

**IN THE CIRCUIT COURT OF HICKORY COUNTY, MISSOURI**

STATE OF MISSOURI *ex rel.* )  
 Attorney General Chris Koster and )  
 Missouri Department of )  
 Natural Resources, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DALE E. WHITESIDE, )  
 SHELLY K. WHITESIDE , and )  
 HOBO'S AT THE LAKE, LLC, )  
 )  
 Defendants. )

**FILED**

DEC 11 2015

CECILIA SMITH  
Circuit Clerk  
Hickory County Missouri

Case No.: 15HI-CC00010

**DEFAULT JUDGMENT**

This Court, upon consideration of the State of Missouri's Motion for Default Judgment, and the file as a whole, finds as follows.

1. The State filed its Petition on April 10, 2015.
2. All Defendants were properly served.
3. Defendants have failed to file an Answer or any other type of responsive pleading.
4. This Court has jurisdiction over the subject matter of this action and over these parties.
5. Section 644.076 RSMo authorizes this Court to grant injunctive relief and to assess civil penalties of up to Ten Thousand Dollars (\$10,000.00) per day for each day of each violation of the Missouri Clean

Water Law.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND  
DECREED:**

**I. Penalties**

A. Defendant Dale Whiteside, Defendant Shelly Whiteside, and Defendant Hobo's at the Lake, LLC are ordered to pay a \$5,055.00 civil penalty by check made payable to the "*State of Missouri (Hickory County)*" within 30 (thirty) days of the entry of this Judgment by mailing same to: Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899.

B. Defendant Dale Whiteside and Defendant Shelly Whiteside are ordered to pay an additional \$15,170.24 civil penalty by check made payable to the "*State of Missouri (Hickory County)*" within 30 (thirty) days of the entry of this Judgment by mailing same to: Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899.

**II. Injunctive Relief**

C. Dale Whiteside, Shelly Whiteside, and Hobo's at the Lake, LLC ("Defendants") are ordered to comply with the Missouri Clean Water Law and its implementing regulations for all future activities in the State of Missouri.

D. Dale Whiteside and Shelly Whiteside are ordered to submit

timely and accurate discharge monitoring reports for the wastewater treatment facility serving Whiteside's Hidden Acres.

E. Defendants are ordered to begin pumping and hauling wastewater from the unpermitted wastewater treatment facility presently serving Hobo's at the Lake ("Hobos"):

a. The wastewater must be hauled to a permitted wastewater treatment facility with the capacity to accept the load;

b. Defendants shall continue pumping and hauling wastewater until there is a permitted wastewater treatment facility serving Hobos;

c. Defendants shall maintain pumping records and receipts and shall make these available to the Department upon request;

d. Pumping records shall include the date wastewater is pumped, the number of gallons pumped, and the name of the permitted wastewater treatment facility accepting the wastewater.

F. Within 30 days of the effective date of this Judgment, Defendants shall submit to the Department for review and approval a closure plan for the filter bed portion of the wastewater treatment facility presently serving Hobo's. The closure plan must satisfy the Department's regulatory requirements and shall (a) Stipulate that the filter media, including Styrofoam, lava rock, wood chips, and plants may not be recycled

or composted; it must be removed to a permitted sanitary landfill; and (b) Include removal of all sewer pipes extending beyond the septic tanks.

G. Within 60 days of the effective date of this Judgment, Defendants shall submit to the Department for review and approval an engineering report (“Engineering Report”), prepared by a professional engineer licensed to practice in the State of Missouri, recommending alternatives to replace the existing wastewater treatment facility presently serving Hobo’s.

H. The Engineering Report shall include a complete antidegradation submittal pursuant to the Missouri Antidegradation Rule and Implementation Procedure recommending one of the alternatives that will result in compliance with the Missouri Clean Water Law and its implementing regulations.

I. If the Department comments on and/or requests modification of the Engineering Report or the closure plan, Defendants shall, within 15 days of receipt of the Department’s comments, provide a response that satisfies the Department’s comment or request.

J. Within 60 (sixty) days of the date the Department approves the Engineering Report, Defendants shall submit a complete application for a construction permit including the applicable fee, design summary, plans and specifications, signed and sealed by a professional engineer licensed to

practice in the State of Missouri, and a complete application for a Missouri State Operating Permit with applicable fee.

K. Within 18 (eighteen) months of the Department's issuance of the construction permit, Defendants shall complete construction of the upgrades pursuant to the plans and specifications included with the construction permit application.

L. Within 15 (fifteen) days of completing construction, Defendants shall submit to the Department a Statement of Work Completed Form, signed, and dated by a professional engineer registered in the State of Missouri, certifying that the project was completed in accordance with Department approved plans and specifications.

M. Within 30 (thirty) days of completion of construction activities, Defendants shall comply with all effluent limitations contained in the Missouri State Operating Permit.

SO ORDERED.

  
Honorable Michael O'Brien Hendrickson

Date: 12/11/15