Attached hereto is a copy of a letter sent to the Honorable James E. Roark, Kanawha County Prosecuting Attorney, from Homer A. Speaker, Assistant Attorney General, concerning the legal obligation of local health departments to inspect small sewage treatment plants operating under permits issued by the State Director of Health. Assistant Attorney General Speaker's opinion is quite clear in that local health officers have the authority and legal obligation to inspect small sewage treatment plants; that funds for such inspection programs would be from the general budgets of the local health departments; and that the local health departments are to rely upon the local prosecuting attorneys for subsequent enforcement action where indicated.

Questions concerning this memorandum should be directed to Barb Taylor, Director, Office of Environmental Health Services, 1 Davis Square, Suite 200 Charleston, WV 25301-1798, telephone: (304) 558-2981.