



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
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Harold D. Ward, Cabinet Secretary
dep.wv.gov

**CONSENT ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 11**

TO: Greyfield Properties, Inc.
Mr. Bill Dyer, President
PO Box 8
Summersville, WV 26651

DATE: May 14, 2025

ORDER NO.: 10264

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter "Director"), under the authority of West Virginia Code 22-11-1 et seq. to Greyfield Properties, Inc. (hereinafter "GPI").

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. GPI operates a wastewater treatment plant located at a mobile home park in Mt. Lookout, Nicholas County, West Virginia. GPI was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG550263, on June 1, 2021.
2. On February 23, 2012, West Virginia Department of Environmental Protection (WVDEP) and GPI entered into Order No. 7290. The Order was issued in response to GPI's continuing and ongoing violations of the WV/NPDES permit, WV State Code, and WV Legislative Rules. Among other deficiencies, Order No. 7290 included violations for failure to comply with Order No. 3274, dated June 29, 1992, and Order No. 4680, dated October 22, 2009, both of which required facility upgrades to meet Category III effluent limits.

Promoting a healthy environment.

3. On February 28, 2020, GPI was issued Order No. 9077, which became effective on March 2, 2020. The Order was issued in response to GPI's continuing and ongoing violations of the WV/NPDES permit, WV State Code, and WV Legislative Rules. The Order required submittal of a plan of corrective action, which was subsequently approved by WVDEP on February 18, 2021. The plan of corrective action included provisions for completing upgrades to the plant, including installation of sand filters, and achieving compliance by June 1, 2021.
4. On January 31, 2022, WVDEP personnel conducted an inspection of the facility. Among other violations of the WV/NPDES permit, WVDEP personnel observed and documented that the sand filters were not in service, as required by Order No. 9077.
5. On July 19, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:
 - a. 22-11-1 et seq. and Sections A.3 and B.28 – GPI failed to comply with the terms and conditions of Order No. 9077 by failing to provide tertiary treatment and achieve compliance by June 1, 2021. Sand filters had been constructed but had not been connected to the treatment process. Vegetation had begun to grow in the sand filters.
 - b. Section B.5 – The facility was not adequately protected by fencing. Fencing had not been erected around the sand filters.
 - c. Section B.26 – GPI failed to provide Cathodic Protection and institute an Operation and Maintenance (O&M) program. As a result, the wastewater treatment plant was severely corroded.
 - d. Appendix A.II.1 – GPI failed to properly operate and maintain the facility. Specifically, the clarifier contained excessive solids, and there were solids at Outlet No. 001.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W22-34-083-MAZ, W22-34-084-MAZ, W22-34-085-MAZ, and W22-34-086-MAZ were issued to GPI.

6. On May 2, 2023, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:
 - a. 22-11-1 et seq. and Sections A.3 and B.28 – GPI failed to comply with the terms and conditions of Order No. 9077 by failing to provide tertiary treatment and achieve compliance by June 1, 2021. Sand filters had been constructed but had not been connected to the treatment process. One of the sand filters contained pooled water, and there were dried solids on the other sand filter. The lower seam of the sand filters appeared to be seeping.
 - b. Section B.5 – The facility was not adequately protected by fencing. Fencing had not been erected around the sand filters.
 - c. Section B.26 and Appendix A.II.1 – GPI failed to properly operate and maintain the facility, failed to provide Cathodic Protection, and failed to institute an O&M

program. As a result, the wastewater treatment plant was severely corroded, and there were holes in the dividing wall between the clarifier and the chlorine contact tank.

As a result of the aforementioned violations, NOV Nos. W23-34-037-MAZ, W23-34-038-MAZ, W23-34-039-MAZ, and W23-34-040-MAZ were issued to GPI.

7. On November 7, 2023, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:
 - a. Section B.5 – The facility was not adequately protected by fencing. Fencing had not been erected around the sand filters.
 - b. Section B.26 and Appendix A.II.1 – GPI failed to properly operate and maintain the facility, failed to provide Cathodic Protection, and failed to institute an O&M program. As a result, the wastewater treatment plant was severely corroded, and the dividing wall between the clarifier and the chlorine contact tank was failing.
 - c. 22-11-1 et seq. and Sections A.3 and B.28 – GPI failed to comply with the terms and conditions of Order No. 9077 by failing to provide tertiary treatment and achieve compliance by June 1, 2021. Sand filters had been constructed but had not been connected to the treatment process. The sand filters were covered with vegetative growth.

