



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,

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

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:



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