



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
Attorney General

August 12, 1975

ATTORNEY GENERAL OPINION NO. 75-327

Mr. Clay Cox  
Assistant County Counselor  
Commissioners Office  
Room 320  
Sedgwick County Courthouse  
Wichita, Kansas 67203

Re: Public Health--Solid Waste Management

Synopsis: Local governing bodies may lawfully permit individuals to transport their own solid waste for disposal, so long as it is consistent with a solid waste management plan which has been approved by the State Department of Health and Environment.

\* \* \*

Dear Mr. Cox:

You inquire whether individuals may be permitted to transport their own solid wastes for disposal if the governing body desires to make such a provision in the county solid waste management plan, or if a municipality wishes to so provide by ordinance. No state law, and no regulation of the State Department of Health and Environment which has come to our attention, forbids such a provision. K.A.R. 28-29-9, for example, provides in pertinent part thus:

"Solid waste materials, excluding bulky wastes, shall be removed from the storage containers on residential premises and disposed of in accordance with these regulations at least once a week."

This regulation further prescribes standards for the transportation of solid wastes. Certainly, it is within the authority of

Mr. Clay Cox  
Page Two  
August 12, 1975

the governing body to permit individuals to transport their own solid waste for disposition, so long, of course, as such permission is consistent with a solid waste management plan which has been approved by the Department of Health and Environment, and so long, of course, as the disposal of waste so transported is in accordance with law and applicable regulations.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj

cc: Mr. Robert Corbett  
Attorney  
Department of Health and Environment  
1st Floor, Building 740--Forbes AFB  
Topeka, Kansas