



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon
Acting Secretary of Natural and Historical Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

May 15, 2025

Responsible Party Address:	Other Address:
Melissa Hilton Co-owner, Hilton Residence 109 Putnam Court Honaker, Virginia 24260	Terry Hilton c/o Law Office of Timothy W. McAfee 408 Wood Avenue E Big Stone Gap, Virginia 24219
Other Address:	Other Address:
Kimberly Lovelace Co-owner, Hilton Residence 142 South Patrick Drive Gray, Tennessee 37615	

**PROPOSED CONSENT ORDER AND
NOTICE OF INFORMAL FACT FINDING PROCEEDING**

RE:	<table><tr><td>Responsible Party(ies)</td><td>Melissa Hilton and Kimberly Lovelace</td></tr><tr><td>Facility Name</td><td>Hilton Residence Sewage Treatment Plant</td></tr><tr><td>Registration/ Permit No.</td><td>VAG400562</td></tr></table>	Responsible Party(ies)	Melissa Hilton and Kimberly Lovelace	Facility Name	Hilton Residence Sewage Treatment Plant	Registration/ Permit No.	VAG400562
Responsible Party(ies)	Melissa Hilton and Kimberly Lovelace						
Facility Name	Hilton Residence Sewage Treatment Plant						
Registration/ Permit No.	VAG400562						

Dear Sir/Madam:

The Virginia Department of Environmental Quality ("DEQ") issued Notice(s) of Violation (the "NOV(s)") on the following date(s) to the Responsible Party(ies) identified above for alleged violations observed at the facility identified above.

Proposed Consent Order and Notice of Informal Fact Finding Proceeding

NOV Date(s)	March 31, 2025
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The Responsible Party(ies) may resolve this matter quickly by entering into the enclosed Consent Order with DEQ within forty-five days from the date of this letter. If DEQ does not receive the signed Consent Order by that date, DEQ will proceed with conducting an Informal Fact Finding Proceeding as explained in Section II below.

I. PROPOSED CONSENT ORDER

DEQ wishes to resolve the alleged violations in the NOV by entering into a Consent Order with the Responsible Party(ies). DEQ's proposed Consent Order is enclosed for your review. The proposed Consent Order includes:

<input checked="" type="checkbox"/>	A civil charge in the amount of <u>\$6,858.00</u>
<input checked="" type="checkbox"/>	Injunctive relief (corrective actions) in Appendix A.

DEQ may reduce the civil charge listed above if you demonstrate inability to pay the proposed amount through submittal of a complete Ability to Pay Application. The Ability to Pay Application includes tax documentation and information regarding assets and liabilities. Please contact the Enforcement Specialist listed below within ten days from the date of this letter to request an Ability to Pay Application. DEQ will assume that you are able to pay the proposed civil charge unless you make a timely request for an Ability to Pay Application and submit a complete application in accordance with the schedule and directions provided.

If you agree with the terms of the proposed Consent Order, please sign and date the Consent Order and send it within forty-five days from the date of this letter to:

Enforcement Specialist	Jonathan Chapman
Address	DEQ - Southwest Regional Office 355-A Deadmore Street Abingdon, VA 24210
Email	jonathan.chapman@deq.virginia.gov

The order is subject to public notice and comment before it becomes final. A copy of the fully executed order will be returned to you for implementation upon signature on behalf of DEQ.

II. NOTICE OF INFORMAL FACT FINDING PROCEEDING

You are hereby notified that if DEQ does not receive the signed Consent Order within forty-five days from the date of this letter, an Informal Fact Finding Proceeding will be held via conference call at the

Proposed Consent Order and Notice of Informal Fact Finding Proceeding

date and time listed below. At the scheduled time, dial the Call-In Number listed below, and enter the Access Code listed below when requested.

Proceeding Date	July 14, 2025	Proceeding Time	10:00 AM
Call-In No.	(434) 230-0065	Access Code	91302433#

If you have any difficulty accessing the conference call, please call:

Agency Advocate	Carla Pool
Phone No.	(804) 664-3666

The Informal Fact Finding Proceeding will be conducted pursuant to Va. Code §§ 2.2-4019 and 10.1-1186 to determine whether the Responsible Party(ies) violated the Virginia Code and Regulations as listed in the Findings of Fact and Conclusions of Law in Section C of the enclosed Consent Order. The Informal Fact Finding Proceeding will also determine the appropriateness of a civil penalty and/or injunctive relief.

DEQ staff will request a Special Order requiring the Responsible Party(ies) to:

<input checked="" type="checkbox"/>	Pay the maximum civil penalty authorized by law, and pay attorneys' fees of 30% of the amount outstanding should DEQ have to refer collection of the civil penalty to the Department of Law
<input checked="" type="checkbox"/>	Comply with the Virginia Code and Regulations by completing the corrective actions listed in Appendix A of the enclosed proposed Consent Order.

