



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

NOTICE OF APPEAL

By filing this Notice of Appeal with the Environmental Hearing Board, you are choosing to initiate a legal proceeding that asks the Board to review an action of the Department of Environmental Protection. Please read the instructions appended to this form in their entirety and follow closely the rules governing filing a Notice of Appeal, located at 25 Pa. Code § 1021.51. Failure to follow Board rules and orders may result in the dismissal of your appeal.

Pages 1 through 4 of the following form and any required attachments must be received by the Environmental Hearing Board within 30 days after your receipt of notice of the action of the Department that you are appealing. You may mail, fax, or hand-deliver your Notice of Appeal to:

**ENVIRONMENTAL HEARING BOARD
Rachel Carson State Office Building – 2nd Floor
400 Market Street, P.O. Box 8457
Harrisburg, PA 17105-8457
Fax: (717) 783-4738**

You may wish to send your appeal to the Environmental Hearing Board by certified mail, return receipt, so that you know your appeal was received within the required time.

**Attorneys may electronically file a Notice of Appeal at
<https://ehb.pa.gov/>**

(rev'd June 2024)



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

NOTICE OF APPEAL FORM
APPEAL INFORMATION

1. Name, address, telephone number, and email address (if available) of Appellant:

Office of the Principal Legal Advisor
Mail Stop 5900
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536-5900

2. Describe the subject of your appeal:

(a) What action of the Department do you seek to have the Board review (for example, a permit, license or order issued or denied by the Department, an assessment of a civil penalty or some other determination made by the Department)?

ICE seeks to have two administrative orders issued by the Department amended to allow reasonable use of water and sewer systems, consistent with use permitted to prior property owners at two properties purchased by ICE, one in Tremont Township and one in Upper Bern Township.

(b) Which Department official took the action (usually the person identified on any written notice that you received)?

The administrative order concerning the property in Tremont Township was issued by Joseph J. Buczynski, P.E., Regional Director, Northeast Regional Office

The administrative order concerning the property in Upper Bern Township was issued by Robert M. DiGilarmo, II, Regional Director, Southcentral Regional Office

(c) What is the location of the operation or activity which is the subject of the Department's action (the municipality and/or county where the activity takes place or will take place)?

- Tremont Township, Schuylkill County
- Upper Bern Township, Berks County

(d) How, and on what date, did you receive notice of the Department's action? Please specify whether through public notice, a letter or email from the Department, or some other source.

The administrative order concerning Tremont Township property was received on March 9,

2026.

The administrative order concerning Upper Bern Township was received on March 10, 2026.

(e) Did you receive written notification of the Department's action (for example, letter, order or permit that you are appealing)? If yes, you must attach a copy of the notification to this Notice of Appeal. If you are appealing a permit, you may attach the first page rather than the entire document. In lieu of attaching the document, you may provide a link to notice of the action in the *Pennsylvania Bulletin*. See filing instructions for further instruction.

Yes, ICE received written notification of the administrative orders. The attachment to this form includes the administrative orders as exhibits.

- 3. Specify any related appeal(s) now pending before the Board. If you are aware of any such appeal(s) provide that information.**

None

**NOTICE OF APPEAL FORM
APPEAL INFORMATION, CONT.**

- 4. Describe your objections to the Department's action in separate, numbered paragraphs. Rather than use the space on this form, you may type your objections on separate paper if you require more space. *NOTE:* The objections may be factual or legal and must be specific. It is important that you include **ALL** your objections in this section. Although you may be able to amend your appeal to add new objections, you may require permission of the Board to do so, and you may not be able to raise omitted objections later in the appeal process.**

Objections to the Department's administrative orders are described in the attachment to this notice of appeal.

**NOTICE OF APPEAL FORM
SIGNATURE PAGE**

By filing this Notice of Appeal with the Environmental Hearing Board, I hereby certify that the information submitted is true and correct to the best of my information and belief. Additionally, I certify that a copy of this Notice of Appeal was served upon each of the individuals indicated on Page 3 of this form on the following date: April 8, 2026.

D. R. Wilmoth

Signature of Appellant or Appellant's Counsel

Date: April 8, 2026

If you have authorized counsel to represent you, please supply the following information (*Corporations must be represented by counsel*):

Counsel Daniel R. Wilmoth

Attorney Name (Type or Print)

900 Market Street, Suite 346

Philadelphia, PA 19107

Address

Telephone No.: 267-876-1681

Email: daniel.wilmoth@ice.dhs.gov

TDD users please contact the Pennsylvania Relay Service at 1-800-654-5984. If you require an accommodation or this information in an alternative form, please contact the Secretary to the Board at 717-787-3483.

Please see the attached Filing Instructions for additional information and requirements regarding the filing of this form.

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE ENVIRONMENTAL HEARING BOARD**

**DEPARTMENT OF HOMELAND SECURITY, U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT,**

Appellant,

v.

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

Respondent.

EHB Docket No. _____

APPELLANT'S OBJECTIONS FOR NOTICE OF APPEAL

Appellant Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement ("ICE") objects to the Department of Environmental Protection's (the "Department" or "DEP") administrative orders dated March 5, 2026, as unreasonable and unsupported by a factual basis in that the orders prevent ICE from using the water and sewage services at two recently purchased facilities within Pennsylvania, consistent with the use previously permitted to the facilities' prior occupants. Additionally, ICE objects to the administrative orders as unreasonable in that the orders extend well beyond what would be reasonably necessary to uphold the DEP's responsibilities to protect the Pennsylvania environment and public water systems; instead, the orders unreasonably interfere with and encroach upon a federal law enforcement agency's ability to fulfill its responsibilities of enforcing the nation's immigration laws. As a result ICE requests that the Environmental Hearing Board amend the Department's orders to allow ICE to make reasonable use of the water and waste water systems at levels which have already been

approved for the prior owners or preliminarily authorized in the case of the Upper Bern Township site's well water system, prior to any necessary revisions to DEP water or waste water plans.

Background

1. On January 15, 2026, ICE purchased real property and a warehouse located at 51 Rausch Creek Road, Tremont Township, Schuylkill County, Pennsylvania. The warehouse received water for drinking and fire protection, and sewage services from the Schuylkill County Municipal Authority ("SCMA"), the municipal authority that provides public water and sewage services to Tremont Township.

2. On January 26, 2026, ICE purchased real property and a warehouse located at 3501 Mountain Road, Upper Bern Township, Berks County, Pennsylvania. A prior owner, with approval from the DEP, constructed a noncommunity water system to serve the warehouse. However, that prior owner had neither sought nor received approval from the Department to operate the water system at the property. In 2019, the Department approved sewage service at the property based on a certification from the Township that the property was anticipated to generate 8,000 gallons of sewage per day and that the anticipated sewage flow would not overload the Township Wastewater Treatment Plant.

3. On March 5, 2026, the Department issued an administrative order pertaining to the property in Tremont Township that ordered that ICE's parent agency, DHS "shall not obtain water from SCMA's Tremont Water System for any use at the Property other than fire protection without SCMA first obtaining all required permits and approvals" from the Department under 35 P.S. §§ 721.1–721.17 ("Pennsylvania Safe Drinking Water Act") and applicable regulations. Exhibit 2 at 16.¹ The order also directed DHS to deliver the Department a written description of DHS's plans

¹ The administrative order concerning the Tremont Township property, dated March 5, 2026, was received by ICE on March 9, 2026. Exhibit 9.

to provide adequate drinking water at the property within 20 days after receipt of the order and to not haul bulk water or develop a new source of water to serve the property. *Id.* The order directed further that neither DHS nor any person is permitted to occupy the property without first obtaining a permit from Tremont Township indicating that the plans for sewage service at the property comply with 35 P.S. §§ 750.1-750.20a (“Sewage Facilities Act”). *Id.* Finally, the order forbade DHS to “allow sewage to flow to SCMA Tremont sewage system or use onsite equipment including holding tanks, retaining tanks, privies or chemical toilets to manage sewage at the property” without first obtaining a revision of the Tremont Township Official Sewage Facilities Plan approved by the Department. *Id.* Additionally, the Department also issued orders to SCMA and Tremont Township that complemented the orders issued to DHS. Exhibits 1 & 3.

4. Also on March 5, 2026, the Department issued an administrative order pertaining to the property in Berks County that ordered that DHS shall not operate the well or the drinking water collection, treatment, storage and distribution facilities at the Property, or haul bulk water to the property or develop a new source of water to serve the property, without first obtaining all required permits and approvals from the Department under the Pennsylvania Safe Drinking Water Act and applicable regulations. Exhibit 4 at 17.² The administrative order also prohibits DHS from occupying the building without first obtaining a permit and a certification from the Township indicating that the plans and specifications for sewage service are in compliance with the Sewage Facilities Act and the Clean Steams Law. Exhibit 4 at 18. The administrative order, similar to the order for the property in Tremont Township, also required DHS to provide written plans for drinking water and sewage services at the Property within 20 days of receipt of the order. *Id.* The order also forbade DHS from occupying any building at the Property without first obtaining a

² The Department’s administrative orders concerning the property in Upper Bern Township, Berks County, was received by ICE on March 10, 2026. Exhibit 10.

permit and a certification from the Township indicating that the Property and plans and specifications for the sewage service at the Property are in compliance with the Sewage Facilities Act and Clean Streams Law. Further, the order forbade DHS to “allow sewage to flow to the Township’s sewage system or use on-site equipment, including holding tanks, retaining tanks, privies or chemical toilets, to manage sewage at the Property” without first obtaining a revision to the Sewage Plan that is approved by the Department. *Id.*

ICE’s Objections to the Orders

The Department’s actions in issuing the Order are unreasonable and an abuse of discretion without legal authority and factual support for the following reasons:

The Orders are not reasonable or appropriate under Pennsylvania Law

5. Section 1917-A of the Administrative Code of 1929, 71 P.S. § 510-17, provides the Department with the authority “to protect the people of [the] Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the department.” 71 P.S. § 510-17(1). Generally, the Environmental Hearing Board (“Board”) reviews DEP final actions to determine, based on the evidence presented to the Board, whether those actions conformed with applicable law and were reasonable and appropriate. *Jefferson Cnty. Commissioners v. Commonwealth of Pennsylvania*, 2002 EHB 132, 179. Actions taken by the Department that are neither reasonable nor appropriate constitute an abuse of the Department’s discretion. Although the “abuse of discretion” scope of review is not expressly provided for in the Administrative Agency Law or the Local Agency Law, it is included in the requirement that the agency decision be “in accordance with law.” To be “in accordance with law,” an agency’s decision must not represent a manifest and flagrant abuse of discretion or a purely arbitrary execution of its duties or functions as set forth in the case law prior to the enactment of

the Administrative Agency Law. *Slawek v. State Board of Medical Education and Licensure*, 526 Pa. 316, 321-322, 586 A.2d 362, 365 (1991) (citing *Blumenschein v. Hous. Auth. Of Pittsburgh*, 379 Pa. 566, 573, 109 A.2d 331, 335 (1954)).

6. The Department has failed to demonstrate why its orders to ICE are reasonable and appropriate. DEP has in effect prohibited any use of the properties by ordering DHS not to obtain water for any use at the property other than fire protection at the Tremont site, and any use at the Upper Bern site, without first obtaining all required permits and approvals, prohibiting the hauling of bulk water, and preventing any occupation of the buildings without first obtaining the necessary permits. While DEP has cited publicly available information as a basis for presuming ICE's intentions, it has failed to show in any way that ICE *does not, in fact, intend* to obtain all necessary permits before retrofitting the properties for their intended use.³ Nonetheless, DEP's orders effectively prevent all use of the buildings—including use of water and sewer systems that ICE reasonably believed were permitted prior to ICE's purchase.⁴ In assessing the reasonableness or necessity of this action for the stated reasons DEP provided, the Board must consider whether DEP abused or exceeded its authority to take reasonable and necessary steps in accordance with the law.

³ On March 17, 2026, ICE's Assistant Director of the Office of Assets and Facilities Management, James Ingalsbe, provided letters to the DEP in response to the Orders requesting modifications to allow for water and sewer use at the same levels authorized for the previous owner, and offering to meet with DEP and municipal representatives to work together to find solutions to the problems DEP identified. Exhibits 5–6. These offers were rebuffed. Exhibits 7–8.

⁴ As shown in Exhibit 8, ICE acknowledges the April 2025 inspection in which DEP found, prior to ICE's purchase, that the water system was not installed in accordance with approved plans and specifications, and that prior owner GACSD Development had neither sought nor received DEP approval to operate the drinking water system. ICE conducted ordinary and reasonable due diligence efforts prior to its purchase of this commercial property and relied upon the seller's representations, but it was unaware of this issue prior to DEP's order. It purchased the property in good faith without knowledge of this order.

7. Public comments from the Pennsylvania governor state an intention to “use” DEP to interfere with ICE’s intended use of its properties, which suggests DEP’s actions are motivated at least in part by antipathy against ICE. On February 26, 2026, the governor stated that he intended to “use every tool” at his disposal to stop ICE’s intended use of the facilities, and further stated “I don’t want either of these sites here in the Commonwealth of Pennsylvania.” Justin Sweitzer, *Gov. Shapiro vows to use ‘every tool’ to stop ICE facilities from coming to Pennsylvania*, CITY AND STATE PENNSYLVANIA (Feb. 26, 2026) <https://www.cityandstatepa.com/politics/2026/02/gov-shapiro-vows-use-every-tool-stop-ice-facilities-coming-pennsylvania/411733/>. The governor proceeded to state “[t]here are a number of regulatory steps we could take through the Department of Environmental Protection, Department of Health, Department of Labor and Industry.” *Id.* One week later, the Department’s Orders were issued. This timing coupled with the fact that DEP has prohibited *any* use of water or sewage at the properties (even at previously approved and permitted levels), suggests motivation beyond DEP’s authority to prevent nuisance conditions by regulating use of water and sewage systems, and thus a failure to act reasonably and appropriately.

