November 17, 2026

Laura Mitchell
President
Akima Infrastructure Protection LLC
2553 Dulles View Dr., Ste 700
Herndon, Va 20171-5228

Dear Ms. Mitchell:

The New York State Department of Environmental Conservation (DEC) and New York State Department of Health (DOH) write jointly to seek information relating to Akima Infrastructure Protection LLC (Akima)'s construction and anticipated operation of a tent detention facility on behalf of U.S. Immigration and Customs Enforcement (ICE) in Batavia, New York. To date, we have not received any information or outreach from Akima or the federal government about this facility. We understand from public reporting, however, that the facility may be used to detain up to 100 women and will employ numerous staff. Because aspects of this facility's construction and operation may implicate DEC's and DOH's regulatory authority over environmental and public health issues, we request additional information about the project.

DEC has a duty "to conserve, improve and protect [New York's] natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety, and welfare of the people of" New York. *See* N.Y. Envt'l Conserv. Law §§ 1-0101(1)-(2); *id.* § 3-0301. DEC's statutory powers include "[p]rovid[ing] for prevention and abatement of all water, land and air pollution including, but not limited to, that related to hazardous substances, particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids," *id*. § 3-0301(1)(i), "[p]romot[ing] and coordinat[ing] management of water, land, fish, wildlife and air resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state…," *id.* § 3-0301(1)(b), and "prevent[ing] pollution through the regulation of the storage, handling and transport of solids, liquids and gases which may

cause or contribute to pollution," *id*. § 3-0301(1)(m). Depending on the project details, Akima may need to apply to DEC for required permits; *See*, *e.g.*, *id*. §§ 17-0505, 17-0803 (relating to permits under the State Pollutant Discharge Elimination System permit program); *id*. § 19-0311 (relating to air pollution permits).

DOH "ha[s] all necessary powers to make investigations and examinations into . . . questions affecting the security of life and health in any locality." N.Y. Pub. Health Law § 1300. Among other duties, DOH is responsible for overseeing public and private hospitals throughout the state and ensuring adequate hospital access and capacity, *see id*. § 2800 *et seq*.; assessing whether institutions that "store[], prepare[] or serve[]" food comply with the sanitary code, *id.* §§ 1351, 1352; and investigating potential contamination of drinking water, *id*. §§ 1102, 1107.

We understand that Akima has entered into a contract to construct and operate a "temporary detention structure" to house up to 100 female detainees of all security levels.[1] Public contracting documents indicate that the facility will be "soft sided" and will be located on the same lot where the existing Batavia Service Processing Center is located.[2] News reports confirm that construction is underway.[3]

These documents indicate that although the federal government has specified general requirements and standards for the site, Akima has control over the decisions about how to construct and run the facility. ICE has not, for example, specified how utilities will be provided at the site, except to note that utilities shall be "self-sustaining" and "shall not tie into existing water, sewage, electrical, or other facility infrastructure unless expressly authorized by the Government."[4] According to the federal government, Akima will "furnish all installation support and equipment related to the temporary detention structure and integrated medical structure." Furthermore, Akima "is responsible for installation oversight, management, supervision, trained personnel,

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[1] U.S. Immigration and Customs Enforcement, *Contract Approval: Batavia Service Processing Center Soft Sided Facility*, Jun. 15, 2026 [hereinafter *Contract Approval Memo*], enclosed.

[2] *Id.* Notwithstanding the language of the Contract Approval Memo, we note that ICE has elsewhere indicated that the facility would be "hard-sided." *See* Letter from Sec. Markwayne Mullin to Rep. Timothy M. Kennedy, Sept. 29, 2026 [hereinafter *Kennedy Letter*], enclosed.

[3] WHEC.com, *New soft-sided facility at Batavia ICE detention center will house women detainees*, Nov. 11, 2026, https://www.whec.com/top-news/new-soft-sided-facility-at-batavia-ice-detention-center-will-house-women-detainees/.

[4] U.S. Immigration and Customs Enforcement, *Justification for Other Than Full and Open Competition*, [hereinafter *Justification Letter*], enclosed.

materials, supplies, licenses, permits, and all other resources necessary for the project."[5] Although the structure and services must meet certain federal standards, the contract appears to leave Akima discretion in how to meet those standards, as well as how to comply with applicable state and local laws, including permitting requirements.[6]

The construction and maintenance of a safe and environmentally sound tent-based residential or institutional facility can be difficult. Inclement weather, including extended subfreezing temperatures and winter storms, can present additional challenges. Federal oversight agencies have documented unsanitary conditions, gaps in medical services, and clean water access issues at tent immigration detention facilities in Texas and Florida. In both states, the climate is significantly warmer than in upstate New York. The U.S. Government Accountability Office recently reported problems with the prevention and control of tuberculosis at Camp East Montana in Fort Bliss Texas.[7] DHS's Office of Inspector General recently reported that at Everglades Detention Facility, a tent facility used for immigration detention in Florida, detainees were subjected to unsanitary drinking water, limited access to showers, insect infestations, and increased risk of foodborne illness from the improper storage of food.[8] Non-governmental organizations have also raised concerns about plumbing issues, sanitary issues, inadequate medical care, exposure to communicable disease, and exposure to extreme weather in a range of other detention facilities, including tent-based facilities as well as detention centers managed by other Akima affiliates.[9]