To ascertain the facts in this matter, DEQ staff may rely upon DEQ's inspection report(s) for the Facility, the NOV(s), any registration statement and permit for the Facility, other public documents in DEQ files, and the information presented by witnesses. DEQ staff will also rely on applicable statutes, regulations, and DEQ guidance. Full texts of statutes, regulations, and DEQ guidance can be obtained at <http://www.deq.virginia.gov/LawsRegulations.aspx> or <http://lis.virginia.gov/> (statutes and regulations) and <http://townhall.virginia.gov/L/GDocs.cfm> (DEQ guidance). Copies will be provided upon request.

You may participate in the conference call yourself or by counsel or other qualified representative pursuant to Va. Code § 2.2-4019. At this proceeding, the Responsible Party(ies) will be able to present factual data, argument, or proof in connection with this case. A Presiding Officer will hear the evidence in this case and will prepare an independent Findings of Fact and Conclusions of Law and a draft Special Order for the Director's review. Then the Director may issue a Special Order under Va. Code § 10.1-1186, which may include both injunctive relief and a civil penalty.

Be advised that if you fail to attend or appear without good cause to an informal fact-finding proceeding conducted pursuant to Va. Code § 2.2-4019, the Presiding Officer may issue a default order regarding the subject of this notice. If a default order is issued, the Presiding Officer may conduct all further proceedings necessary to complete the adjudication and shall determine all issues in the adjudication, including those affecting you. Further, an order may be issued against you based on any admissions or other evidence without notice to you.

You will be notified of the results of the proceeding in accordance with Va. Code § 2.2-4019 and have the right to appeal any adverse decision in accordance with Va. Code § 2.2-4026.

Proposed Consent Order and Notice of Informal Fact Finding Proceeding

If you have any questions or require assistance, please contact the following DEQ staff who will represent DEQ at this proceeding. Please contact the Agency Advocate listed below at least ten days before the Proceeding Date to request accommodations under the Americans with Disabilities Act, translation services in a language other than English, or other reasonable accommodations to facilitate your meaningful participation in the proceeding.

Agency Advocate	Carla Pool
Phone No.	(804) 664-3666
Email	carla.pool@deq.virginia.gov

Sincerely,

Blalock Susan wps59806	<small>Digitally signed by: Blalock Susan wps59806 DN: CN = Blalock Susan wps59806 OU = CDV-Users, End-Users, DEQ Date: 2025.05.14 11:04:29 -04'00'</small>
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Enforcement and Air Compliance/Monitoring Manager

Virginia Department of Environmental Quality
(276) 608-8848
susan.blalock@deq.virginia.gov
Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210
(276) 676-4800

Enclosure



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
MELISSA HILTON
and
KIMBERLY LOVELACE
FOR
HILTON RESIDENCE SEWAGE TREATMENT PLANT
VPDES Permit No. VAG400562**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the Department of Environmental Quality and Melissa Hilton and Kimberly Lovelace, regarding the Hilton Residence Sewage Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the terms in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation at 9 VAC 25-31-10, and the VPDES General Permit for Domestic Sewage Discharges of Less than or Equal to 1,000 Gallons Per Day at 9 VAC 25-110-80.

SECTION C: Findings of Fact and Conclusions of Law

1. Melissa Hilton is one of the two permittees for VPDES General Permit registration number VAG400562, issued for the Hilton Residence Sewage Treatment Plant. Melissa Hilton is a "person" within the meaning of Va. Code § 62.1-44.3.