8. The unreasonable breadth of DEP’s orders leads to inexplicably inconsistent results. For example, at the Upper Bern Township site, DHS may wish to have security guards in place continuously to protect against vandalism that has occurred and multiple ICE owned properties.⁵ DEP’s order, however, effectively prevents security personnel on site from relieving

⁵ There have been numerous instances of vandalism targeting similar sites across the country, in Utah, Natalie Wadas, *Three people arrested after anti-ICE protest ends in vandalism*, 2NEWS KUTV (Mar. 20, 2026) <https://kutv.com/news/local/three-more-people-arrested-after-anti-ice-protest-ends-in-vandalism/>; in Missouri, *Woman tried to torch warehouse after ICE detention facility sale cancelled, police say*, KCTV5 (Feb. 12, 2026) <https://www.kctv5.com/video/2026/02/13/woman-tried-torch-warehouse-after-ice-detention-facility-sale-cancelled-police-say/>; in Michigan, TMDN Staff, *New ICE Detention Center in*

themselves or taking a drink from a water fountain. In addition to security, access to water at the property is a necessity for scoping any potential work, including work necessary to abide by DEP's order. The unnecessarily wide extent of these orders and DEP's unwillingness to meaningfully engage with outreach from ICE requesting a delay in the orders to allow ICE to provide the necessary information, Exhibits 7 and 8, suggest that DEP's orders are rooted in compliance with a political directive or predetermined outcome that DHS must be prevented from using the properties it purchased for the purposes it intends. As such, DEP's orders do not conform with applicable law and are neither reasonable nor appropriate.

The Orders Impermissibly Interfere with DHS's Constitutional Authorities

9. Congress has vested exclusive authority over immigration enforcement in the federal government. The Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(a)(1), assigns responsibility for enforcement and detention facilities to the Secretary of Homeland Security and the Attorney General.

10. The Supremacy Clause, U.S. Const. art. VI, cl. 2, establishes federal law as the supreme law of the land, preempting conflicting state and local regulations. The doctrine of intergovernmental immunity prohibits states and localities from interfering with or regulating federal operations or contractors. The Supreme Court has repeatedly affirmed that federal activities are free from state regulation. *See Mayo v. United States*, 319 U.S. 441, 445 (1943); *United States*

Romulus Vandalized With Spray Paint, TMDN (Feb. 22, 2026) <https://themetrotroitnews.com/new-ice-detention-center-in-romulus-vandalized-with-spray-paint/>; in Texas, Gabby Jimenez, *Arson investigators looking into cause of fire at East Side ICE facility, SAFD says*, KSAT (Mar. 11, 2026) <https://www.ksat.com/news/local/2026/03/11/arson-investigators-looking-into-cause-of-fire-at-east-side-ice-facility-safd-says/>; and in Arizona, Jerod Macdonald-Evoy, *ICE warehouse in Surprise targeted by arsonist days after massive community protests*, AZMIRROR (Feb. 21, 2026) <https://azmirror.com/briefs/ice-warehouse-in-surprise-targeted-by-arsonist-days-after-massive-community-protests/>. Continuous security at these sites is necessary to protect federal property from irreparable harm.

v. Washington, 142 S. Ct. 1976, 1984 (2022); *Leslie Miller, Inc. v. Arkansas*, 352 U.S. 187, 189–90 (1956); *Pub. Utilities Comm’n of Cal. v. United States*, 355 U.S. 534, 544 (1958).

11. Recent circuit court decisions reinforce these principles in the context of immigration detention facilities operated by private contractors. *See CoreCivic, Inc. v. Governor of New Jersey*, No. 23-2598, 2025 WL 2046488 (3d Cir. July 22, 2025); *Geo Group, Inc. v. Newsom*, 50 F.4th 745, 758 (9th Cir. 2022).

12. ICE officials have made public comments regarding general concepts of an increased detention capability involving the acquisition of new properties to support that capability. However, specific plans to develop this concept and implement an increased detention capability are ongoing and not yet finalized. For any sites ICE has purchased, including the properties in Pennsylvania, ICE intends to ensure that all applicable laws and regulations are adhered to and that the operation of any facilities, whether for detention or other uses, is done with careful regard for law, regulation, and public safety in general. For the Department to preemptively issue excessively broad administrative orders that prevent ICE from using any water at all at one site, even for fire prevention or suppression, and from using any water except for fire prevention at the other site, suggests an antipathy towards ICE, and less so tailored orders balancing Pennsylvania’s important interests in water quality and treatment with ICE’s constitutional duty to uphold federal immigration law. Such orders impermissibly infringe on ICE’s ability to carry out its mandated Constitutional duties and responsibilities and must therefore be amended to allow ICE to make reasonable use of the water and waste water systems at levels which have already been approved for the prior owners or preliminarily authorized in the case of the Upper Bern Township site’s well water system, prior to any necessary revisions to DEP water or waste water plans.

Reservation to Amend Notice of Appeal and Introduce Additional Objections

13. ICE reserves the right to amend this Notice of Appeal and to introduce additional objections in this proceeding based upon, *inter alia*, the subsequent discovery of any additional information that would tend to provide additional bases for challenging the Department's action and Orders regarding the properties or the application of Pennsylvania law or regulations.

Agency Documents

- Exhibit 1: Administrative Order to Schuylkill County Municipal Authority regarding 51 Rausch Creek Road, Tremont Township Property dated March 5, 2026
- Exhibit 2: Administrative Order to Department of Homeland Security, U.S. Immigration and Customs Enforcement regarding 51 Rausch Creek Road, Tremont Township Property dated March 5, 2026
- Exhibit 3: Administrative Order to Tremont Township regarding 51 Rausch Creek Road, Tremont Township Property dated March 5, 2026
- Exhibit 4: Administrative Order to Department of Homeland Security, U.S. Immigration and Customs Enforcement regarding 3501 Mountain Road, Upper Bern Township Property dated March 5, 2026
- Exhibit 5: Letter from James K. Ingalsbe to Joseph J. Buczynski, Response to Administrative Order, 51 Rausch Creek Road, Tremont Township Property, dated March 17, 2026
- Exhibit 6: Letter from James K. Ingalsbe to Robert M. DiGilaro II, Response to Administrative Order, 3501 Mountain Road, Upper Bern Township Property, dated March 17, 2026
- Exhibit 7: Letter from Joseph J. Buczynski to James K. Ingalsbe regarding 51 Rausch Creek Road, Tremont Township Property, dated March 24, 2026
- Exhibit 8: Letter from Robert M. DiGilaro II to James K. Ingalsbe regarding 3501 Mountain Road, Upper Bern Township Property, dated March 24, 2026
- Exhibit 9: USPS Tracking information for delivery of Administrative Order to Department of Homeland Security, U.S. Immigration and Customs Enforcement regarding 51 Rausch Creek Road, Tremont Township Property
- Exhibit 10: USPS Tracking information for delivery of Administrative Order to Department of Homeland Security, U.S. Immigration and Customs Enforcement regarding 3501 Mountain Road, Upper Bern Township Property



March 5, 2026

CERTIFIED MAIL NO.: 7015 3430 0000 6738 3121

Patrick M. Caulfield, P.E., Executive Director
Schuylkill County Municipal Authority
221 South Centre Street
Pottsville, PA 17901

Re: Administrative Order
51 Rausch Creek Road
Former "Big Lots" Warehouse
Tremont Township, Schuylkill County

Enclosed please find an Administrative Order issued by the Commonwealth of Pennsylvania, Department of Environmental Protection relating to the Department of Homeland Security's proposed use of the above-referenced site.

Please contact me at jbuczynski@pa.gov or 570-826-2521 if you have any questions.

Sincerely,

Joseph J. Buczynski, P.E.
Regional Director
Northeast Regional Office

Enclosure: Administrative Order

c: B. Yagiello, byagiello@pa.gov
A. Bellanca, abellanca@pa.gov
J. Ryder, jryder@pa.gov
Tremont Township, U.S. Mail
James H. Percival, General Counsel, U.S. Mail
(U.S. Department of Homeland Security)

JJB: ab

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Schuylkill County Municipal Authority	:	51 Rausch Creek Road
221 South Centre Street	:	Tremont Township
Pottsville, Pennsylvania 17901	:	Schuylkill County
	:	

ADMINISTRATIVE ORDER

Now this 5th day of March 2026, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) has made the following findings and hereby issues this Administrative Order to Schuylkill County Municipal Authority.

A. To protect Pennsylvanians’ access to clean and safe water, Pennsylvania has enacted the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §§ 721.1–721.17 (“Pennsylvania Safe Drinking Water Act”); the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); the Pennsylvania Sewage Facilities Act, Act of January 24, 1965, P.L. 1535, No. 537, 35 P.S. §§ 750.1-750.20a (“Sewage Facilities Act”), Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”). Pennsylvania also has promulgated regulations implementing each statute.

B. The Department is the executive agency of the Commonwealth with the duty and authority to administer and enforce these statutes and regulations.

C. Tremont Township is a municipality organized under the laws of the Commonwealth of Pennsylvania located in Schuylkill County, Pennsylvania, and has a mailing address of 166 Molleystown Road, Pine Grove, Pennsylvania 17963 (“Township”).

D. The United States Department of Homeland Security (“DHS”), is an executive department of the United States, established pursuant to the Homeland Security Act, 6 U.S.C.

§§ 101-681g, that has an office and mailing address at: DHS, U.S. Immigration and Customs Enforcement Facilities Management Division, 500 12th Street SW, Suite 3000, Washington D.C. 20250.

E. The Schuylkill County Municipal Authority (“SCMA”) is a municipal authority that provides public water and sewage services to customers in Tremont Township, among other nearby areas in Schuylkill County, Pennsylvania. SCMA has a mailing address of 221 South Centre Street, Pottsville, Pennsylvania 17901.

Drinking Water Conditions in Tremont

F. SCMA owns and operates a community public water system with 798 service connections in Schuylkill County serving Tremont Borough and portions of Tremont Township and Frailey Township (“Tremont Water System”). The Tremont Water System consists of two groundwater wells, Well No. 4 and Well No. 15, an iron and manganese filtration treatment plant, and the storage and distribution system.

G. The Tremont Water System water treatment plant is designed to treat 400,000 gallons per day. The Susquehanna River Basin Commission has further limited SCMA’s treatment capacity to 330,000 gallons per day.

H. Recent drought conditions in the Tremont area have resulted in critically low levels of available water in the Tremont Water System. The average flow through the treatment plant in 2025, including trucked water, was 208,000 gallons per day.

I. The Tremont Water System includes a storage tank that allows SCMA to store a maximum volume of 1,000,000 gallons for drinking water and fire protection in the service area.

J. Since December 2025, the Department has issued 5 emergency permits to SCMA to allow the bulk hauling of drinking water into the water treatment plant to meet the needs of the Tremont Water System’s existing customers created by the emergency drought conditions.

K. SCMA has been receiving bulk water by using semi-trailers, which are limited to approximately 6,000 gallons per load.

L. On February 27, 2026, the Department issued a water allocation permit and an operations permit amendment to SCMA that allows it to use the nearby Teirney reservoir as a raw water source for the Tremont Water System, which may add up to 70,000 gallons per day and alleviate the need for bulk hauling of water to serve existing customers.

M. On or about January 15, 2026, DHS purchased real property and a warehouse located at 51 Rausch Creek Road in Tremont Township, Schuylkill County (hereinafter “Property”) for \$119,515,000.

N. The warehouse on the Property is a former commercial distribution warehouse that received water for drinking and fire protection from SCMA and uses the SCMA sewage system to manage its wastewater.

O. While DHS has not communicated with the Department about the Property, DHS has announced in documents made public that it plans to use facilities like the warehouse at the Property as detention centers to incarcerate as many as 7,500 people detained by Immigration and Customs Enforcement (“ICE”) as part of its “ICE Detention Reengineering Initiative.”¹ The Department is aware that representatives of DHS have made similar comments about their intended use of the Property to local officials.

P. The Department is aware that on or around January 9, 2026, DHS sent a letter to the Pennsylvania Historical and Museum Commission to initiate review under Section 106 of the National Historical Preservation Act in which DHS described the purchased warehouse at the Property as a “Mega Center” to be used “in support of ICE operations.”

¹ ICE Detention Reengineering Initiative (Feb. 13, 2026).

Q. DHS has represented in documents now made public that the objective of the ICE Detention Reengineering Initiative is to secure facilities for the “civil detention of aliens in ICE custody, while helping ICE effectuate mass deportations.” These facilities “will be built to handle the immediate surge capacity and sustained long-term operations.”

R. “ICE plans to activate all facilities” acquired under the Detention Reengineering Initiative “by November 30, 2026.”

S. Despite that expedited timeline, DHS has not contacted the Department regarding the Property or planned detention center.

T. In its last year of use as a commercial distribution center, the warehouse at the Property used an average of 7,675 gallons of water per day, with a maximum daily usage of just over 10,400 gallons.

U. A public water system designed to serve an institutional use such as a prison or detention center should be designed to provide 2 gallons per minute for each outlet or plumbing fixture or a peak daily demand of 120 gallons per day per person. *See* Department’s Public Water Supply Manual, Part IV Noncommunity System Design Standards, Section 1.6 and Table 1.1.

V. DHS’s planned use of the warehouse at the Property—incarcerating as many as 7,500 people—therefore could require up to 900,000 gallons per day of water or 90% of all available stored water in the Tremont Water System and would prevent SCMA from serving its current customers and providing water for fire protection.

W. The Tremont Water System’s approved capacities cannot provide an adequate and reliable quantity and quality of water for DHS’s proposed use of the warehouse as a detention center for 7,500 people. Nor is the Tremont Water System as currently permitted capable of supplying the Property adequate water while also continuing to serve its current customers.

X. SCMA has received temporary emergency permits for bulk hauling to its water treatment plant, but the Department has not authorized a bulk water hauling system at the Property.

Sewage Management for the Property

Y. Further, by letter dated July 15, 1999, the Department approved a revision to the Tremont Township Official Sewage Facilities Plan for sewage flows from the “Tremont Business Park,” which contains the Property (“1999 Sewage Approval”).

Z. The 1999 Sewage Approval authorized sewage flows of 6,000 gallons per day from the warehouse on the Property, 250 gallons per day from the nearby SCMA Tremont Water System water treatment plant, and an additional 8,750 gallons per day to be used for future development in Tremont Business Park for a total of 15,000 gallons per day.

AA. The 1999 Sewage Approval directed that the sewage from the Tremont Business Park would be conveyed by a grinder pump to the existing eight-inch interceptor line constructed for the SCMA Tremont Water System drinking water treatment plant and then for treatment at the Tremont Municipal Authority Wastewater Treatment Plant (“Tremont Wastewater Treatment Plant”).

BB. The sewage piping constructed to connect the warehouse on the Property to the eight-inch interceptor line is reportedly a 2-inch line.

