**Private Letter Ruling**

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| **Ruling Number:** | **P-2011-009** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Labor and purchase of fly ash used in conjunction with the drilling of deep disposal wells.** |
| **Keywords:** |  |
| **Approval Date:** | **12/28/2011** |

**Body:**

Office of Policy & Research

December 28, 2011

XXXXXXXXXXXXXX
XXXXXXXXXXXXX
XXXXXXXXXXXXXX

Dear XXXXXXX:

The purpose of this letter is respond to your letter dated December 14, 2011. The content of your letter is duly noted and states in part.

We would like to request a Private letter of Ruling. We have an XXX to drill a deep disposal well. When drilling the well the dirt that comes out of the hole may need to be disposed of off-site depending on the results from analyzing the soil. We currently have some dirt in roll-off containers that needs to be disposed of off-site. Fly ash needs to be added to the dirt in the dumpsters before it is shipped off-site.

The fly ash is used to absorb liquids from the dirt. A PO was written to XXXXXXXXXXXXXXX to add the fly ash to the dumpsters; the fly ash was purchased separately.
Our question is whether the XXXXXlabor and the purchase of the fly ash are subject to sales tax. All costs related to the disposal of the dirt is not charged to theXXX, but is charged directly to expense. Therefore, it is not covered XXXXXXXX.

The service to dispose of the dirt is not a taxable service. Any items of tangible personal property purchased, rented, used or consumed in the disposal process are subject to Kansas sales or use taxes.

This is a private letter ruling pursuant to K.A.R. 92-19-59. It is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to an accurate determination by the department, this ruling is null and void. This ruling will be revoked in the future by the operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or published revenue ruling, that materially effects this private letter ruling.

Sincerely,

Mark Ciardullo
Office of Policy and Research

**Date Composed: 01/10/2012 Date Modified: 01/10/2012**