2. Kimberly Lovelace is one of the two permittees for VPDES General Permit registration number VAG400562, issued for the Hilton Residence Sewage Treatment Plant. Kimberly Lovelace is a “person” within the meaning of Va. Code § 62.1-44.3.
3. Melissa Hilton and Kimberly Lovelace (collectively, the “Owners”) own and operate the Hilton Residence Sewage Treatment Plant, located at 325 Fairview Road, Duffield, Virginia (Facility), which treats and discharges treated sewage and other municipal wastes for two single-family homes at that address.
4. VPDES Permit No. VAG400562 (Permit) was reissued under the State Water Control Law and VPDES Permit Regulation to Robert K. Hilton on August 2, 2021, transferred to the Owners on May 20, 2022, and expires on July 31, 2026. The Permit allows the Owners to discharge treated sewage and other municipal wastes from the Facility, to Little Stock Creek, in strict compliance with the terms and conditions of the Permit.
5. Little Stock Creek is an unassessed tributary to Stock Creek. Stock Creek is located in the Tennessee-Big Sandy River Basin, Clinch-Powell subbasin, Section 2, Class IV, Special Standards: NWBD. Stock Creek is listed in DEQ’s 2022 305(b)/303(d) report as impaired for the recreation use due to bacteria and for fish consumption due to PCBs. The *Bacterial TMDL Development Clinch River and Cove Creek Watershed, VA* was approved by EPA on April 24, 2014, and by the SWCB on June 30, 2014.
6. The Owners failed to submit to DEQ the discharge monitoring reports (DMRs) and maintenance logs for the monitoring periods of: September 1, 2021, through August 31, 2022; September 1, 2022, through August 31, 2023; and September 1, 2023, through August 31, 2024, due to be submitted no later than September 10th annually.
7. On October 21, 2022, and January 27, 2023, DEQ issued Warning Letter (WL) Nos. W2022-10-S-1051 and W2023-01-S-1012, respectively, to the Owners citing failure to submit the DMR and maintenance log due September 10, 2022. The Owners failed to provide a response to the WLs.
8. On March 23, 2023, DEQ compliance staff spoke with one of the Owners via telephone. The owner advised DEQ staff that ownership of the property on which the Facility is located was the subject of active court litigation and that counsel had advised the Owners to refrain from making expenditures for Facility operation and maintenance at that time.
9. On October 27, 2023, and July 17, 2024, DEQ issued WL Nos. W2023-10-S-1022 and W2024-07-S-1006, respectively, to the Owners citing failure to submit the DMRs and maintenance logs due September 10, 2023, and September 10, 2022. The Owners failed to provide a response to the WLs.
10. On October 11, 2024, DEQ issued WL No. W2024-10-S-1029 to the Owners citing failure to submit the DMRs and maintenance logs due September 10, 2024, September 10, 2023, and September 10, 2022. The Owners failed to provide a response to the WLs.

11. On January 2, 2025, DEQ staff conducted a comprehensive evaluation inspection (CEI) of the Facility which identified the following deficiencies: failure to engage the services of a licensed operator, as required by the Permit; and failure to ensure that de-chlorination tablets were present in the Facility de-chlorination unit. On January 13, 2025, DEQ transmitted the inspection report to the Owners, requesting a written response by February 12, 2025. The Owners failed to submit a response to the inspection report.
12. On March 31, 2025, DEQ issued Notice of Violation (NOV) No. W2025-03-S-0001 to the Owners, citing: failure to submit the DMRs and maintenance logs due September 10, 2024, September 10, 2023, and September 10, 2022; failure to engage the services of a licensed operator for Facility operation and maintenance; and failure to properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the Permit. The Owners failed to provide a response to the NOV.
13. The Permit, at Part I(A)(1), requires annual effluent limitations monitoring for Facility Outfall 001.
14. The Permit, at Part I(A)(2), states that the permittee shall submit the annual monitoring results required by this permit and the maintenance log no later than the 10th of September following the monitoring period.
15. The Permit, at Part I(D)(2)(b), states, in part: “To ensure the treatment works is operated, maintained, monitored, and reported properly, the permittee shall engage the services of a licensed operator...”.
16. The Permit, at Part II(Q), states, in part: “Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit.”
17. Va. Code § 62.1-44.5 states, in part: “Except in compliance with a certificate or permit issued by the Department..., it shall be unlawful for any person to... [d]ischarge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances...”
18. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
19. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
20. The Department has issued no permits or certificates to the Owners for discharges from the Facility other than VPDES Permit No. VAG400562.

21. Little Stock Creek is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
22. Based on the results of the January 2, 2025, CEI and unsubmitted annual DMRs and maintenance logs for 2022, 2023, and 2024, the Department concludes that the Owners have violated Va. Code § 62.1-44.5 and 9 VAC 25-31-50, by discharging partially treated sewage from the Plant while concurrently failing to comply with the conditions of the Permit, as described in paragraphs C(6) through C(12), above.
23. In order for the Owners to return to compliance, DEQ staff and the Owners have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Consent Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders Melissa Hilton and Kimberly Lovelace, and Melissa Hilton and Kimberly Lovelace agree to:

1. Perform the actions described in Appendix A of this Consent Order; and
2. Pay a civil charge of \$6,858.00 within 30 days of the effective date of the Consent Order in settlement of the violations cited in this Consent Order.