CC. SCMA provides public sewage services in Tremont Township and Tremont Borough through a collection system that conveys the sewage through a pump station and to the Tremont Wastewater Treatment Plant in Tremont Borough that SCMA now operates. In total, SCMA is authorized to treat 500,000 gallons per day of wastewater at the Tremont Wastewater Treatment Plant under Water Quality Management permit No. 405405 issued by the Department.

DD. In 2025, the annual average flow for the Tremont Wastewater Treatment Plant was approximately 394,000 gallons per day and additional hydraulic capacity has already been allotted to developments that have received planning approval and are under construction.

EE. DHS’s intended use of the warehouse at the Property to incarcerate 7,500 people would likely produce 450,000 to 1,000,000 gallons per day of sewage.

Permitting Requirements – Drinking Water

FF. Under Pennsylvania’s requirements for public water systems, the owners or operators of a public water system must: 1) protect the water sources supplying the public water system; 2) provide adequate treatment for the public water system to ensure public health is protected; 3) properly maintain and operate public water system facilities; and 4) take actions necessary to ensure safe and potable water is continuously supplied by the public water system to its users. 25 Pa. Code § 109.4(1)-(4).

GG. Under 25 Pa. Code § 109.202(a)(1), a public water system shall supply to customers drinking water that complies with all primary Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, and treatment technique requirements.

HH. SCMA’s Tremont Water System is a “public water system” as that term is defined in Section 3 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.3 and 25 Pa. Code §109.1.

II. SCMA is a “person” and a “public water supplier,” as those terms are defined in Section 3 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.3, and 25 Pa. Code § 109.1.

JJ. Under 25 Pa. Code §§ 109.4(2) and 109.202(a)(1), SCMA is required to provide adequate treatment for the water it distributes to ensure that the public health is protected.

KK. Under Section 7 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.7, and 25 Pa. Code § 109.1, a change in a public water system that may affect the quantity or quality of water served to the public or that may be prejudicial to the public health or safety is a “substantial modification.”

LL. Under 25 Pa. Code §109.501(b), a person may not substantially modify a public water system without first obtaining an amended construction permit from the Department.

MM. Under 25 Pa. Code §109.501(d), a person may not operate a substantially modified part of a public water system used for collection, treatment, storage or distribution of drinking water without first obtaining an amended operation permit from the Department.

NN. DHS's intended use of the Property would require the Tremont Water System to supply hundreds of thousands additional gallons of water each day to the Property, which is beyond the capacity of SCMA's sources, beyond SCMA's ability to adequately treat the water with its current treatment system, and would be a "substantial modification" of the Tremont Water System. That substantial modification cannot be completed without permits from the Department.

OO. DHS's use of the Tremont Water System to provide water for its planned use of the warehouse at the Property to incarcerate 7,500 people will cause SCMA to violate the Federal Safe Drinking Water Act, the Pennsylvania Safe Drinking Water Act and Department regulations.

PP. Section 5(c) of the Pennsylvania Safe Drinking Water Act provides the Department with the authority to issue orders and initiate such proceedings as may be necessary and appropriate for the enforcement of drinking water standards, including: To do any and all things and actions not inconsistent with any provision of this act for the effective enforcement of this act, rules and regulations or permits issued hereunder. 35 P.S. § 751.5(c)(3).

QQ. Any violation of the Pennsylvania Safe Drinking Water Act, its attendant regulations, or any order of the Department constitutes a public nuisance as a matter of law. 35 P.S. § 721.12(a).

Permitting Requirements - Sewage

RR. Section 202 of the Clean Streams Law, 35 P.S. § 691.202, prohibits a person from discharging or permitting the discharge of sewage in any manner, directly or indirectly, into the waters of this Commonwealth unless such discharge is authorized by the rules and regulations of the Department or such person or municipality has first obtained a permit from the Department.

SS. Under Section 202 of the Clean Streams Law, 35 P.S. § 691.202, a discharge of sewage into the waters of the Commonwealth includes a discharge of sewage by a person or municipality into a sewer system or other facility owned, operated or maintained by another person or municipality and which then flows into the waters of the Commonwealth and a discharge of

sewage without a permit or contrary to the terms and conditions of a permit or contrary to the rules and regulations of the Department is declared to be a nuisance.

TT. Under Section 207 of the Clean Streams Law, 35 P.S. § 691.207, a sewer extension that is constructed, connected or maintained contrary to the rules and regulations of the Department, contrary to the terms and conditions of a permit, inconsistent with the approved official plan for the municipality or contrary to any conditions imposed by the Department, municipality or municipal authority is also declared to be a nuisance.

UU. DHS is a “person” as that term is defined in the Clean Streams Law, 35 P.S. § 691.1, and the Sewage Facilities Act, 35 P.S. § 750.2.

VV. Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, prohibits a person from connecting to a community sewage system or occupying any building or structure for which a community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder. 35 P.S. § 750.7(a)(1).

WW. Under 25 Pa. Code § 71.51, a municipality shall revise its official sewage plan when, among other things, newly discovered facts, conditions or circumstances make the plan inadequate to meet the sewage needs of new land developments.

XX. Section 10 of the Sewage Facilities Act, 35 P.S. 750.10, authorizes the Department to, among other things, order the implementation of official plans and revisions thereto.

YY. Under 25 Pa. Code § 71.51, a revision to the official sewage plan is not required if a development is connecting to an existing public sewer and if, among other things, the applicant has provided written certification from the permittees of the collection, conveyance and treatment facilities to the municipality in which the subdivision is located and the Department or delegated agency with jurisdiction over the municipality in which the subdivision is located that there is capacity to receive and treat the sewage flows from the applicant’s proposed new land development

and that the additional wasteload from the proposed new land development will not create a hydraulic or organic overload or 5-year projected overload.

ZZ. Section 402 of the Clean Streams Law, 35 P.S. 691.402, authorizes the Department to issue an order whenever the Department finds that any activity, not otherwise requiring a permit under this act, including but not limited to the impounding, handling, storage, transportation, processing or disposing of materials or substances, creates a danger of pollution of the waters of the Commonwealth or that regulation of the activity is necessary to avoid such pollution.

AAA. Section 610 of the Clean Streams Law, 35 P.S. § 691.610, authorizes the Department to issue orders as may be necessary and appropriate for the enforcement of the provisions of the Clean Streams Law.

BBB. Any violation of the Clean Streams Law, its attendant regulations, or any order or permit of the Department constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and a statutory nuisance under Section 601 of the Clean Streams Law, 35 P.S. § 691.601.

CCC. The Tremont Township Official Sewage Facilities Plan provides that sewage from the Property will be conveyed and treated at the Tremont Wastewater Treatment Plant.

DDD. SCMA is authorized to discharge treated effluent from the Tremont Wastewater Treatment Plant to Swatara Creek in accordance with effluent limitations, monitoring requirements and other conditions set forth in NPDES Permit No. PA0042951 issued to SCMA by the Department.

EEE. The sewage expected to be produced at the Property far exceeds the 15,000 gallons per day that the Tremont Business Park has been planned and approved for in the Tremont Township Official Sewage Facilities Plan.

FFF. The 450,000 to 1,000,000 gallons per day of sewage that is likely to be produced from DHS's planned use of the warehouse at the Property will overwhelm SCMA's existing

collection system and pump station, and hydraulically overload the Tremont Wastewater Treatment Plant.

GGG. Sending 450,000 to 1,000,000 gallons per day of sewage from the Property to the Tremont Wastewater Treatment Plant will result in the uncontrolled discharge of untreated or inadequately treated sewage to Swatara Creek from the Tremont Wastewater Treatment Plant, in violation of SCMA's NPDES permit, the Clean Water Act and the Clean Streams Law.

HHH. DHS's use of the warehouse at the Property to incarcerate 7,500 people without first obtaining a permit indicating that the site and the plans and specifications of the warehouse sewage system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder will violate Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, will violate Section 207 of the Clean Streams Law, 35 P.S. § 691.207, and will be a statutory nuisance.

III. The lack of adequate sewage collection and treatment facilities to receive the sewage generated by DHS's use of the warehouse at the Property for incarceration of up to 7,500 people will create a danger of water pollution from untreated sewage running off or being discharged at the Property.

JJJ. DHS's unauthorized discharge of sewage into the SCMA's collection system, pump station, and the Tremont Wastewater Treatment Plant from its use of the warehouse at the Property to incarcerate 7,500 people will violate Section 202 of the Clean Streams Law, 35 P.S. § 691.202, will be a statutory nuisance, creates a danger of pollution of the waters of the Commonwealth, and regulation of DHS's activity is necessary to avoid such pollution.

ORDER

NOW, THEREFORE, under Sections 5 and 12 of the Pennsylvania Safe Drinking Water Act, 35 P.S. §§ 721.5 and 721.12; Sections 5, 402, and 610 of the Clean Streams Law, 35 P.S. §§ 691.5, 691.402 and 691.610; Section 10 of the Sewage Facilities Act, 35 P.S. § 750.10, and Section 1917-A

of the Administrative Code of 1929, 71 P.S. § 510-17; the Department hereby ORDERS Schuylkill County Municipal Authority as follows:

Drinking Water

1. SCMA shall not provide water to the Property from the SCMA's Tremont Water System for any use at the Property other than fire protection without SCMA first obtaining all required permits and approvals from the Department under the Pennsylvania Safe Drinking Water Act and regulations implementing that statute.

2. SCMA shall notify the Department within 48 hours of receiving a notice or request from anyone seeking to use water at the Property from SCMA's Tremont Water System or other information indicating DHS is using water from the SCMA's Tremont Water System for any use at the Property.

Sewage

3. SCMA shall not allow more than 6,000 gallon per day of sewage to flow from the Property to the SCMA sewage collection system, pump station or the Tremont Wastewater Treatment Plant without first obtaining an amended Water Quality Management Permit from the Department.

4. SCMA shall not apply for an amended Water Quality Management Permit from the Department before the Department approves a revision to the Tremont Township Official Sewage Facilities Plan for the sewage from DHS's use of the Property as a detention center.

5. SCMA shall not accept sewage or other wastewater from the use holding tanks, retaining tanks, privies or chemical toilets to manage sewage at the Property.

6. ***Correspondence with Department.*** All correspondence with the Department concerning this Order shall be addressed to:

Joseph J. Buczynski, P.E.
Regional Director
Pennsylvania Department of Environmental Protection

Northeast Regional Office
2 Public Square
Wilkes Barre, Pa 18701

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.A. 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. 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 <https://ehb.pa.gov/> 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.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

A handwritten signature in black ink, appearing to read 'J. Buczynski', is written over a horizontal line.

Joseph J. Buczynski, P.E.
Regional Director
Northeast Region



March 5, 2026

CERTIFIED MAIL NO.: 7015 3430 0000 6738 3169

Acting Secretary
Mail Stop 0525
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

CERTIFIED MAIL NO.: 7015 3430 0000 6738 3145

James H. Percival, General Counsel
Mail Stop 0485
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528-0485

CERTIFIED MAIL NO.: 7015 3430 0000 6738 3138

Office of the Principal Legal Advisor
Mail Stop 5900
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536-5900

Re: Administrative Order
51 Rausch Creek Road
Tremont Township, Schuylkill County

Enclosed please find an Administrative Order issued by the Commonwealth of Pennsylvania, Department of Environmental Protection relating to the Department of Homeland Security's proposed use of the above-referenced site.

Please contact me at jbuczynski@pa.gov or 570-826-2521 if you have any questions.

Sincerely,

Joseph J. Buczynski, P.E.
Regional Director
Northeast Regional Office

Enclosure: Administrative Order

c: B. Yagiello, byagiello@pa.gov
A. Bellanca, abellanca@pa.gov

J. Ryder, jryder@pa.gov
Tremont Township, U.S. Mail
Patrick M. Caulfield, P.E., U.S. Mail
(*Schuylkill County Municipal Authority*)

JJB: ab

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Department of Homeland Security	:	51 Rausch Creek Road
U.S. Immigration and Customs Enforcement	:	Tremont Township
Facilities Management Division	:	Schuylkill County
500 12 th Street SW, Suite 3000	:	
Washington D.C. 20250	:	

ADMINISTRATIVE ORDER

Now this 5th day of March 2026, the Commonwealth of Pennsylvania,

Department of Environmental Protection (“Department”) has made the following findings and hereby issues this Administrative Order to the Department of Homeland Security, U.S. Immigration and Customs Enforcement Facilities Management Division.

Pennsylvania Water Standards Apply to the Department of Homeland Security

A. To protect Pennsylvanians’ access to clean and safe water, Pennsylvania has enacted the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §§ 721.1–721.17 (“Pennsylvania Safe Drinking Water Act”); the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); the Pennsylvania Sewage Facilities Act, Act of January 24, 1965, P.L. 1535, No. 537, 35 P.S. §§ 750.1-750.20a (“Sewage Facilities Act”), Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”). Pennsylvania also has promulgated regulations implementing each statute.

B. The Department is the executive agency of the Commonwealth with the duty and authority to administer and enforce these statutes and regulations.

C. Pennsylvania’s laws and regulations impose obligations in addition to those that exist under the Federal Safe Drinking Water Act and the Federal Clean Water Act, two statutes that

Congress passed to establish national standards to protect the quality of drinking water and to create a structure for the regulation of water pollution across the country.

D. Federal agencies are subject to both the state and federal water standards.

E. Under the Federal Safe Drinking Water Act, federal departments, agencies, and all other instrumentalities of the executive branch of the federal government are subject to “both the substantive and procedural” requirements a state has established to protect public water systems, “including any requirement for permits” and compliance with “administrative orders.” The United States has “expressly waive[d] any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement,” specifically including as to “administrative order[s].” 42 U.S.C. § 300j-6(a).

F. Additionally, states may assume primary enforcement responsibility for compliance with the minimum federal water quality standards required under the Federal Safe Drinking Water Act. 42 U.S.C. § 300g-2. States may assume that enforcement responsibility if they have, among other things, adopted water regulations that are no less stringent than the federal standards and a means to enforce those standards. *Id.* § 300g-2(a)(1)-(7).

G. The Pennsylvania Safe Drinking Water Act satisfies the requirements under the Federal Safe Drinking Water Act, *see* 42 U.S.C. § 300g-2, for a state to assume primary enforcement responsibility of federal drinking water standards. Indeed, since 1984, the Department has exercised the Commonwealth of Pennsylvania’s primary enforcement responsibility for public water systems under Section 1413 of the Federal Safe Drinking Water Act, 42 U.S.C. §300g-2, through its authority to administer and enforce the Pennsylvania Safe Drinking Water Act. *See* 35 P.S. § 721.2(3).