As a result of the aforementioned violations, NOV Nos. W23-34-084-MAZ, W23-34-085-MAZ, W23-34-086-MAZ, and W23-34-088-MAZ were issued to GPI.

8. On February 26, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:
 - a. 22-11-1 et seq. and Sections A.3 and B.28 – GPI failed to comply with the terms and conditions of Order No. 9077 by failing to provide tertiary treatment and achieve compliance by June 1, 2021. Sand filters had been constructed but had not been connected to the treatment process. The sand filters were covered with vegetative growth, a dosing device was not provided, and water was seeping along the seam at the base of the sand filter wall.
 - b. Appendix A.II.1 – GPI failed to properly operate and maintain the sewage treatment facility. Corrosion had created a treatment bypass point between the clarifier and chlorine contact chamber, and solids were present at the outlet and were entering the receiving stream.
 - c. Section B.5 – The facility was not adequately protected by fencing. Fencing had not been erected around the sand filters.
 - d. Section B.26 – Although anodes had been installed at the wastewater treatment plant, a Cathodic Protection O&M program had not been instituted.

As a result of the aforementioned violations, NOV Nos. W24-34-025-MAZ, W24-34-026-MAZ, and W24-34-027-MAZ, were issued to GPI.

9. On March 5, 2024, WVDEP personnel conducted a review of facility records from the time period of January 1, 2022 through December 31, 2023. During this review, the following violations of the terms and conditions of GPI's WV/NPDES permit were observed:
 - a. Section B.2 – GPI failed to submit a Discharge Monitoring Report (DMR) for 2nd Quarter 2023.
 - b. Section A.3 – One (1) minor exceedance of GPI's permit parameters was observed and documented. Specifically, an average Biochemical Oxygen Demand (BOD) result of 5.7 mg/L was reported for 3rd Quarter 2022, which is an exceedance of the 5 mg/L average monthly limit.
10. On January 21, 2025, WVDEP personnel and representatives of GPI met to discuss the terms and conditions of this Order.
11. On March 12, 2025, GPI submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated GPI's ability to pay a civil administrative penalty.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. GPI shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Within thirty (30) days of the effective date of this Order, GPI shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when GPI will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The plan of corrective action shall make reference to WV/NPDES Permit No. WV0103110, Registration No. WVG550263, and Order No. 10264. The plan of corrective action shall be submitted to:

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

3. Because of GPI's West Virginia State Code and WV/NPDES permit violations, GPI shall be assessed a civil administrative penalty of fifteen thousand dollars (\$15,000) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund within thirty (30) days of the effective date of this Order. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. GPI hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, GPI agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, GPI does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding GPI other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, GPI shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after GPI becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and GPI shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which GPI intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of GPI (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.

4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving GPI of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject GPI to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on GPI, its successors and assigns.
7. This Order shall terminate upon GPI's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Mr. Bill Dyer, President
Greyfield Properties, Inc.

6-30-25

Date

Public Notice begin:

Date

Public Notice end:

Date

Jeremy W. Bandy, Director
Division of Water and Waste Management

Date

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Solids in the clarifier



Solids below Outlet 001

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Sand filters not in service



Outlets of the sand filters

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Corrosion/Scaling inside the chlorine contact chamber



Treatment plant - sand filters not connected

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Dosing/pump tank and sand filters



Dosing tank with no pump

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Sand filters not in use, already has vegetative growth



Solids observed on the surface of the clarifier, corrosion in the chlorine contact chamber

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Solids deposited at Outlet 001