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[5] *Justification Letter*; *see also Contract Approval Memo* ("The vendor will be responsible for the construction, maintenance, operation and ultimate reconstitution of the temporary facility.").
[6] *Justification* Letter at 2.
[7] GAO, *Waste and Performance Issues at Camp East Montana Provide Valuable Lessons for Future Facilities*, Jun. 9, 2026, https://www.gao.gov/products/gao-26-108886.
[8] GAO, *Unannounced Inspection of ICE's Florida Soft-Sided Facility ("Alligator Alcatraz") in Ochopee, Florida*, Sep. 11, 2026, https://www.oig.dhs.gov/sites/default/files/assets/2026-09/OIG-26-22-Sep26.pdf.
[9] See, e.g., AMNESTY INTERNATIONAL, *USA: New Findings Reveal Human Rights Violations at Florida's "Alligator Alcatraz" and Krome Detention Centers*, Dec. 4, 2025, https://www.amnesty.org/en/latest/news/2025/12/estados-unidos-nuevas-investigaciones-revelan-violaciones-de-derechos-humanos-en-los-centros-de-detencion-de-alligator-alcatraz-y-krome-en-florida/ (discussing reports of inadequate medical care, overflowing toilets, lack of shower access, and broken air conditioning at North Krome Service Processing Center in Florida); *id.* (discussing reports of overflowing toilets with fecal matter in living space and denials of medical care at Everglades Detention Facility); FLORENCE IMMIGRANT & REFUGEE RIGHTS PROJECT, *Arizona Adult Immigration Detention Center Complaints: September 2023 – February 2024*, Apr. 14, 2024, https://firrp.org/florence-project-six-month-report-ongoing-

To date, we have not received any information about the tent facility. To ensure that Akima's activities are undertaken in compliance with applicable public health and environmental laws, we request that you provide the following information **no later than Wednesday, November 25, 2026**:

Drinking Water and Wastewater

1. How does Akima intend to provide potable water to the site? Please specify the potable water system's design and capacities, as well as measures that will be taken to ensure that the water supply is maintained during subfreezing temperatures.
2. What is Akima's proposed wastewater system? Please specify its design and capacities, as well as measures that will be taken to ensure that all water treatment systems are maintained and will be fully functional during subfreezing temperatures.
    a. Does Akima intend to use a sewer extension? If so, has it applied for any state or local permits for such use?
    b. Does Akima intend to use a hold-and-haul system?
        i. If so, what is the design of this system?
        ii. Please specify the anticipated disposal location and servicer.

Weather

3. What steps does Akima anticipate taking to ensure that detainees and Akima personnel are protected from weather-related health hazards, including frigid temperatures, extreme heat, heavy precipitation, and flooding?

Energy and Pollution

4. How does Akima plan to supply heating, cooling, and electricity to this facility?
5. Does Akima intend to use energy generators and/or boilers that may generate air pollution and/or noise pollution?
6. Does Akima intend to apply for any state or local permits, or file registrations with DEC, relating to generators, boilers, or other equipment used to supply heat and/or electricity?

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complaints-and-systemic-issues-in-arizona-adult-immigration-detention-centers/ (discussing reports of unsanitary conditions and inadequate medical care at Florence Service Processing Center).

Food and Sanitation

7. How does Akima plan to store and distribute meals?
8. How does Akima plan to maintain sanitary conditions in toilet and shower facilities, living quarters, and food preparation areas? Will Akima take any precautions to ensure sanitary conditions in the event of disruption to water supply (for example, due to freezing temperatures)?

Medical Care

9. Outbreaks of communicable diseases can lead to shortages in medical staffing. Does Akima have contingency plans in the event of understaffing to ensure that the medical needs of detainees are met, and both Akima personnel and detainees are protected from contagious disease?
10. If detainees or Akima personnel require immediate medical care due to an outbreak of communicable disease, prolonged exposure to low temperatures, or other medical emergency, does Akima anticipate transporting these individuals to private and/or state-run hospitals in the area? If Akima intends to seek medical care outside of this system, please explain.

Construction

11. Will construction of the facility involve ground disturbance or excavation?
12. Has Akima applied for permits and approvals from any state, county, or municipal agency related to construction activities?

We request that you provide the information requested above in writing no later than Wednesday, November 25, 2026. Please e-mail your response to wrocomm@health.ny.gov and DEPPermitting@dec.ny.gov.

Sincerely,

James V. McDonald, MD, MPH
Commissioner of Health
New York State Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237

Amanda Lefton
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Enclosures: U.S. Immigration and Customs Enforcement, *Contract Approval: Batavia Service Processing Center Soft Sided Facility*, Jun. 15, 2026
Letter from Sec. Markwayne Mullin to Rep. Timothy M. Kennedy, Sept. 29, 2026
U.S. Immigration and Customs Enforcement, *Justification for Other Than Full and Open Competition*

cc: Charles Wall, Deputy Director, U.S. Immigration and Customs Enforcement