H. Similarly, under the Federal Clean Water Act, federal agencies are subject to and must comply with all Federal, State, interstate and local requirements, administrative authority, and process, and sanctions respecting the control and abatement of water pollution in the same manner

and to the same extent as any nongovernmental entity. 33 U.S.C. § 1323(a). Federal agencies' duty to follow state pollutions controls includes "any requirement respecting permits." *Id.* For state pollution controls, too, the federal government has waived "any immunity of such agencies, officers, agents, or employees under any law or rule of law." *Id.*

I. The United States Department of Homeland Security ("DHS"), is an executive department of the United States, established pursuant to the Homeland Security Act, 6 U.S.C. §§ 101-681g, that has an office and mailing address at: DHS, U.S. Immigration and Customs Enforcement Facilities Management Division, 500 12th Street SW, Suite 3000, Washington D.C. 20250.

J. The Schuylkill County Municipal Authority ("SCMA") is a municipal authority that provides public water and sewage services. As part of these services, SCMA currently serves customers across Tremont Borough, Tremont Township, and Frailey Township.

Drinking Water Conditions in Tremont

K. SCMA owns and operates a community public water system with 798 service connections in Schuylkill County serving Tremont Borough and portions of Tremont Township and Frailey Township ("Tremont Water System"). The Tremont Water System consists of two groundwater wells, Well No. 4 and Well No. 15, an iron and manganese filtration treatment plant, and the storage and distribution system.

L. The Tremont Water System water treatment plant is designed to treat 400,000 gallons per day. The Susquehanna River Basin Commission has further limited SCMA's treatment capacity to 330,000 gallons per day.

M. Recent drought conditions in the Tremont area have resulted in critically low levels of available water in the Tremont Water System. The average flow through the treatment plant in 2025, including trucked water, was 208,000 gallons per day.

N. The Tremont Water System includes a storage tank that allows SCMA to store a maximum volume of 1,000,000 gallons for drinking water and fire protection in the service area.

O. Since December 2025, the Department has issued 5 emergency permits to SCMA to allow the bulk hauling of drinking water into the water treatment plant to meet the needs of the Tremont Water System's existing customers created by the emergency drought conditions.

P. SCMA has been receiving bulk water by using semi-trailers, which are limited to approximately 6,000 gallons per load.

Q. On February 27, 2026, the Department issued a water allocation permit and an operations permit amendment to SCMA that allows it to use the nearby Teirney reservoir as a raw water source for the Tremont Water System, which may add up to 70,000 gallons per day and alleviate the need for bulk hauling of water to serve existing customers.

R. On or about January 15, 2026, DHS purchased real property and a warehouse located at 51 Rausch Creek Road in Tremont Township, Schuylkill County (hereinafter "Property") for \$119,515,000.

S. The warehouse on the Property is a former commercial distribution warehouse that received water for drinking and fire protection from SCMA and used the SCMA sewage system to manage its wastewater.

T. While DHS has not communicated with the Department about the Property, DHS has announced in documents made public that it plans to use facilities like the warehouse at the Property as detention centers to incarcerate as many as 7,500 people detained by Immigration and Customs Enforcement ("ICE") as part of its "ICE Detention Reengineering Initiative."¹ The Department is aware that representatives of DHS have made similar comments about their intended use of the Property to local officials.

¹ ICE Detention Reengineering Initiative (Feb. 13, 2026).

U. The Department is aware that on or around January 9, 2026, DHS sent a letter to the Pennsylvania Historical and Museum Commission to initiate review under Section 106 of the National Historical Preservation Act in which DHS described the purchased warehouse at the Property as a “Mega Center” to be used “in support of ICE operations.”

V. DHS has represented in documents now made public that the objective of the ICE Detention Reengineering Initiative is to secure facilities for the “civil detention of aliens in ICE custody, while helping ICE effectuate mass deportations.” These facilities “will be built to handle the immediate surge capacity and sustained long-term operations.”

W. “ICE plans to activate all facilities” acquired under the Detention Reengineering Initiative “by November 30, 2026.”

X. Despite that expedited timeline, DHS has not contacted the Department regarding the Property or planned detention center.

Y. In its last year of use as a commercial distribution center, the warehouse at the Property used an average of 7,675 gallons of water per day, with a maximum daily usage of just over 10,400 gallons.

Z. A public water system designed to serve an institutional use such as a prison or detention center should be designed to provide 2 gallons per minute for each outlet or plumbing fixture or a peak daily demand of 120 gallons per day per person. *See* Department’s Public Water Supply Manual, Part IV Noncommunity System Design Standards, Section 1.6 and Table 1.1.

AA. DHS’s planned use of the warehouse at the Property—incarcerating as many as 7,500 people—therefore could require up to 900,000 gallons per day of water or 90% of all available stored water in the Tremont Water System and would prevent SCMA from serving its current customers and providing water for fire protection.

BB. The Tremont Water System’s approved capacities cannot provide an adequate and reliable quantity and quality of water for DHS’s proposed use of the warehouse as a detention center

for 7,500 people. Nor is the Tremont Water System as currently permitted capable of supplying the Property adequate water while also continuing to serve its current customers.

CC. DHS's construction of its own water system at the Property through the use of new groundwater or surface water sources in the area would diminish the water available to SCMA to serve the customers of the Tremont Water System.

DD. SCMA has received temporary emergency permits for bulk hauling to its water treatment plant, but the Department has not authorized a bulk water hauling system at the Property.

Sewage Management for the Property

EE. Further, by letter dated July 15, 1999, the Department approved a revision to the Tremont Township Official Sewage Facilities Plan for sewage flows from the "Tremont Business Park," which contains the Property ("1999 Sewage Approval").

FF. The 1999 Sewage Approval authorized sewage flows of 6,000 gallons per day from the warehouse on the Property, 250 gallons per day from the nearby SCMA Tremont Water System water treatment plant, and an additional 8,750 gallons per day to be used for future development in Tremont Business Park for a total of 15,000 gallons per day.

GG. The 1999 Sewage Approval directed that the sewage from the Tremont Business Park would be conveyed by a grinder pump to the existing eight-inch interceptor line constructed for the SCMA Tremont Water System drinking water treatment plant and then for treatment at the Tremont Municipal Authority Wastewater Treatment Plant ("Tremont Wastewater Treatment Plant").

HH. The sewage piping constructed to connect the warehouse on the Property to the eight-inch interceptor line is reportedly a 2-inch line.

II. SCMA provides public sewage services in Tremont Township and Tremont Borough through a collection system that conveys the sewage through a pump station and to the Tremont Wastewater Treatment Plant in Tremont Borough that SCMA now operates. In total, SCMA is

authorized to treat 500,000 gallons per day of wastewater at the Tremont Wastewater Treatment Plant under Water Quality Management permit No. 405405 issued by the Department.

JJ. In 2025, the annual average flow for the Tremont Wastewater Treatment Plant was approximately 394,000 gallons per day and additional hydraulic capacity has already been allotted to developments that have received planning approval and are under construction.

KK. DHS's intended use of the warehouse at the Property to incarcerate 7,500 people would likely produce 450,000 to 1,000,000 gallons per day of sewage.

Permitting Requirements – Drinking Water

LL. Under Section 1447 of the Federal Safe Drinking Water Act, *see* 42 U.S.C. § 300j-6, DHS is subject to and must comply with both substantive and procedural state requirements respecting public water systems in the same manner and to the same extent as any other person. 42 U.S.C. § 300j-6 (a).

MM. Under Pennsylvania's requirements for public water systems, the owners or operators of a public water system must: 1) protect the water sources supplying the public water system; 2) provide adequate treatment for the public water system to ensure public health is protected; 3) properly maintain and operate public water system facilities; and 4) take actions necessary to ensure safe and potable water is continuously supplied by the public water system to its users. 25 Pa. Code § 109.4(1)-(4).

NN. Under 25 Pa. Code § 109.202(a)(1), a public water system shall supply to customers drinking water that complies with all primary Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, and treatment technique requirements.

OO. SCMA's Tremont Water System is a "public water system" as that term is defined in Section 3 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.3 and 25 Pa. Code § 109.1.

PP. SCMA is a "person" and a "public water supplier," as those terms are defined in Section 3 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.3, and 25 Pa. Code § 109.1.

QQ. Under 25 Pa. Code §§ 109.4(2) and 109.202(a)(1), SCMA is required to provide adequate treatment for the water it distributes to ensure that the public health is protected.

RR. Under Section 7 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.7, and 25 Pa. Code § 109.1, a change in a public water system that may affect the quantity or quality of water served to the public or that may be prejudicial to the public health or safety is a “substantial modification.”

SS. Under 25 Pa. Code §109.501(b), a person may not substantially modify a public water system without first obtaining an amended construction permit from the Department.

TT. Under 25 Pa. Code §109.501(d), a person may not operate a substantially modified part of a public water system used for collection, treatment, storage or distribution of drinking water without first obtaining an amended operation permit from the Department.

UU. DHS’s intended use of the Property would require the Tremont Water System to supply hundreds of thousands additional gallons of water each day to the Property, which is beyond the capacity of SCMA’s sources, beyond SCMA’s ability to adequately treat the water with its current treatment system, and would be a “substantial modification” of the Tremont Water System. That substantial modification is a major change to the Tremont Water System and cannot be completed without permits from the Department.

VV. Separately and in addition, water withdrawn from a carrier vehicle into a storage or distribution facility is both a “bulk water hauling system” and a “public water system” as those terms are defined in 25 Pa. Code § 109.1.

WW. No person may construct or operate a new public water system, including a bulk water hauling system, without first having obtained a permit from the Department. 25 Pa. Code § 109.501(a) and (c).

XX. Because supplying water to a planned development does not qualify as a State or Federal emergency response bulk water hauling operation under 25 Pa. Code §109.506(b), any bulk water hauling to the Property will require a permit from the Department.

YY. DHS is a “person,” as that term is defined in Section 3 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.3, and 25 Pa. Code § 109.1.

ZZ. DHS’s development of a new source of water for the Property will require new water source development, a construction permit, and an operations permit from the Department. 25 Pa. Code § 109.503(a)(1)(iii).

AAA. The Department reviews proposed sources of water that would supply a public water system for contamination, treatability, and to determine if there is a safe and sustainable yield of water, among other requirements. 25 Pa. Code § 109.503.

BBB. Although DHS has stated it intends for the Property to be an active detention center by November 30, 2026 with “long-term operations,” it has not sought any permits from the Department for any water use at the Property.

CCC. DHS’s use of the Tremont Water System to provide water for its planned use of the warehouse at the Property to incarcerate 7,500 people will cause SCMA to violate the Federal Safe Drinking Water Act, the Pennsylvania Safe Drinking Water Act and Department regulations.

DDD. DHS’s construction and operation of a new public water system, including a bulk water hauling system, at the Property without first obtaining permits from the Department will violate the Federal Safe Drinking Water Act, Pennsylvania Safe Drinking Water Act and Department regulations.

EEE. Section 5(c) of the Pennsylvania Safe Drinking Water Act provides the Department with the authority to issue orders and initiate such proceedings as may be necessary and appropriate for the enforcement of drinking water standards, including: to do any and all things and actions not

inconsistent with any provision of this act for the effective enforcement of this act, rules and regulations or permits issued hereunder. 35 P.S. § 751.5(c)(3).

FFF. Any violation of the Pennsylvania Safe Drinking Water Act, its attendant regulations, or any order of the Department constitutes a public nuisance as a matter of law. 35 P.S. § 721.12(a).

Permitting Requirements - Sewage

GGG. Section 202 of the Clean Streams Law, 35 P.S. § 691.202, prohibits a person from discharging or permitting the discharge of sewage in any manner, directly or indirectly, into the waters of this Commonwealth unless such discharge is authorized by the rules and regulations of the Department or such person or municipality has first obtained a permit from the Department.

HHH. Under Section 202 of the Clean Streams Law, 35 P.S. § 691.202, a discharge of sewage into the waters of the Commonwealth includes a discharge of sewage by a person or municipality into a sewer system or other facility owned, operated or maintained by another person or municipality and which then flows into the waters of the Commonwealth and a discharge of sewage without a permit or contrary to the terms and conditions of a permit or contrary to the rules and regulations of the Department is declared to be a nuisance.

III. Under Section 207 of the Clean Streams Law, 35 P.S. § 691.207, a sewer extension that is constructed, connected or maintained contrary to the rules and regulations of the Department, contrary to the terms and conditions of a permit, inconsistent with the approved official plan for the municipality or contrary to any conditions imposed by the Department, municipality or municipal authority is also declared to be a nuisance.

JJJ. DHS is a “person” as that term is defined in the Clean Streams Law, 35 P.S. § 691.1, and the Sewage Facilities Act, 35 P.S. § 750.2.

KKK. Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, prohibits a person from connecting to a community sewage system or occupying any building or structure for which a community sewage system is to be installed without first obtaining a permit indicating that the site

and the plans and specifications of such system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder. 35 P.S. § 750.7(a)(1).

LLL. Under 25 Pa. Code § 71.51, a municipality shall revise its official sewage plan when, among other things, newly discovered facts, conditions or circumstances make the plan inadequate to meet the sewage needs of new land developments.

MMM. Section 10 of the Sewage Facilities Act, 35 P.S. 750.10, authorizes the Department to, among other things, order the implementation of official plans and revisions thereto.

NNN. Under 25 Pa. Code § 71.51, a revision to the official sewage plan is not required if a development is connecting to an existing public sewer and if, among other things, the applicant has provided written certification from the permittees of the collection, conveyance and treatment facilities to the municipality in which the subdivision is located and the Department or delegated agency with jurisdiction over the municipality in which the subdivision is located that there is capacity to receive and treat the sewage flows from the applicant's proposed new land development and that the additional wasteload from the proposed new land development will not create a hydraulic or organic overload or 5-year projected overload.

OOO. Under 25 Pa. Code § 71.63(c), holding tanks can be used in lieu of other methods of sewage disposal only when certain conditions are met, including that the applicable official plan or revision thereto indicates the use of holding tanks for that lot and provides for replacement by adequate sewerage services in accordance with a schedule approved by the Department.

PPP. Section 402 of the Clean Streams Law, 35 P.S. 691.402, authorizes the Department to issue an order whenever the Department finds that any activity, not otherwise requiring a permit under this act, including but not limited to the impounding, handling, storage, transportation, processing or disposing of materials or substances, creates a danger of pollution of the waters of the Commonwealth or that regulation of the activity is necessary to avoid such pollution.