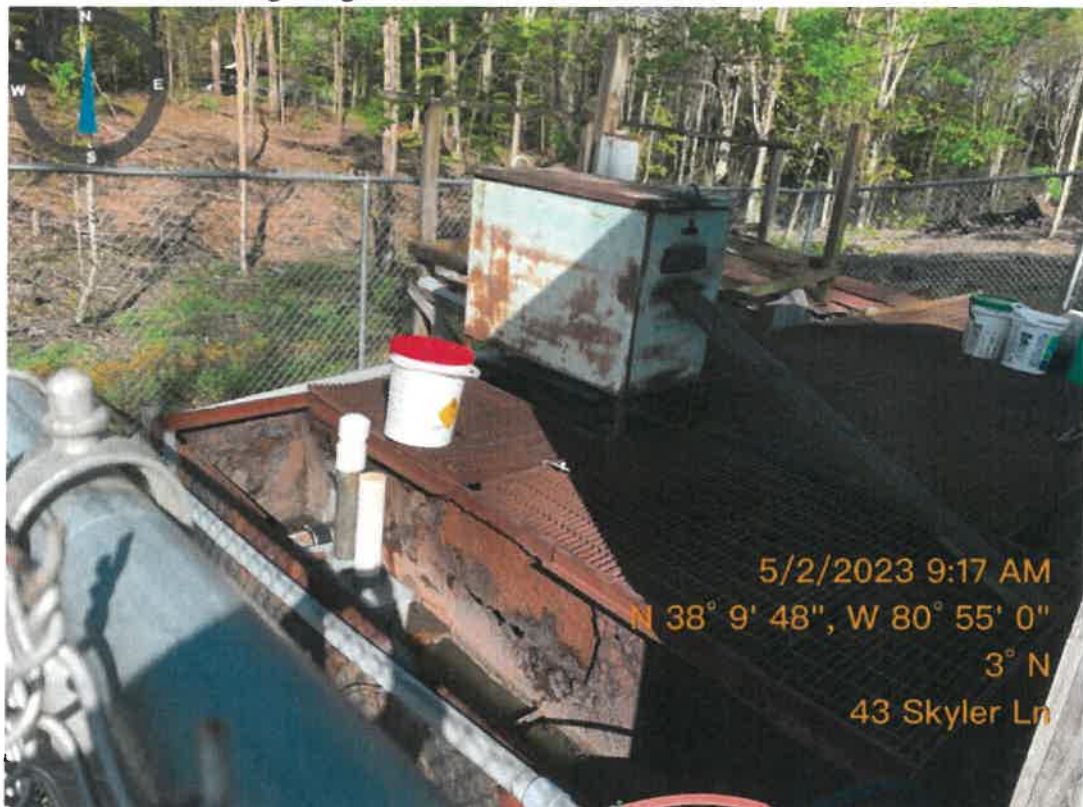
Corrosion near the inlet of the chlorine contact chamber

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Corrosion along the ground level of the clarifier/chlorine contact chamber



Corrosion observed between the clarifier and chlorine contact tank

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Corrosion and scaling in the chlorine contact tank



Flow is not diverted into the settling tank/sand filters

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



One side of the filter is pooling water, and solids are on the other filter



Discharge prior to entering the sand filters

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Seepage around the base of the sand filters



Corrosion observed around the base of the tank

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Corrosion/scaling inside the chlorine contact tank



Corrosion in clarifier/contact tank wall

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Discharge diverted from the sand filters



Sand filters covered with vegetation

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



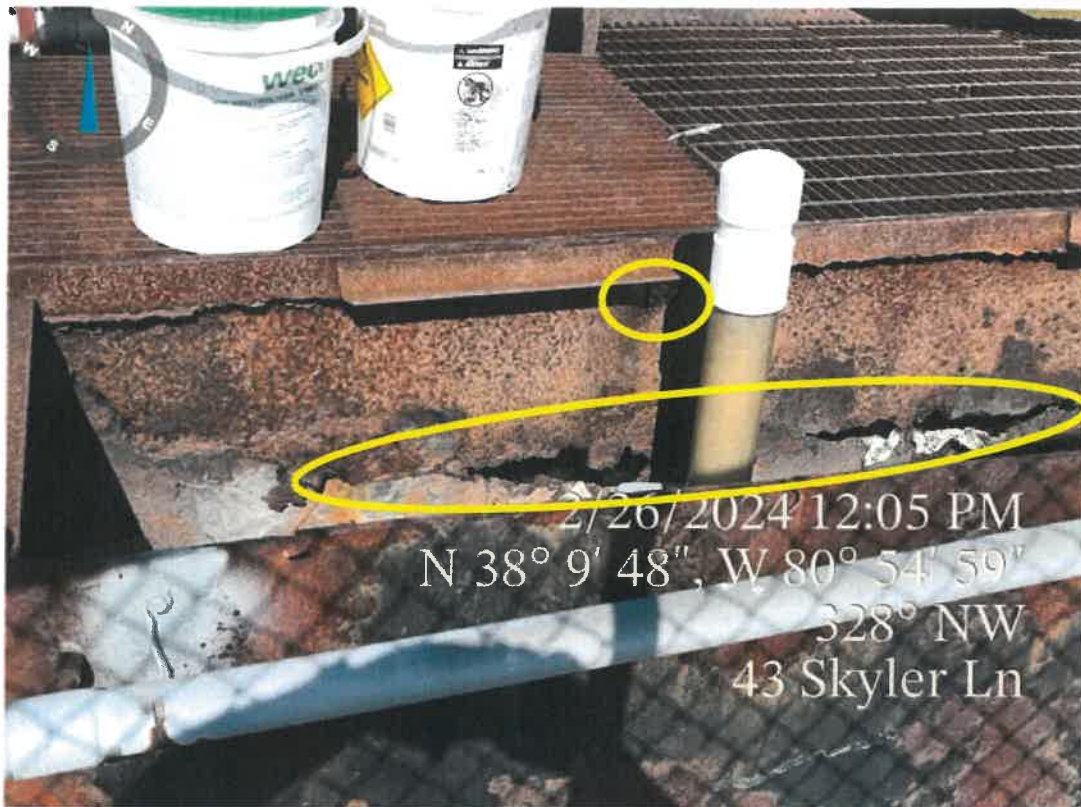
Turbid effluent discharging from Outlet 001



