

FILE

Joseph E. Kernan
Governor

Gregory A. Wilson, M.D.
State Health Commissioner



Indiana State Department of Health

An Equal Opportunity Employer

January 20, 2004

Donald A Dian, MD
Health Officer
Wells County Health Department
223 W Washington St
Bluffton, IN 46714-1955

Dear Doctor Dian:

Re: Residential Onsite Sewage Systems
System Design and Approval
Wells Co.

This is to confirm a recent telephone conversation between Ms. Linda Mauller, Wells County Health Department, and staff member Tim Decker concerning local health department review and approval of plans for residential onsite sewage systems. The specific question posed to Mr. Decker involved a local health department staff member reviewing and approving systems designed (as part of local health department duties) by that same staff member.

It is our opinion that local health department personnel should not design systems for review and approval by the same personnel or even the same health department. It may create a conflict of interest in addition to perceived or actual conditions of impropriety on the part of the local health department.

The local health department's responsibility is to provide direction, assistance and to review proposals for compliance with Indiana Rule 410 IAC 6-8.1. To go any further with this procedure could create a liability for the local health department should the onsite sewage system go into failure.

This issue should be brought to the attention of your legal counsel for research and a more detailed response.

Please do not hesitate to contact this office if you or your staff has any further questions.

Sincerely,

Alan M. Dunn, R.E.H.S., Supervisor
Residential Onsite Sewage Systems
Sanitary Engineering
AC (317) 233-7177

TJDecker/
cc: Linda Mauller
Denise Wright
Tim Decker