QQQ. Section 610 of the Clean Streams Law, 35 P.S. § 691.610, authorizes the Department to issue orders as may be necessary and appropriate for the enforcement of the provisions of the Clean Streams Law.

RRR. Any violation of the Clean Streams Law, its attendant regulations, or any order or permit of the Department constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and a statutory nuisance under Section 601 of the Clean Streams Law, 35 P.S. § 691.601.

SSS. The Tremont Township Official Sewage Facilities Plan provides that sewage from the Property will be conveyed and treated at the Tremont Wastewater Treatment Plant.

TTT. SCMA is authorized to discharge treated effluent from the Tremont Wastewater Treatment Plant to Swatara Creek in accordance with effluent limitations, monitoring requirements and other conditions set forth in NPDES Permit No. PA0042951 issued to SCMA by the Department.

UUU. The sewage expected to be produced at the Property far exceeds the 15,000 gallons per day that the Tremont Business Park has been planned and approved for in the Tremont Township Official Sewage Facilities Plan.

VVV. The 450,000 to 1,000,000 gallons per day of sewage that is likely to be produced from DHS's planned use of the warehouse at the Property will overwhelm SCMA's existing collection system and pump station, and hydraulically overload the Tremont Wastewater Treatment Plant.

WWW. Sending 450,000 to 1,000,000 gallons per day of sewage from the Property to the Tremont Wastewater Treatment Plant will result in the uncontrolled discharge of untreated or inadequately treated sewage to Swatara Creek from the Tremont Wastewater Treatment Plant, in violation of SCMA's NPDES permit, the Clean Water Act and the Clean Streams Law.

XXX. The lack of adequate sewage collection and treatment facilities to receive the sewage generated by DHS's use of the warehouse at the Property for incarceration of up to 7,500 people will create a danger of water pollution from untreated sewage running off or being discharged at the Property.

YYY. Because the Tremont Township Official Sewage Facilities Plan provides that sewage from the Property will be conveyed and treated at the Tremont Wastewater Treatment Plant, DHS cannot use on-site equipment, such as holding tanks, retaining tanks, privies, or chemical toilets, to manage sewage at the Property without Tremont Township amending the Tremont Township Official Sewage Facilities Plan and getting approval from the Department.

ZZZ. DHS's use of the warehouse at the Property to incarcerate 7,500 people without first obtaining a permit indicating that the site and the plans and specifications of the warehouse sewage system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder will violate Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, will violate Section 207 of the Clean Streams Law, 35 P.S. § 691.207, and will be a statutory nuisance.

AAAA. DHS's unauthorized discharge of sewage into the SCMA's collection system, pump station, and the Tremont Wastewater Treatment Plant from its use of the warehouse at the Property to incarcerate 7,500 people will violate Section 202 of the Clean Streams Law, 35 P.S. § 691.202, will be a statutory nuisance, creates a danger of pollution of the waters of the Commonwealth, and regulation of DHS's activity is necessary to avoid such pollution.

ORDER

NOW, THEREFORE, under Sections 5 and 12 of the Pennsylvania Safe Drinking Water Act, 35 P.S. §§ 721.5 and 721.12; Sections 5, 402, and 610 of the Clean Streams Law, 35 P.S. §§ 691.5, 691.402, and 691.610; Section 10 of the Sewage Facilities Act, 35 P.S. §§ 750.10, and Section 1917-A of the Administrative Code of 1929, 71 P.S. § 510-17, the Department hereby ORDERS the United States Department of Homeland Security as follows:

Drinking Water

1. DHS shall not obtain water from the SCMA's Tremont Water System for any use at the Property other than fire protection without SCMA first obtaining all required permits and approvals from the Department under the Pennsylvania Safe Drinking Water Act and regulations implementing that statute.

2. DHS shall not haul bulk water to the Property or develop a new source of water to serve the Property without first obtaining all required permits and approvals from the Department under the Pennsylvania Safe Drinking Water Act and regulations implementing that statute.

3. Within 20 days after receipt of this Order, DHS shall deliver to the Department at the address identified in Paragraph 7, below, a written description of DHS's plans to provide drinking water at the Property in reliable quantities and quality that complies with all primary Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, and treatment technique requirements, to serve the maximum population of prisoners and employees and contractors at the Property.

Sewage

4. Neither DHS nor any person shall occupy any building at the Property without first obtaining a permit from Tremont Township and a certification from SCMA indicating that the Property and the plans and specifications for the sewage service to the Property comply with the Sewage Facilities Act and the Clean Streams Law.

5. DHS shall not allow sewage to flow to SCMA's Tremont sewage system or use on-site equipment, including holding tanks, retaining tanks, privies or chemical toilets, to manage sewage at the Property without first applying for and obtaining a revision to the Tremont Township Official Sewage Facilities Plan that is approved by the Department.

6. Within 20 days after receipt of this Order, DHS shall deliver to the Department at the address identified in Paragraph 7, below, a written description of DHS's plans to properly manage

sewage from its proposed use of the Property in accordance with the Sewage Facilities Act and Clean Streams Law and their attendant regulations.

7. ***Correspondence with Department.*** All correspondence or submissions from DHS required by or related to the subjects concerning this Order shall be addressed to:

Joseph J. Buczynski, P.E.
Regional Director
Pennsylvania Department of Environmental Protection
Northeast Region
2 Public Square
Wilkes Barre, PA 18701-1915

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.A. 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. 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 <https://ehb.pa.gov/> 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.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

A handwritten signature in black ink, appearing to read 'J. Buczynski', is written over a horizontal line.

Joseph J. Buczynski, P.E.
Regional Director
Northeast Region



March 5, 2026

CERTIFIED MAIL NO.: 7015 3430 0000 6738 3152

Tremont Township
166 Molleystown Road
Pine Grove, PA 17963

Re: Administrative Order
51 Rausch Creek Road
Former "Big Lots" Warehouse
Tremont Township, Schuylkill County

Enclosed please find an Administrative Order issued by the Commonwealth of Pennsylvania, Department of Environmental Protection relating to the Department of Homeland Security's proposed use of the above-referenced site.

Please contact me at jbuczynski@pa.gov or 570-826-2521 if you have any questions.

Sincerely,

Joseph J. Buczynski, P.E.
Regional Director
Northeast Regional Office

Enclosure: Administrative Order

c: A. Bellanca, abellanca@pa.gov
J. Ryder, jryder@pa.gov
James H. Percival, General Counsel, U.S. Mail
(U.S. Department of Homeland Security)
Patrick M. Caulfield, P.E., U.S. Mail
(Schuylkill County Municipal Authority)

JJB: ab

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Tremont Township	:	51 Rausch Creek Road
166 Molleystown Road	:	Tremont Township
Pine Grove, Pennsylvania 17963	:	Schuylkill County
	:	

ADMINISTRATIVE ORDER

Now this 5th day of March 2026, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) has made the following findings and hereby issues this Administrative Order to Tremont Township.

A. To protect waters of the Commonwealth, Pennsylvania has enacted the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); the Pennsylvania Sewage Facilities Act, Act of January 24, 1965, P.L. 1535, No. 537, 35 P.S. §§ 750.1-750.20a (“Sewage Facilities Act”), Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”). Pennsylvania also has promulgated regulations implementing each statute.

B. The Department is the executive agency of the Commonwealth with the duty and authority to administer and enforce these statutes and regulations.

C. Tremont Township is a municipality organized under the laws of the Commonwealth of Pennsylvania located in Schuylkill County, Pennsylvania, and has a mailing address of 166 Molleystown Road, Pine Grove, Pennsylvania 17963 (“Township”).

D. The United States Department of Homeland Security (“DHS”), is an executive department of the United States, established pursuant to the Homeland Security Act, 6 U.S.C. §§ 101-681g, that has an office and mailing address at: DHS, U.S. Immigration and Customs Enforcement Facilities Management Division, 500 12th Street SW, Suite 3000, Washington D.C. 20250.

E. The Schuylkill County Municipal Authority (“SCMA”) is a municipal authority that provides sewage services to customers in Tremont Township, among other nearby areas in Schuylkill County, Pennsylvania. SCMA has a mailing address of 221 South Centre Street, Pottsville, Pennsylvania 17901.

F. On or about January 15, 2026, DHS purchased real property and a warehouse located at 51 Rausch Creek Road in Tremont Township, Schuylkill County (hereinafter “Property”) for \$119,515,000.

G. The warehouse on the Property is a former commercial distribution warehouse that received water for drinking and fire protection from SCMA and uses the SCMA sewage system to manage its wastewater.

H. While DHS has not communicated with the Department about the Property, DHS has announced in documents made public that it plans to use facilities like the warehouse at the Property as detention centers to incarcerate as many as 7,500 people detained by Immigration and Customs Enforcement (“ICE”) as part of its “ICE Detention Reengineering Initiative.”¹ The Department is aware that representatives of DHS have made similar comments about their intended use of the Property to local officials.

I. The Department is aware that on or around January 9, 2026, DHS sent a letter to the Pennsylvania Historical and Museum Commission to initiate review under Section 106 of the National Historical Preservation Act in which DHS described the purchased warehouse at the Property as a “Mega Center” to be used “in support of ICE operations.”

J. DHS has represented that the objective of the ICE Detention Reengineering Initiative is to secure facilities for the “civil detention of aliens in ICE custody, while helping ICE effectuate

¹ ICE Detention Reengineering Initiative (Feb. 13, 2026).

mass deportations.” These facilities “will be built to handle the immediate surge capacity and sustained long-term operations.”

K. “ICE plans to activate all facilities” acquired under the Detention Reengineering Initiative “by November 30, 2026.”

L. Despite that expedited timeline, DHS has not contacted the Department regarding the Property or planned detention center.

Sewage Management for the Property

M. By letter dated July 15, 1999, the Department approved a revision to the Tremont Township Official Sewage Facilities Plan for sewage flows from the “Tremont Business Park,” which contains the Property (“1999 Sewage Approval”).

N. The 1999 Sewage Approval authorized sewage flows of 6,000 gallons per day from the warehouse on the Property, 250 gallons per day from the nearby SCMA Tremont Water System water treatment plant, and an additional 8,750 gallons per day to be used for future development in Tremont Business Park for a total of 15,000 gallons per day.

O. The 1999 Sewage Approval directed that the sewage from the Tremont Business Park would be conveyed by a grinder pump to the existing eight-inch interceptor line constructed for the SCMA Tremont Water System drinking water treatment plant and then for treatment at the Tremont Municipal Authority Wastewater Treatment Plant (“Tremont Wastewater Treatment Plant”).

P. The sewage piping constructed to connect the warehouse on the Property to the eight-inch interceptor line is reportedly a 2-inch line.

Q. SCMA provides public sewage services in Tremont Township and Tremont Borough through a collection system that conveys the sewage through a pump station and to the Tremont Wastewater Treatment Plant in Tremont Borough that SCMA now operates. In total, SCMA is

authorized to treat 500,000 gallons per day of wastewater at the Tremont Wastewater Treatment Plant under Water Quality Management permit No. 405405 issued by the Department.

R. In 2025, the annual average flow for the Tremont Wastewater Treatment Plant was approximately 394,000 gallons per day and additional hydraulic capacity has already been allotted to developments that have received planning approval and are under construction.

S. DHS's intended use of the warehouse at the Property to incarcerate 7,500 people would likely produce 450,000 to 1,000,000 gallons per day of sewage.

Permitting Requirements

T. Section 202 of the Clean Streams Law, 35 P.S. § 691.202, prohibits a person from discharging or permitting the discharge of sewage in any manner, directly or indirectly, into the waters of this Commonwealth unless such discharge is authorized by the rules and regulations of the Department or such person or municipality has first obtained a permit from the Department.

U. Under Section 202 of the Clean Streams Law, 35 P.S. § 691.202, a discharge of sewage into the waters of the Commonwealth includes a discharge of sewage by a person or municipality into a sewer system or other facility owned, operated or maintained by another person or municipality and which then flows into the waters of the Commonwealth and a discharge of sewage without a permit or contrary to the terms and conditions of a permit or contrary to the rules and regulations of the Department is declared to be a nuisance.

V. Under Section 207 of the Clean Streams Law, 35 P.S. § 691.207, a sewer extension that is constructed, connected or maintained contrary to the rules and regulations of the Department, contrary to the terms and conditions of a permit, inconsistent with the approved official plan for the municipality or contrary to any conditions imposed by the Department, municipality or municipal authority is also declared to be a nuisance.

W. DHS is a “person” as that term is defined in the Clean Streams Law, 35 P.S. § 691.1, and the Sewage Facilities Act, 35 P.S. § 750.2.

X. Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, prohibits a person from connecting to a community sewage system or occupying any building or structure for which a community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder. 35 P.S. § 750.7(a)(1).

Y. The Township is a “municipality,” as defined in Section 2 of the Sewage Facilities Act, 35 P.S. § 750.2.

Z. Under 25 Pa. Code § 71.51, a municipality shall revise its official sewage plan when, among other things, newly discovered facts, conditions or circumstances make the plan inadequate to meet the sewage needs of new land developments.

AA. Section 10 of the Sewage Facilities Act, 35 P.S. 750.10, authorizes the Department to, among other things, order the implementation of official plans and revisions thereto.

BB. Under 25 Pa. Code § 71.51, a revision to the official sewage plan is not required if a development is connecting to an existing public sewer and if, among other things, the applicant has provided written certification from the permittees of the collection, conveyance and treatment facilities to the municipality in which the subdivision is located and the Department or delegated agency with jurisdiction over the municipality in which the subdivision is located that there is capacity to receive and treat the sewage flows from the applicant’s proposed new land development and that the additional wasteload from the proposed new land development will not create a hydraulic or organic overload or 5-year projected overload.

CC. Under 25 Pa. Code § 71.63(c), holding tanks can be used in lieu of other methods of sewage disposal only when certain conditions are met, including that the applicable official plan or

revision thereto indicates the use of holding tanks for that lot and provides for replacement by adequate sewerage services in accordance with a schedule approved by the Department.

DD. Section 402 of the Clean Streams Law, 35 P.S. 691.402, authorizes the Department to issue an order whenever the Department finds that any activity, not otherwise requiring a permit under this act, including but not limited to the impounding, handling, storage, transportation, processing or disposing of materials or substances, creates a danger of pollution of the waters of the Commonwealth or that regulation of the activity is necessary to avoid such pollution.

