



Mitchell E. Daniels, Jr.
Governor

Gregory N. Larkin, M.D., F.A.A.F.P.
State Health Commissioner

IN RE THE MATTER OF:

Charles Stevens
Ice for Less
416 W. Young Street
Morganfield, KY 42437

Re: Variance Request Dated April 4, 2011 and Section 375,
Conveying Sewage

Order to Approve a Variance

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be **approved** to Charles Stevens, Ice for Less, 4525 N First Avenue, Evansville, IN 47710.

This variance approval is based on the variance application received on April 6, 2011 with supplemental information provided by the ice equipment manufacturer, Innovative Packaging Technologies Inc.

Order

This **VARIANCE APPROVAL** is based on the following conditions:

1. A hand washing sink will be installed in the Ice for Less unit located at 4525 N First Ave, Evansville Indiana. The sink will be installed in such a manner as to prevent contamination of adjacent food contact surfaces. The sink drain will be plumbed through a drain line which will connect to a portable waste disposal tank for sanitary disposal purposes.
2. The hand washing sink will be provided with hot and cold running water, hot water being provided through an on-demand electric water heater.
3. Only the water produced from ice production may be drained into the French drain for on-site disposal.
4. Wastewater produced from the hand washing sink and cleaning/sanitizing of the ice maker shall be diverted away from the French drain and drained and pumped aboard a holding tank on your service vehicle or alternatively picked up by an approved waste disposal company. Suitable valves to prevent wastewater leakage into the French drain must also be installed to facilitate the operations.

5. A written agreement must be contracted between Ice for Less and an existing entity for the approved disposal of the wastewater generated and collected from the Ice for Less operation. A copy of the signed agreement and receipts for proof of any transactions shall be provided to the Vanderburgh County Health Department as proof of the approved disposal of the wastewater.
6. Chemicals and soap required for the cleaning and sanitizing of the Ice for Less operation shall be properly stored in the ice production unit or in an alternative storage location approved by the Vanderburgh County Health Department.
7. Gloves, ice bags, bag ties and any other miscellaneous items needed for the operation of the Ice for Less facility shall be properly stored in the ice production unit or in an alternate location approved by the Vanderburgh County Health Department.
8. The conditions listed above apply to the location in Evansville, Indiana as detailed in the variance application provided the location is on city water and the municipal sewerage system is not available at a reasonable price. Prior to the installation of other Ice for Less production units, the applicant shall provide written Request for Variance to the Indiana State Department of Health Food Protection Program for consideration and approval.
9. The installation and operation of Ice for Less unit must be in compliance with Indiana State Department of Health Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.

Failure to comply with the aforementioned conditions constitutes a violation of the variance approval causing the order to be invalid. The facility is then subject to enforcement action to bring the establishment into compliance.

If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §4021.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:

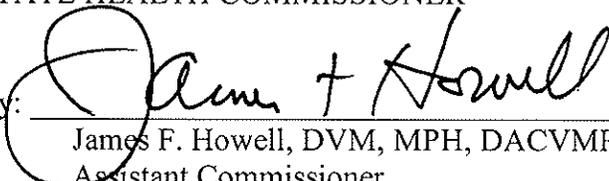
- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

Your request for review or stay of effectiveness must be filed in writing with the State Health Commissioner, 2 North Meridian Street, Indianapolis, Indiana 46204, on or before June 10, 2011. If no request for review or stay of effectiveness is filed by June 10, 2011, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA, THIS 23rd DAY OF May, 2011.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY APPROVE A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

GREGORY N. LARKIN, M.D.
STATE HEALTH COMMISSIONER

By: 
James F. Howell, DVM, MPH, DACVMP
Assistant Commissioner
Public Health Preparedness Commission

cc: ISDH Food Protection Program
Vanderburgh County Health Department
ISDH Office of Legal Affairs