Payment shall be made either by credit card at www.deq.virginia.gov, or check, certified check, money order or cashier’s check payable to the “Treasurer of Virginia,” and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Melissa Hilton and Kimberly Lovelace shall include their Federal Employer Identification Number (FEIN) with the civil charge payment **and** shall indicate that the payment is being made in accordance with the requirements of this Consent Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Consent Order to the Department of Law, Melissa Hilton and Kimberly Lovelace shall be liable for attorneys’ fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Consent Order with the consent of the Owners for good cause shown by the Owners, or on its own motion pursuant to the

Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Consent Order addresses and resolves only those violations specifically identified in Section C of this Consent Order and in NOV No. W2025-03-S-0001, dated March 31, 2025, and WL Nos. W2022-10-S-1051, W2023-01-S-1012, W2023-10-S-1022, W2024-07-S-1006, and W2024-10-S-1029, dated October 21, 2022, January 27, 2023, October 27, 2023, July 17, 2024, and October 11, 2024, respectively. This Consent Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Consent Order.
3. For purposes of this Consent Order and subsequent actions with respect to this Consent Order only, the Owners admit the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The Owners consent to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Consent Order.
5. The Owners declare they have received fair and due process under the Administrative Process Act and the State Water Control Law and they waive the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Consent Order.
6. Failure by the Owners to comply with any of the terms of this Consent Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Consent Order is found to be unenforceable for any reason, the remainder of the Consent Order shall remain in full force and effect.
8. The Owners shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond their control and not due to a lack of good faith or diligence on their part. The Owners shall demonstrate that such circumstances were beyond their control and not due to a lack of good faith or diligence on their part. The Owners shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Consent Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;
and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Consent Order.

9. This Consent Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Consent Order shall become effective upon execution by both the Director or his designee and the Owners. Nevertheless, the Owners agree to be bound by any compliance date which precedes the effective date of this Order.
11. This Consent Order shall continue in effect until:
 - a. the Director or his designee terminates the Consent Order after the Owners have completed all of the requirements of the Consent Order;
 - b. the Owners petition the Director or his designee to terminate the Consent Order after they have completed all of the requirements of the Consent Order and the Director or his designee approves the termination of the Consent Order; or
 - c. the Director or Department terminates the Consent Order in his or its sole discretion upon 30 days' written notice to the Owners.

Termination of this Consent Order, or any obligation imposed in this Consent Order, shall not operate to relieve the Owners from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by the Owners and approved by the Department pursuant to this Consent Order are incorporated into this Consent Order. Any non-compliance with such approved documents shall be considered a violation of this Consent Order.

13. Any documents to be submitted pursuant to this Consent Order shall be submitted by the Owners or an authorized representative of the Owners.
14. This Consent Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Consent Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Order.
15. By their signatures below, the Owners voluntarily agree to the issuance of this Consent Order.

And it is so ORDERED this _____ day of _____, 2025.

Jeffrey L. Hurst, Regional Director
Department of Environmental Quality

Melissa Hilton voluntarily agrees to the issuance of this Consent Order.

Date: _____ By: _____
Melissa Hilton

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this _____ day of
_____, 20____, by _____.

Notary Public

Registration No.

My commission expires: _____

Notary seal:

Kimberly Lovelace voluntarily agrees to the issuance of this Consent Order.

Date: _____ By: _____
Kimberly Lovelace

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this _____ day of
_____, 20____, by _____.

Notary Public

Registration No.

My commission expires: _____

Notary seal:

APPENDIX A SCHEDULE OF COMPLIANCE

Melissa Hilton and Kimberly Lovelace agree to complete the following actions within the specified timeframes:

1. Within 10 days of the effective date of this Order, submit to DEQ the DMR and maintenance log for the monitoring period of September 1, 2021, through August 31, 2022, (initially due no later than September 10, 2022) or, if no monitoring data was obtained for this monitoring period, submit written notification to DEQ stating that no monitoring was conducted and the DMR cannot be submitted.
2. Within 10 days of the effective date of this Order, submit to DEQ the DMR and maintenance log for the monitoring period of September 1, 2022, through August 31, 2023, (initially due no later than September 10, 2023) or, if no monitoring data was obtained for this monitoring period, submit written notification to DEQ stating that no monitoring was conducted and the DMR cannot be submitted.
3. Within 10 days of the effective date of this Order, submit to DEQ the DMR and maintenance log for the monitoring period of September 1, 2023, through August 31, 2024, (initially due no later than September 10, 2024) or, if no monitoring data was obtained for this monitoring period, submit written notification to DEQ stating that no monitoring was conducted and the DMR cannot be submitted.
4. Within 30 days of the effective date of this Order, submit to DEQ documentation verifying that Melissa Hilton and Kimberly Lovelace have engaged the services of a licensed operator, as required by the Permit, for Facility operation, maintenance, monitoring, and reporting.
5. DEQ Contact:

Unless otherwise specified in this Consent Order, Melissa Hilton and Kimberly Lovelace shall submit all requirements of Appendix A of this Consent Order to:

Amanda Statzer
Compliance Auditor
Virginia DEQ – Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210
Phone: (276) 477-9891
amanda.statzer@deq.virginia.gov