EE. Section 610 of the Clean Streams Law, 35 P.S. § 691.610, authorizes the Department to issue orders as may be necessary and appropriate for the enforcement of the provisions of the Clean Streams Law.

FF. Any violation of the Clean Streams Law, its attendant regulations, or any order or permit of the Department constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and a statutory nuisance under Section 601 of the Clean Streams Law, 35 P.S. § 691.601.

GG. The Tremont Township Official Sewage Facilities Plan provides that sewage from the Property will be conveyed and treated at the Tremont Wastewater Treatment Plant.

HH. SCMA is authorized to discharge treated effluent from the Tremont Wastewater Treatment Plant to Swatara Creek in accordance with effluent limitations, monitoring requirements and other conditions set forth in NPDES Permit No. PA0042951 issued to SCMA by the Department.

II. The sewage expected to be produced at the Property far exceeds the 15,000 gallons per day that the Tremont Business Park has been planned and approved for in the Tremont Township Official Sewage Facilities Plan.

JJ. The 450,000 to 1,000,000 gallons per day of sewage that is likely to be produced from DHS's planned use of the warehouse at the Property will overwhelm SCMA's existing collection system and pump station, and hydraulically overload the Tremont Wastewater Treatment Plant.

KK. Sending 450,000 to 1,000,000 gallons per day of sewage from the Property to the Tremont Wastewater Treatment Plant will result in the uncontrolled discharge of untreated or inadequately treated sewage to Swatara Creek from the Tremont Wastewater Treatment Plant, in violation of SCMA's NPDES permit, the Clean Water Act and the Clean Streams Law.

LL. The lack of adequate sewage collection and treatment facilities to receive the sewage generated by DHS's use of the warehouse at the Property for incarceration of up to 7,500 people will create a danger of water pollution from untreated sewage running off or being discharged at the Property.

MM. Because the Tremont Township Official Sewage Facilities Plan provides that sewage from the Property will be conveyed and treated at the Tremont Wastewater Treatment Plant, DHS cannot use on-site equipment, such as holding tanks, retaining tanks, privies, or chemical toilets, to manage sewage at the Property without Tremont Township amending the Tremont Township Official Sewage Facilities Plan and getting approval from the Department.

NN. DHS's use of the warehouse at the Property to incarcerate 7,500 people without first obtaining a permit indicating that the site and the plans and specifications of the warehouse sewage system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder will violate Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, will violate Section 207 of the Clean Streams Law, 35 P.S. § 691.207, and will be a statutory nuisance.

OO. DHS's unauthorized discharge of sewage into the SCMA's collection system, pump station, and the Tremont Wastewater Treatment Plant from its use of the warehouse at the Property

to incarcerate 7,500 people will violate Section 202 of the Clean Streams Law, 35 P.S. § 691.202, will be a statutory nuisance, creates a danger of pollution of the waters of the Commonwealth, and regulation of DHS's activity is necessary to avoid such pollution.

ORDER

NOW, THEREFORE, under Sections 5, 402, and 610 of the Clean Streams Law, 35 P.S. §§ 691.5, 691.402 and 691.610; Section 10 of the Sewage Facilities Act, 35 P.S. § 750.10; and Section 1917-A of the Administrative Code of 1929, 71 P.S. § 510-17; the Department hereby ORDERS Tremont Township as follows:

1. The Township shall not issue any permits for, or allow the occupancy of, the warehouse on the Property for any use other than a commercial distribution warehouse unless Tremont Township first revises the Tremont Township Official Sewage Facilities Plan to provide for proper sewage management at the Property and obtains the approval of the revision by the Department.

2. The Township shall not issue any permits for, or allow the use of holding tanks, retaining tank, privies or chemical toilets to manage sewage from the Property unless Tremont Township first revises the Tremont Township Official Sewage Facilities Plan to provide for proper sewage management at the Property and obtains the approval of the revision by the Department.

3. ***Correspondence with Department.*** All correspondence with the Department concerning this Order shall be addressed to:

Amy Bellanca, P.E.
Clean Water Program Manager
Pennsylvania Department of Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes Barre, Pa 18701

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.A. 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. 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 <https://ehb.pa.gov/> 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.**

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

A handwritten signature in black ink, appearing to read 'J. Buczynski', written over a horizontal line.

Joseph J. Buczynski, P.E.
Regional Director
Northeast Region



Pennsylvania
Department of
Environmental Protection

March 5, 2026

CERTIFIED MAIL NO.: 7020 1810 0000 0380 2907

The Honorable Kristi Noem, Secretary
Mail Stop 0525
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

CERTIFIED MAIL NO.: 7020 1810 0000 0380 2891

James H. Percival, General Counsel
Mail Stop 0485
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528-0485

CERTIFIED MAIL NO.: 7020 1810 0000 0380 2884

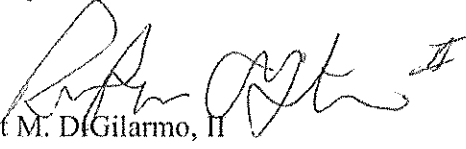
Office of the Principal Legal Advisor
Mail Stop 5900
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536-5900

Re: Administrative Order
3501 Mountain Road
Upper Bern Township, Berks County

Enclosed please find an Administrative Order issued by the Commonwealth of Pennsylvania, Department of Environmental Protection relating to the Department of Homeland Security's proposed use of the above-referenced site.

Please contact me at rdigilarmo@pa.gov or 717-705-4900 if you have any questions.

Sincerely,


Robert M. DiGiulamo, II
Regional Director
Southcentral Regional Office

Enclosure: Administrative Order

c: J. Mattucci, jomattucci@pa.gov
M. Bebenek, mbebenek@pa.gov

J. Ryder, jryder@pa.gov
Upper Bern Township, U.S. Mail

RMD: dw

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Department of Homeland Security	:	3501 Mountain Road
U.S. Immigration and Customs Enforcement	:	Upper Bern Township
Facilities Management Division	:	Berks County
500 12 th Street SW, Suite 3000	:	
Washington D.C. 20250	:	

ADMINISTRATIVE ORDER

Now this 5th day of March 2026, the Commonwealth of Pennsylvania,

Department of Environmental Protection (“Department”) has made the following findings and hereby issues this Administrative Order to the Department of Homeland Security, U.S. Immigration and Customs Enforcement Facilities Management Division.

Pennsylvania Water Standards Apply to the Department of Homeland Security

A. To protect Pennsylvanians’ access to clean and safe water, Pennsylvania has enacted the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §§ 721.1–721.17 (“Pennsylvania Safe Drinking Water Act”); the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); the Pennsylvania Sewage Facilities Act, Act of January 24, 1965, P.L. 1535, No. 537, 35 P.S. §§ 750.1-750.20a (“Sewage Facilities Act”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”). Pennsylvania also has promulgated regulations implementing each statute.

B. The Department is the executive agency of the Commonwealth with the duty and authority to administer and enforce these statutes and regulations.

C. Pennsylvania’s laws and regulations impose obligations in addition to those that exist under the Federal Safe Drinking Water Act and the Federal Clean Water Act, two statutes that

Congress passed to establish national standards to protect the quality of drinking water and to create a structure for the regulation of water pollution across the country.

D. Federal agencies are subject to both the state and federal water standards.

E. Under the Federal Safe Drinking Water Act, federal departments, agencies, and all other instrumentalities of the executive branch of the federal government are subject to “both the substantive and procedural” requirements a state has established to protect public water systems, “including any requirement for permits” and compliance with “administrative orders.” The United States has “expressly waive[d] any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement,” specifically including as to “administrative order[s].” 42 U.S.C. § 300j-6(a).

F. Additionally, states may assume primary enforcement responsibility for compliance with the minimum federal water quality standards required under the Federal Safe Drinking Water Act. 42 U.S.C. § 300g-2. States may assume that enforcement responsibility if they have, among other things, adopted water regulations that are no less stringent than the federal standards and a means to enforce those standards. *Id.* § 300g-2(a)(1)-(7).

G. The Pennsylvania Safe Drinking Water Act satisfies the requirements under the Federal Safe Drinking Water Act, *see* 42 U.S.C. § 300g-2, for a state to assume primary enforcement responsibility of federal drinking water standards. Indeed, since 1984, the Department has exercised the Commonwealth of Pennsylvania’s primary enforcement responsibility for public water systems under Section 1413 of the Federal Safe Drinking Water Act, 42 U.S.C. §300g-2, through its authority to administer and enforce the Pennsylvania Safe Drinking Water Act. *See* 35 P.S. § 721.2(3).

H. Similarly, under the Federal Clean Water Act, federal agencies are subject to and must comply with all Federal, State, interstate and local requirements, administrative authority, and

process, and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity. 33 U.S.C. § 1323(a). Federal agencies' duty to follow state pollutions controls includes "any requirement respecting permits." *Id.* For state pollution controls, too, the federal government has waived "any immunity of such agencies, officers, agents, or employees under any law or rule of law." *Id.*

I. The United States Department of Homeland Security ("DHS"), is an executive department of the United States, established pursuant to the Homeland Security Act, 6 U.S.C. §§ 101-681g, that has an office and mailing address at: DHS, U.S. Immigration and Customs Enforcement Facilities Management Division, 500 12th Street SW, Suite 3000, Washington D.C. 20250.

J. Upper Bern Township is a municipality in Berks Couty, Pennsylvania organized and existing under the laws of the Commonwealth of Pennsylvania, with a business address of 25 N. 5th Street, Shartlesville, PA 19554 ("Township").

K. On or about January 26, 2026, DHS purchased real property and a warehouse located at 3501 Mountain Road in Upper Bern Township, Berks County (hereinafter "Property") for \$87,402,500.

Drinking Water Conditions at the Property

L. On May 6, 2020, GACSD Development, LLC ("GACSD Development"), a Pennsylvania limited liability corporation, sought approval from the Department to install a well and construct a public water system to serve the warehouse on the Property.

M. On July 16, 2020, the Department granted GACSD Development approval to construct a noncommunity water system at the Property with a maximum instantaneous pump rate for the well of 8.5 gallons per minute and treatment consisting of cartridge filtration units, ultraviolet disinfection units, and an acid neutralizer ("GACSD Water System"). The letter granting the

Department's approval stated, in part, "[no] deviations from the approved plans or specifications affecting treatment process, quality, or quantity of water shall be made without prior written approval of the Department" and "[the] proposed facilities may not be placed into service until you obtain a separate operation approval from the Department."

N. Under the approved maximum pumping rate, the GACSD Water System could provide a maximum of 12,240 gallons per day.

O. The approved GACSD Water System is designed to serve a warehouse of about 350 employees based on a peak daily demand of 35 gallons per day per person.

P. GACSD Development has constructed a noncommunity water system at the Property.

Q. GACSD Development has not transferred the Department's approval to construct the GACSD Water System.

R. On April 17, 2025, the Department conducted an inspection of the GACSD Water System and observed it was not constructed in accordance with the Department's approval. The Department identified the following deficiencies: 1) a fire suppression storage tank was connected to the GACSD Water System; 2) a cross connection existed between blow off piping and the finished water line at the GACSD Water System that was not included in the plans and specifications approved by the Department; 3) a 8 gallon per minute flow restrictor was not installed on the raw water line for the GACSD Water System as shown in the plans and specifications approved by the Department; 5) a flow meter was not installed on the well discharge line prior to treatment at the GACSD Water System as shown in the plans and specifications approved by the Department; and 6) there was no current, valid pump test for the well serving the GACSD Water System.

S. GACSD Development never sought or received approval from the Department to operate the GACSD Water System at the Property.

T. While DHS has not communicated with the Department about the Property, DHS has announced in documents made public that it plans to use facilities like the warehouse at the Property as detention centers to incarcerate as many as 1,500 people detained by Immigration and Customs Enforcement (“ICE”) as part of its “ICE Detention Reengineering Initiative.”¹ The Department is aware that representatives of DHS have made similar comments about their intended use of the Property to local officials.

U. The Department is aware that on or around January 21, 2026, DHS sent a letter to the Pennsylvania Historical and Museum Commission to initiate review under Section 106 of the National Historical Preservation Act in which DHS described the purchased warehouse at the Property as a “Processing Center” to be used “in support of ICE operations.”

V. DHS has represented that the objective of the ICE Detention Reengineering Initiative is to secure facilities for the “civil detention of aliens in ICE custody, while helping ICE effectuate mass deportations.” These facilities “will be built to handle the immediate surge capacity and sustained long-term operations.”

W. “ICE plans to activate all facilities” acquired under the Detention Reengineering Initiative “by November 30, 2026.”

X. Despite that expedited timeline, DHS has not contacted the Department regarding the Property or planned detention center and no application has been submitted to the Department to transfer the GACSD Water System from GACSD Development to DHS.

Y. A public water system designed to serve an institutional use such as a prison or detention center should be designed to provide 2 gallons per minute for each outlet or plumbing fixture or a peak daily demand of 120 gallons per day per person. *See* Department’s Public Water Supply Manual, Part IV Noncommunity System Design Standards, Section 1.6 and Table 1.1.

¹ ICE Detention Reengineering Initiative (Feb. 13, 2026).

Z. DHS's planned use of the warehouse at the Property—to incarcerate as many as 1,500 people—would require up to 180,000 gallons per day of water without accounting for fire protection.

AA. The GACSD Water System is not designed or approved to provide adequate and reliable quantity and quality of water for the DHS's proposed use of the warehouse as a detention center for 1,500 people.

BB. The Department has not authorized a bulk water hauling system at the Property.

Sewage Management for the Property

CC. On August 18, 2006, the Township adopted an official sewage facilities plan for the Township, titled Upper Bern Township 537 General Plan ("Sewage Plan") that provides for the area of the Property to be served by a public sewage system. The Department approved the Sewage Plan on January 9, 2006.

DD. On September 10, 2019, in response to a request from the Township, the Department notified the Township that the proposed development of a warehouse facility at the Property comprised of office space and warehouse storage space with a total anticipated sewage flows of 8,000 gallons per day was exempt from the requirement to revise the Sewage Plan if the flows were collected by an existing sewer line running along Mountain Road for conveyance to the treatment facilities of the Township Wastewater Treatment Plant ("2019 Sewage Approval").

EE. The 2019 Sewage Approval was based on a certification from the Township that the 8,000 gallons per day of sewage from the Property would not create a hydraulic or organic overload or a 5-year projected overload of the Township Wastewater Treatment Plant.

