and the finished water line that will need to be physically removed and send photo evidence of repair to the DEP. (E) There is a blowoff line that dis-

charges to outside, which should be securely covered with #24- mesh screening to prevent small vermin and bug entry into water system. Please provide photo evidence of repair to the DEP. (F) The DEP requests confirmation of change-out of acid neutralizer calcite to be scheduled on a quarterly calendar basis. (G) Per schematic, there should be a flow meter installed on well discharge piping prior to treatment. Please see if this can be installed. (H) Since the facility has not been in use/tested in five years, a full pump test is required. A 12-hour pump is required if warehouse plan is to operate, 1-2 shifts. If plant plans to operate 24 hours per day, a 24-hour pump test is required. After the new set of new source sampling is collected, please provide a copy of pump test, new source sampling to the DEP. (I) The original permittee listed is GASCD Industrial Development, LLC. Please investigate if this is still the current owner. If not, a transfer application may need to be submitted. Please keep the Department updated with the construction of this new public water system. Thank you.

Signatures

Received by(Print Name): Jeremy Crum	Unable To Receive Signature: Completed remotely.
Investigator (Print Name): CAROL LOUISE RAYOS	