

2769.

APPROVAL, BONDS VILLAGE OF WAYNESVILLE, WARREN COUNTY,
\$14,000.00.

COLUMBUS, OHIO, Sept. 9, 1925.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2770.

SEWERAGE SYSTEM—APPROVAL OF DIRECTOR OF HEALTH NECESSARY—ONLY MEAN PERSONS OR OFFICIALS DIRECTLY INTERESTED MAY APPEAL FROM DECISION OF DIRECTOR.

SYLLABUS:

The only persons who may appeal to the public health council from a decision of the director of health in a matter relating to the approval or disapproval of plans, locations, estimates of costs or other matters submitted to such board, are persons or officials directly interested and subject to such decisions of the director.

COLUMBUS, OHIO, Sept. 10, 1925.

HON. JOHN E. MONGER, *Director, Department of Health, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your communication, as follows:

“This department desires your opinion in regard to the following matter:

“Section 1240 of the General Code, (99 V. 494) and as amended by house bill 113, passed March 4, 1925, provides that before a sewerage system or treatment works for sewage shall be installed, the approval of the state department of health must be secured. Preliminary to the making of plans for sewage treatment, it is necessary to select the site for the treatment plant, and it is the usual procedure to have the location for such treatment plant approved prior to the preparation of the plans.

“In a recent instance, a city submitted to the director of health for his approval a location deemed by the city officials a proper location for a sewage treatment plant. This location was viewed by our division of sanitary engineering under the instructions of the director of health, and was also viewed by the director of health in person. Upon the recommendation of our engineers, and upon his own judgment, the director of health approved the location selected by the city officials.

“Following this action of the director of health, an improvement association requested the public health council to grant a hearing at which time an appeal would be made to set aside this action of the director of health, the claim being made that section 1235 of the General Code made provision for such procedure.

“Paragraph (b) of this section, which defines the powers and duties of