FF. The 2019 Sewage Approval was also based on plans for the Property that showed that the sewage from the warehouse facility would be collected in a private grinder pump on the Property and conveyed to the Township public sewer system via a private 2-inch diameter force main designed to handle 8,000 gallons per day of sewage.

GG. After reaching the Township public sewer system, sewage from the Property would be conveyed through a pump station owned and operated by the Township to the Township's Wastewater Treatment Plant.

HH. The warehouse was constructed at the Property but has not been occupied or otherwise operated as office space or warehouse storage space and has had little if any sewage flow.

II. The Township's Wastewater Treatment Plant maximum hydraulic capacity of 206,000 gallons per day of sewage was established under Water Quality Management Permit No. 0600408 A-3 issued by the Department on October 6, 2022.

JJ. In 2024, the three-month maximum flow for the Township's Wastewater Treatment Plan was approximately 116,300 gallons per day and the highest monthly average maximum flow was approximately 131,000 gallons per day.

KK. In 2025, the three-month maximum flow for the Township's Wastewater Treatment Plant was approximately 85,700 gallons per day and the highest monthly average maximum flow was approximately 114,000 gallons per day.

LL. On August 29, 2025, the Township submitted to the Department a corrective action plan to address a suspected hydraulic sewage overload at the Township's pump station after the Department observed simultaneous pump operation. The Township proposed an implementation schedule of testing and reporting to monitor and study the sources of the problem and implement solutions and the Department approved the Township's proposal on September 24, 2025.

MM. DHS's intended use of the warehouse at the Property to incarcerate 1,500 people would likely produce 112,500 to 225,000 gallons of sewage per day.

Permitting Requirements – Drinking Water

NN. Under Section 1447 of the Federal Safe Drinking Water Act, *see* 42 U.S.C. § 300j-6, DHS is subject to and must comply with both substantive and procedural state requirements

respecting public water systems in the same manner and to the same extent as any other person. 42 U.S.C. § 300j-6 (a).

OO. Under Pennsylvania's requirements for public water systems, the owners or operators of a public water system must: 1) protect the water sources supplying the public water system; 2) provide adequate treatment for the public water system to ensure public health is protected; 3) properly maintain and operate public water system facilities; and 4) take actions necessary to ensure safe and potable water is continuously supplied by the public water system to its users. 25 Pa. Code § 109.4(1)-(4).

PP. Under 25 Pa. Code § 109.202(a)(1), a public water system shall supply to customers drinking water that complies with all primary Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, and treatment technique requirements.

QQ. The GACSD Water System is a "public water system" and a "noncommunity water system" as those terms are defined in Section 3 of the Safe Drinking Water Act, 35 P.S. § 721.3 and 25 Pa. Code § 109.1.

RR. DHS is a "person," as that term is defined in Section 3 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.3, and 25 Pa. Code § 109.1.

SS. If DHS uses the GACSD Water System, or any other source of water, to supply water to the Property, DHS will be a "public water supplier," as that term is defined in Section 3 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.3, and 25 Pa. Code § 109.1.

TT. As a public water supplier, DHS will be required to provide adequate treatment for the water it distributes to ensure that the public health is protected. 25 Pa. Code §§ 109.4(2) and 109.202(a)(1).

UU. Under Section 7 of the Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.7, and 25 Pa. Code § 109.1, a change in a public water system that may affect the quantity or quality of

water served to the public or that may be prejudicial to the public health or safety is a “substantial modification.”

VV. Under 25 Pa. Code §109.501(b), a person may not substantially modify a public water system without first obtaining an amended construction permit from the Department.

WW. Under 25 Pa. Code §109.501(d), a person may not operate a substantially modified part of a public water system used for collection, treatment, storage or distribution of drinking water without first obtaining an amended operation permit from the Department.

XX. DHS’s intended use of the Property would require the GACSD Water System to supply hundreds of thousands additional gallons of water each day to the Property, which is beyond the capacity of the source for the GACSD Water System, beyond GACSD Water System’s ability to adequately treat the water with its current treatment system, and would be a “substantial modification” of the GACSD Water System. That substantial modification is a major change to the GACSD Water System and cannot be completed without permits from the Department.

YY. Under 25 Pa. Code § 109.505(a)(2), a noncommunity water system requires a construction permit and operation permit from the Department, unless: 1) the sources of supply for the system are groundwater sources requiring treatment no greater than hypochlorite or ultraviolet light disinfection to reduce total coliform bacteria concentrations to undetectable levels in the finished water, and otherwise provides water of a quality that meets the primary Maximum Contaminant Levels (“MCLs”); and 2) the water supplier submits a noncommunity water system application, including raw source water quality data, on forms acceptable to the Department, and receives Department approval of the facilities prior to construction or operation.

ZZ. The Department retains the right to require a noncommunity water system that meets the requirements of 25 Pa. Code § 109.505(a)(2) to obtain a construction and an operation permit, if,

in the judgment of the Department, the noncommunity water system cannot be adequately regulated through standardized specifications and conditions. 25 Pa. Code § 109.505(a).

AAA. Standardized specifications and conditions will not provide adequate regulation for the hundreds of thousands of additional gallons of water that will be supplied to the Property each day.

BBB. Separately and in addition, water withdrawn from a carrier vehicle into a storage or distribution facility is both a “bulk water hauling system” and a “public water system” as those terms are defined in 25 Pa. Code § 109.1.

CCC. No person may construct or operate a new public water system, including a bulk water hauling system, without first having obtained a permit from the Department. 25 Pa. Code § 109.501(a) and (c).

DDD. Because supplying water to a planned development does not qualify as a State or Federal emergency response for bulk water hauling operation under 25 Pa. Code §109.506(b), any bulk water hauling to the Property will require a permit from the Department. DHS’s development of a new source of water for the Property will require new water source development, a construction permit, and an operations permit from the Department. 25 Pa. Code § 109.503(a)(1)(iii).

EEE. The Department reviews proposed sources of water that would supply a public water system for contamination, treatability, and to determine if there is a safe and sustainable yield of water, among other requirements. 25 Pa. Code § 109.503.

FFF. Although DHS has stated it intends for the Property to be an active detention center by November 30, 2026 with “long-term operations,” it has not sought any permits from the Department for any water use at the Property.

GGG. DHS's unauthorized use of the GACSD Water System to provide water for its planned use of the warehouse at the Property to incarcerate 1,500 people will violate the Federal Safe Drinking Water Act, the Pennsylvania Safe Drinking Water Act and Department regulations.

HHH. DHS's construction and operation of a new public water system, including a bulk water hauling system, at the Property without first obtaining permits from the Department will violate the Federal Safe Drinking Water Act, Pennsylvania Safe Drinking Water Act and Department regulations.

III. Section 5(c) of the Pennsylvania Safe Drinking Water Act provides the Department with the authority to issue orders and initiate such proceedings as may be necessary and appropriate for the enforcement of drinking water standards, including: to do any and all things and actions not inconsistent with any provision of this act for the effective enforcement of this act, rules and regulations or permits issued hereunder. 35 P.S. § 751.5(c)(3).

JJJ. Any violation of the Pennsylvania Safe Drinking Water Act, its attendant regulations, or any order of the Department constitutes a public nuisance as a matter of law. 35 P.S. § 721.12(a).

Permitting Requirements - Sewage

KKK. Section 202 of the Clean Streams Law, 35 P.S. § 691.202, prohibits a person from discharging or permitting the discharge of sewage in any manner, directly or indirectly, into the waters of this Commonwealth unless such discharge is authorized by the rules and regulations of the Department or such person or municipality has first obtained a permit from the Department.

LLL. Under Section 202 of the Clean Streams Law, 35 P.S. § 691.202, a discharge of sewage into the waters of the Commonwealth includes a discharge of sewage by a person or municipality into a sewer system or other facility owned, operated or maintained by another person or municipality and which then flows into the waters of the Commonwealth and a discharge of

sewage without a permit or contrary to the terms and conditions of a permit or contrary to the rules and regulations of the Department is declared to be a nuisance.

MMM. Under Section 207 of the Clean Streams Law, 35 P.S. § 691.207, a sewer extension that is constructed, connected or maintained contrary to the rules and regulations of the Department, contrary to the terms and conditions of a permit, inconsistent with the approved official plan for the municipality or contrary to any conditions imposed by the Department, municipality or municipal authority is also declared to be a nuisance.

NNN. DHS is a "person" as that term is defined in the Clean Streams Law, 35 P.S. § 691.1, and the Sewage Facilities Act, 35 P.S. § 750.2.

OOO. Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, prohibits a person from connecting to a community sewage system or occupying any building or structure for which a community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder. 35 P.S. § 750.7(a)(1).

PPP. Under 25 Pa. Code § 71.51, a municipality shall revise its official sewage plan when, among other things, newly discovered facts, conditions or circumstances make the plan inadequate to meet the sewage needs of new land developments.

QQQ. Section 10 of the Sewage Facilities Act, 35 P.S. 750.10, authorizes the Department to, among other things, order the implementation of official plans and revisions thereto.

RRR. Under 25 Pa. Code § 71.51, a revision to the official sewage plan is not required if a development is connecting to an existing public sewer and if, among other things, the applicant has provided written certification from the permittees of the collection, conveyance and treatment facilities to the municipality in which the subdivision is located and the Department or delegated agency with jurisdiction over the municipality in which the subdivision is located that there is

capacity to receive and treat the sewage flows from the applicant's proposed new land development and that the additional wasteload from the proposed new land development will not create a hydraulic or organic overload or 5-year projected overload.

SSS. Under 25 Pa. Code § 71.63(c), holding tanks can be used in lieu of other methods of sewage disposal only when certain conditions are met, including that the applicable official plan or revision thereto indicates the use of holding tanks for that lot and provides for replacement by adequate sewerage services in accordance with a schedule approved by the Department.

TTT. Section 402 of the Clean Streams Law, 35 P.S. 691.402, authorizes the Department to issue an order whenever the Department finds that any activity, not otherwise requiring a permit under this act, including but not limited to the impounding, handling, storage, transportation, processing or disposing of materials or substances, creates a danger of pollution of the waters of the Commonwealth or that regulation of the activity is necessary to avoid such pollution.

UUU. Section 610 of the Clean Streams Law, 35 P.S. § 691.610, authorizes the Department to issue orders as may be necessary and appropriate for the enforcement of the provisions of the Clean Streams Law.

VVV. Any violation of the Clean Streams Law, its attendant regulations, or any order or permit of the Department constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and a statutory nuisance under Section 601 of the Clean Streams Law, 35 P.S. § 691.601.

WWW. The Township is authorized to discharge treated effluent from the Township's Wastewater Treatment Plant to Wolf Creek only in accordance with effluent limitations, monitoring requirements and other conditions set forth in NPDES Permit No. PA0088251 issued to the Township by the Department.

XXX. The sewage expected to be produced at the Property far exceeds the 8,000 gallons per day approved under the 2019 Sewage Approval.

YYY. The 112,500 to 225,000 gallons per day of sewage that is likely to be produced from DHS's planned use of the warehouse at the Property will overwhelm the Township's existing collection system and pump station, and hydraulically overload the Township Wastewater Treatment Plant.

ZZZ. Sending 112,500 to 225,000 gallons per day of sewage from the Property to the Township Wastewater Treatment Plant will result in the uncontrolled discharge of untreated or inadequately treated sewage to Wolf Creek from the Township Wastewater Treatment Plant, in violation of the Township's NPDES permit, the Clean Water Act and the Clean Streams Law.

AAAA. The lack of adequate sewage collection and treatment facilities to receive the sewage generated by DHS's use of the warehouse at the Property for incarceration of up to 1,500 people will create a danger of water pollution from untreated sewage running off or being discharged at the Property.

BBBB. Because the Sewage Plan provides that sewage from the Property will be conveyed and treated at the Township Wastewater Treatment Plant, DHS cannot use on-site equipment, such as holding tanks, retaining tanks, privies, or chemical toilets, to manage sewage at the Property without the Township amending the Sewage Plan and getting approval from the Department.

CCCC. DHS's use of the warehouse at the Property to incarcerate 1,500 people without first obtaining a permit indicating that the site and the plans and specifications of the warehouse sewage system are in compliance with the provisions of the Sewage Facilities Act and the standards adopted thereunder will violate Section 7 of the Sewage Facilities Act, 35 P.S. § 750.7, will violate Section 207 of the Clean Streams Law, 35 P.S. § 691.207, and will be a statutory nuisance.

DDDD. DHS's unauthorized discharge of sewage into the Township's collection system, pump station, and the Township's Wastewater Treatment Plant from its use of the warehouse at the Property to incarcerate 1,500 people will violate Section 202 of the Clean Streams Law, 35 P.S. § 691.202, will be a statutory nuisance, creates a danger of pollution of the waters of the Commonwealth, and regulation of DHS's activity is necessary to avoid such pollution.

ORDER

NOW, THEREFORE, under Sections 5 and 12 of the Pennsylvania Safe Drinking Water Act, 35 P.S. §§ 721.5 and 721.12; Sections 5, 402, and 610 of the Clean Streams Law, 35 P.S. §§ 691.5, 691.402, and 691.610; Section 10 of the Sewage Facilities Act, 35 P.S. § 750.10; and Section 1917-A of the Administrative Code of 1929, 71 P.S. § 510-17, the Department hereby ORDERS the United States Department of Homeland Security as follows:

Drinking Water

1. DHS shall not operate the well or the drinking water collection, treatment, storage and distribution facilities at the Property without first obtaining all required permits and approvals from the Department under the Pennsylvania Safe Drinking Water Act and the regulations implementing that statute.

2. DHS shall not haul bulk water to the Property or develop a new source of water to serve the Property without first obtaining all required permits and approvals from the Department under the Pennsylvania Safe Drinking Water Act and the regulations implementing that statute.

3. Within 20 days after receipt of this Order, DHS shall deliver to the Department at the address identified in Paragraph 7, below, a written description of DHS's plans to provide drinking water at the Property in reliable quantities and quality that complies with all primary Maximum Contaminant Levels, Maximum Residual Disinfectant Levels, and treatment technique requirements, to serve the maximum population of prisoners, employes, and contractors at the Property.

Sewage

4. Neither DHS nor any person shall occupy any building at the Property without first obtaining a permit and a certification from the Township indicating that the Property and the plans and specifications for the sewage service at the Property are in compliance with the Sewage Facilities Act and Clean Streams Law.