Corrosion/pitting

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Complete bypass between the clarifier and chlorine contact chamber



Discharge without tertiary treatment

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Sand filters not in use



Vegetative growth on sand filters

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



One of multiple locations where the seam on the sand filters appears to be seeping



Discharge point - solids deposited between pipe and receiving stream

Photo Log

Mt. Lookout MHP - WV0103110/WVG550263 - Consent Order - Nicholas County



Solids entering the receiving stream from the sewage treatment unit

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Greyfield Properties, Inc. **Receiving Stream:** UNT of The Gauley River

Treatment System Design Maximum Flow: 0.01 MGD

Treatment System Actual Average Flow: MGD (if known)

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#												
			5a	5b	5c	5d	6a	6b	6c	7a	7b	7c	8a	8b	8c
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
d)	Length of Time	1 to 3	1	1	1	1	2	2	2	3	3	3	3	3	3
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
	Average Potential for Harm Factor		1	1	1	1	1.2	1.2	1.2	1.4	1.4	1.4	1.4	1.4	1.4
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3	3	3	3	3

Potential for Harm Factors:

1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)

1)d - Length of Time of Violation

1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:

Note: Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

Minor = exceedance of permit limit by <=40% for Avg. Monthly or <=100% for Daily Max., exceed numeric WQ standard by <= 100%, or report doesn't contain some minor information.

Moderate = exceedance of permit limit by >= 41% and <= 300% for Avg. Monthly, >= 101% and <= 600% for Daily Max., exceed numeric WQ standard by >= 101% and <= of 600% or report doesn't fully address intended subject matter.

Major = exceedance of permit limit by >= 301% for Avg. Monthly, >= 601% for Daily Max., exceed numeric WQ standard by >= 601%, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health	Major	\$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	Moderate	\$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	Minor	\$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
5a	Minor	Major	\$2,000	1	\$2,000
5b	Minor	Major	\$2,000	1	\$2,000
5c	Minor	Major	\$2,000	1	\$2,000
5d	Minor	Major	\$2,000	1	\$2,000
6a	Moderate	Major	\$4,200	1	\$4,200
6b	Moderate	Major	\$4,200	1	\$4,200
6c	Moderate	Major	\$4,200	1	\$4,200
7a	Moderate	Major	\$4,400	1	\$4,400
7b	Moderate	Major	\$4,400	1	\$4,400
7c	Moderate	Major	\$4,400	1	\$4,400
8a	Moderate	Major	\$4,400	1	\$4,400
8b	Moderate	Major	\$4,400	1	\$4,400
8c	Moderate	Major	\$4,400	1	\$4,400
8d	Minor	Minor	\$800	1	\$800
9a	Minor	Major	\$1,700	1	\$1,700
9b	Minor	Minor	\$1,000	1	\$1,000
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$50,500

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

NOTE: This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

Additional Other factors to be determined for increases or decreases on a case-by-case basis.

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$5,050
6.2.b.4 - Compliance/noncompliance history -			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)	\$200		\$200
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)			\$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease			\$0
6.2.b.3 - Cooperation with the Secretary		10	(\$5,050)
6.2.b.5 - Ability to Pay		70.752	(\$35,730)
Penalty Adjustments			(\$35,500)
Penalty =			\$15,000

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	\$200
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$200
Comments: Avoided cost of sampling/submitting 2nd Qtr 2023 DMRs.	