



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**

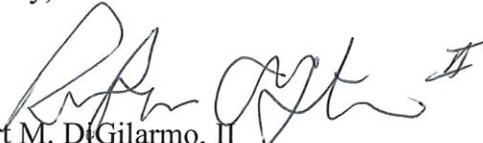
Office of the Principal Legal Advisor  
Mail Stop 5900  
U.S. Immigration and Customs Enforcement  
500 12th Street, SW  
Washington, DC 20536-5900

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](mailto:rdigilarmo@pa.gov) or 717-705-4900 if you have any questions.

Sincerely,

  
Robert M. DiGilarmo, II  
Regional Director  
Southcentral Regional Office

Enclosure: Administrative Order

c: J. Mattucci, [jomattucci@pa.gov](mailto:jomattucci@pa.gov)  
M. Bebenek, [mbebenek@pa.gov](mailto:mbebenek@pa.gov)

J. Ryder, [jryder@pa.gov](mailto: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 <sup>th</sup> Street SW, Suite 3000	:	
Washington D.C. 20250	:	

**ADMINISTRATIVE ORDER**

Now this 5<sup>th</sup> 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.”<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.

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.

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<sup>1</sup> 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, 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 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.

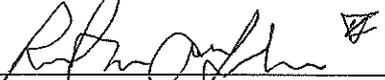
Appeals must be filed with the Board within thirty 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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. DiGilarimo II  
Regional Director  
Southcentral Region