5. DHS shall not allow sewage to flow to the Township's sewage system or use on-site equipment, including holding tanks, retaining tanks, privies or chemical toilets, to manage sewage at the Property without first applying for and obtaining a revision to the Sewage Plan that is approved by the Department.

6. Within 20 days after receipt of this Order, DHS shall deliver to the Department at the address identified in Paragraph 7, below, a written description of DHS's plans to properly manage sewage from its proposed use of the Property in accordance with the Sewage Facilities Act and Clean Streams Law and their attendant regulations.

7. *Correspondence with Department.* All correspondence or submissions from DHS required by or related to the subjects concerning this Order shall be addressed to:

Robert M. DiGilaro II
Regional Director
Pennsylvania Department of Environmental Protection
Southcentral Region
909 Elmerton Avenue
Harrisburg, PA 17110

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.A. 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.

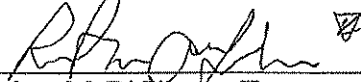
Appeals must be filed with the Board within thirty 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <https://ehb.pa.gov/> 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 THIRTY 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



Robert M. DiGiarimo II
Regional Director
Southcentral Region



U.S. Immigration and Customs Enforcement

March 17, 2026

Joseph J. Buczynski, P.E.
Regional Director
Pennsylvania Department of Environmental Protection
Northeast Region
2 Public Square
Wilkes-Barre, PA 18701-1915

Re: Response to Administrative Order, 51 Rausch Creek Road, Tremont Township, Schuylkill County

Dear Mr. Buczynski:

I am writing to acknowledge our receipt of the administrative order issued by the Department of Environmental Protection (DEP) dated March 5, 2026, concerning property the Department of Homeland Security, Immigration and Customs Enforcement (ICE), purchased at 51 Rausch Creek Road, Tremont Township, Schuylkill County. This order directed ICE to:

1. Not obtain water from the Schuylkill County Municipal Authority's (SCMA's) Tremont Water System for use at the property except for fire protection until SCMA obtained all necessary permits from DEP;
2. Not haul bulk water to the property or develop a new source of water to serve the property until all necessary permits had been obtained;
3. Deliver to DEP within 20 days after receiving the order a written description of its plans to provide drinking water at the property in reliable quantities and of a certain quality to serve the total number of detainees, employees, and contractors there;
4. Not occupy any building on the Property without first obtaining a permit from Tremont Township and a SCMA certification that the ICE plans and specifications for the sewage service to the property comply with applicable laws;
5. Not allow sewage to flow to SCMA's Tremont sewage system or use on-site equipment, including tanks, privies, or chemical toilets, to handle sewage at the property without DEP having approved a revision to the Tremont Township Official Sewage Facilities Plan; and

6. Deliver to DEP within 20 days after receiving the order a written description of its plans to manage sewage from its proposed use.

At the same time, we recognize that DEP served administrative orders on SCMA and Tremont Township. The order to SCMA directed it to:

1. Not provide water to the new ICE property for other than fire protection without obtaining necessary DEP permits and approval;
2. Report to DEP within 48 hours of receiving a notice or a request from anyone seeking to use or using water from SCMA's Tremont Water System at the property;
3. Not allow more than 6,000 gallons per day of sewage to flow from the property to the SCMA sewage collection system, pump station, or the Tremont Wastewater Treatment Plant without first obtaining the appropriate DEP permit;
4. Not apply for such a permit before DEP approves a revised Tremont Township Official Sewage Facilities Plan to handle sewage from the property when used as a detention center; and
5. Not accept sewage or other wastewater from tanks, privies, or chemical toilets on the property.

The order to Tremont Township directed it to:

1. Issue no permits nor allow the occupancy of the building on the property until DEP approves its revised Official Sewage Facilities Plan to handle sewage from the property; and
2. Issue no permits for or allow the use of tanks, privies, or chemical toilets to handle sewage from the property until DEP approves its Official Sewage Facilities Plan to handle sewage at the property.

ICE has five requests:

1. Modification of the DEP order against it to allow it to consume water at the same level as was previously authorized for the warehouse building under the previous owner, irrespective of purpose. To restrict ICE to using no water other than for fire protection seems arbitrary, since DEP appears to have already approved municipal plans that accommodate water use in general at the former warehouse building.
2. Modification of the DEP order against it to allow it to generate and dispose of wastewater at the same level as was previously authorized for the warehouse building under the previous owner, irrespective of the purpose of the activities that led to the wastewater being generated, without requiring any amendment to any sewage treatment plan. To restrict ICE from disposing of any sewage without such approval seems arbitrary, since DEP appears to have already approved municipal plans that accommodate sewage

generation and disposal in general at the former warehouse building.

3. Extend the period of time for ICE to submit its written water and sewage plans for the facility when used as a detention to DEP out to April 30, 2026. ICE will not be able to meet the 20-day deadline for delivering these plans to DEP because it has not finalized them yet and does not expect to have them completed until April 30, 2026.
4. 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. ICE has not discussed the DEP administrative orders in any detail with local authorities, but it believes that the orders place them in awkward positions given current water and sewage circumstances as they seek to comply with the DEP orders they received.
5. Suspend the 30 day period to appeal DEP's orders to the Environmental Hearing Board until after DEP has acted on ICE's request to modify its orders in the case, until after ICE has submitted its written descriptions of its water and sewage plans and DEP has had an appropriate opportunity to review them, and until after DEP has considered ICE's request to engage with it and the affected municipal authorities to discuss in good faith how to find practicable solutions to the problems DEP noted in its orders. To move this engagement along, ICE proposes that DEP suspend the appeal period on these orders until July 1, 2026.

I look forward to hearing from you at your earliest convenience. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me at james.k.ingalsbe@ice.dhs.gov or you can reach me at 202.503.5042.

Thank you for your consideration.

Sincerely,

JAMES KINGALSBE

Digitally signed by JAMES K
INGALSBE
Date: 2026.03.17 12:13:18 -04'00'

Keith Ingalsbe
Assistant Director

Cf:
Patrick M. Caulfield, P.E.
Executive Director
Schuylkill County Municipal Authority
221 South Centre Street
Pottsville, PA 17901

Commissioners Larry J. Padora, Barron L. Hetherington, and Gary J. Hess
Schuylkill County Commissioners Office
401 N. 2nd Street, 3rd Floor
Pottsville, PA 17901

Tremont Township
166 Molleystown Road
Pine Grove, PA 17963



U.S. Immigration and Customs Enforcement

March 17, 2026

Robert M. DiGilaro II
Regional Director
Pennsylvania Department of Environmental Protection
Southcentral Region
909 Elmerton Avenue
Harrisburg, PA 17110

Re: Response to Administrative Order, 3501 Mountain Road, Upper Bern Township, Berks County

Dear Mr. DiGilaro:

I am writing to acknowledge our receipt of the administrative order issued by the Department of Environmental Protection (DEP) dated March 5, 2026, concerning property the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) purchased at 3501 Mountain Road, Upper Bern Township, Berks County. This order directed ICE to:

1. Not operate the well or the drinking water facilities at the property until it has obtained all necessary permits from DEP;
2. Not haul bulk water to the property or develop a new source of water to serve the property until all necessary permits had been obtained;
3. Deliver to DEP within 20 days after receiving the order a written description of its plans to provide drinking water at the property in reliable quantities and of a certain quality to serve the total number of detainees, employees, and contractors there;
4. Not occupy any building on the Property without first obtaining a permit and a certification from Upper Bern Township that the ICE plans and specifications for the sewage service to the property comply with applicable laws;
5. Not allow sewage to flow to Upper Bern Township's sewage system or use on-site equipment, including tanks, privies, or chemical toilets, to handle sewage at the property without DEP having approved a revision to the Sewage Plan; and
6. Deliver to DEP within 20 days after receiving the order a written description of its plans

to manage sewage from its proposed use.

At the same time, we recognize that DEP served an administrative order on Upper Bern Township. The order to Upper Bern Township directed it to:

1. Issue no permits nor allow the occupancy of the building on the property until DEP approves its revised Sewage Plan to handle sewage from the property; and
2. Issue no permits for or allow the use of tanks, privies, or chemical toilets to handle sewage from the property until DEP approves its Sewage Plan to handle sewage at the property;
3. Not allow more than 8,000 gallons per day of sewage to flow from the property to the Upper Bern Township sewage collection system, pump station, or the Township Wastewater Treatment Plant without first obtaining the appropriate DEP permit;
4. Not apply for a Water Quality Management Permit before DEP approves a revised Sewage Plan to handle sewage from the property when used as a detention center; and
5. Not accept sewage or other wastewater from tanks, privies, or chemical toilets on the property.

We appreciate you drawing our attention to the inspection that DEP conducted of the noncommunity GACSD Water System on the property in April 2025, and the findings from this inspection that the water system was not installed in accordance with approved plans and specifications, and that GACSD Development had not sought nor received DEP approval to operate the drinking water system. We were not aware of this, and we would be grateful if your office could at its earliest convenience provide us copies of the inspection report and any notifications DEP made to the previous owners about the water system's apparent deficiencies.

ICE has five additional requests:

1. Modification of the DEP order against it to allow it to consume water at the same level as was previously authorized for GACSD Water System, 12,240 gallons per day, irrespective of purpose. Although the previous owner apparently never finalized the approval process, to restrict ICE to using no water from the well seems arbitrary, since DEP appears to have already been comfortable with a consumption rate of 12,240 gallons per day from the well, and to allow neither water to be hauled in to the property nor the use of well water unduly compromises ICE's ability to even provide fire protection at the site.
2. Modification of the DEP order against it to allow it to generate and dispose of wastewater at the same level as was previously authorized for the warehouse building under the previous owner, irrespective of the purpose of the activities that led to the wastewater being generated, without requiring any amendment to any sewage treatment plan. To restrict ICE from disposing of any sewage without such approval seems arbitrary, since DEP appears to have already approved municipal plans that accommodate sewage

generation and disposal in general at the former warehouse building.

3. Extend the period of time for ICE to submit its written water and sewage plans for the facility when used as a detention to DEP out to April 30, 2026. ICE will not be able to meet the 20-day deadline for delivering these plans to DEP because it has not finalized them yet and does not expect to have them finalized until April 30, 2026.
4. 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. ICE has not discussed the DEP administrative orders in any detail with local authorities, but it believes that the orders place them in awkward positions given current water and sewage circumstances as they seek to comply with the DEP orders they received.
5. Suspend the 30 day period to appeal DEP's orders to the Environmental Hearing Board until after DEP has acted on ICE's request to modify its orders in the case, until after DHS has submitted its written descriptions of its water and sewage plans and DEP has had an appropriate opportunity to review them, and until after DEP has considered ICE's request to engage with it and the affected municipal authorities to discuss in good faith how to find practicable solutions to the problems DEP noted in its orders. To move this engagement along, ICE proposes that DEP suspend the appeal period on these orders until July 1, 2026.

I look forward to hearing from you at your earliest convenience. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me at james.k.ingalsbe@ice.dhs.gov or you can reach me at 202.503.5042.

Thank you for your consideration.

Sincerely,

Keith Ingalsbe
Assistant Director

Cf:

Commissioners Christian Y. Leinbach, Michael S. Rivera,
and Dante Santoni
Commissioners Office
Berks County Services Center, 13th Floor
633 Court Street
Reading, PA 19601

Upper Bern Township
25 N. 5th Street
Shartlesville, PA 19554



March 24, 2026

VIA EMAIL & CERTIFIED MAIL NO.: 7015 3430 0000 6738 3176

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

RE: 51 Rausch Creek Road, Tremont Township, Schuylkill 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 51 Rausch Creek 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 51 Rausch Creek Road commercial warehouse. In particular, you note that plans for water and sewer usage will not be done until April 30, 2026.

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 51 Rausch Creek 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 to modify the administrative order to allow ICE to consume water at the same level as previously authorized for the warehouse building under the previous owner irrespective of purpose.**

Your request to modify the administrative orders to allow ICE to consume water at the same level as previously authorized cannot be considered in the absence of further information from ICE. As documented in the DEP administrative orders, the Schuylkill County Municipal Authority (SCMA) has experienced water shortages in the Tremont area due to drought conditions. This has happened without SCMA supplying water to the 51 Rausch Creek Road property as the warehouse has been closed for some time. Available information suggests 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 without considering the actual near-term drinking water demand at the property.

- 2. 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 Tremont Township Official Sewage Facilities Plan.**

Your request to modify the administrative orders 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.

- 3. 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 51 Rausch Creek 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 51 Rausch Creek 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.

- 4. 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.

- 5. 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.

James K. Ingalsbe
Assistant Director

4

March 24, 2026

If you have any questions about the DEP requests contained in this letter, please do not hesitate to contact me at (570) 825-2521 or jbuczynski@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "JBuczynski", with a stylized flourish at the end.

Joseph J. Buczynski, P.E.
Regional Director
Northeast Region

c: Patrick M. Caulfield, P.E., SCMA (via email & U.S. Mail)
Tremont Township Supervisors (via email & U.S. Mail)



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 12th 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

Regional Director
Southcentral Regional Office | 909 Elmerton Avenue | Harrisburg, PA 17110-8200 | 717.705.4704 | F 717.705.4930
www.dep.pa.gov

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. DiGilarmo II", with a small circular stamp or 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

July 16, 2020

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 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

- 3 -

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	Well No. 1	Maximum Instantaneous Pumping Rate	8.5 gpm
Location	Lat. 40° 31' 32.45 "N Long. 76° 05' 49.88 "W		
<input checked="" type="checkbox"/> Cartridge Filtration			
Make of Housing	Pentair Pentek	Number of Units	2
Model of Housing	20" Big Blue (20" x 4.5")	Location	Prior to each UV unit
Cartridge Micron Size	5 micron		
<input checked="" type="checkbox"/> Ultraviolet Light			
Make	Vigua	Number of Units	2
Model	Pro 10	Location	Between cartridge filters and acid neutralizer
<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				
Technical Services Section review (if necessary)				
<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 < 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 ft³ 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

Name of Applicant	GACSD Industrial Development, LLC Warehouse	Project Location	Upper Bern Township Berks County	APSID No.	1016563
				PWSID:	3061286

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. PROFESSIONAL GEOLOGIST	<i>Derrick A. Havice, P.G.</i> 16 July 2020

WATER SUPPLY INSPECTION REPORT

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

Person(s) Interviewed

Name: Jeremy Crum

Title: Operator

eFACTS info

Inspection ID: 3960304

Inspection Type: RTPT

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	