

OWTS Complaint Investigation Training
April 9, 2026
Webinar Q&A

Q: New landowner is building a fence and finds part of a lagoon is on their property. Can they slope the dirt work on their side of the fence to correct this?

A: Lagoon being on the wrong side isn't a violation of the law, but this is more of a civil matter. Encourage the new landowner to work with the neighbor; be careful about damaging the berm.

Q: Doesn't law state that you must keep your effluent system on your own property?

A: If it's an existing system (lagoon) that isn't failing. We can't force them to bring it into compliance.

Q: Shouldn't a lagoon be 75' from a property line anyway?

A: The set back is 75ft.

Q: Are there resources we can provide those in financial hardship? Is that within our purview? Can we recommend they check with local USDA offices?

A: Yes, the main one to check is the USDA. They offer low-interest rate loans. In the southwest part of Missouri there is an organization named H2O Ozarks(<https://h2ozarks.org/>) for those with lower income; can aid with grant money but can require very specific drainage basins.

Q: Individuals have a contract on a house. Inspector states there is either only a septic tank pipe discharging or not even a septic tank. Seller says they will not do anything. Is the potential buyer an aggrieved party? How do I handle that?

A: It should be a matter between the potential buyer and seller. The reason being is that the buyer can always look at buying another house. The potential buyer does not meet the definition of an aggrieved party. There is a possibility that this could be defined as a nuisance, however, we do teach inspectors that we must have a complaint before we investigate.

Q: For a county without an ordinance or a contract with the DHSS, if a complaint is justified does the county just forward the complaint to the regional EHS or

does the county fill out the NOV (notice of violation) and probable cause statement.

A: The county fills out the NOV and probable cause statement since they're the ones to do the investigation. On the NOV instead of reaching out to the county within 10 days they should reach out to the to the program to start the permitting process. It becomes important to have developed that relationship with local authorities like the police or lawyers. In case you need assistance when visiting the property for the inspection or if prosecution is needed.

Q: What might you suggest as a course of action if you are 90% confident of a historical OTWS on a property when you cannot locate any sewer laterals/drain field, no septic tank, and conduct an inconclusive dye test inside the house?

A: It's going to be on the homeowner to hire somebody to come up with a solution to the problem whether it's a repair or a new system. There are devices they can flush to trace the flow of the system. If they have a failing system causing a nuisance, it's not on you to find out where that system is. For legal reasons, you'll need to be 100% sure compared to only 90%.

Q: Is there training for dye testing?

A: No, there is no formal training that we provide. The inspector course does discuss dye testing. The best option I can recommend is to read the bottle instructions or reach out to our local counties and see what they use. It's not 100% and can be inconclusive if the dye isn't present. Local municipalities do dye testing, and you could also reach out to them. When dye testing you need to go to the DNR website and register as a dye tester. It is free. The reason being is if you introduce dye to an area, you could risk the possibility of a false positive to one of DNR's tests.

<https://dnr.mo.gov/water/what-were-doing/missouri-water-tracing-laboratory>

Recommend your agency has a written policy for situations like this; stating the guidelines you will follow internally, such as the timeframe you will return to observe

if any dye has traveled outside the system, etc.; what you will do if no dye is seen and the test is inconclusive, among other things.



Getting Legal



- Tracer registration
 - It's not permission, its just registration
 - There's a detailed guide in your packet on how to register as a tracer.

Q: There is mention of a reference made to discovery of a violation "using a reasonable scientific method". What would the definition of a scientific method be?

A: In the case of investigating a complaint the scientific method would be:

- Observations
- Asking questions
- Collecting Data – pictures
- Determining if a violation is occurring (conclusion)