



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