



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](mailto:jbuczynski@pa.gov) or 570-826-2521 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "JBUCZYNSKI".

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

Enclosure: Administrative Order

c: B. Yagiello, [byagiello@pa.gov](mailto:byagiello@pa.gov)  
A. Bellanca, [abellanca@pa.gov](mailto:abellanca@pa.gov)  
J. Ryder, [jryder@pa.gov](mailto: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.”<sup>1</sup> 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.”

---

<sup>1</sup> 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:



---

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