



Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

CERTIFIED MAIL

IN RE THE MATTER OF:

Brad Peter
3M ICE, LLC
3656 West Holland Road East
Huntingburg, IN 47542

Re: Variance Request Dated June 5, 2013 varying 410 IAC 7-24, Section 375, Conveying Sewage

Order to Approve a Variance

You are hereby notified that based on the recommendation of the Indiana State Department of Health (ISDH), Food Protection Program, 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 Brad Peter, 3M ICE, LLC, 3656 West Holland Road East, Huntingburg, IN 47542.

Order

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

- The following location:
405 S. Park Drive, Huntingburg, IN (Dubois County)
- A hand washing sink will be installed inside of each unit with hot and cold running water.
- Hot water will be provided through an on-demand electric water heater.
- A French drain will be provided to absorb condensate and ice melt runoff produced from the manufacture and storage of the ice. Only the water produced from the ice production may be drained into a French drain. This water is not considered "waste water" and can be disposed of in this manner as long as the French drain is sized large enough to handle the peak load of the drainage so as not to allow ponding of the water and/or creating a nuisance.



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To promote and provide
essential public health services.

- The wastewater produced from the hand washing sink and cleaning/sanitizing of the ice maker units shall be diverted away from the French drain and drained and pumped aboard a holding tank on your service vehicle. A suitable valve to prevent wastewater leakage into the French drain must also be installed to facilitate this operation.
- A written agreement must be contracted between 3M ICE,LLC and any existing entity for the approved disposal of the wastewater generated and collected from the ice manufacturing operation. When applicable, a copy of the signed agreement and receipts for proof of any transactions shall be provided to the Dubois County Health Department as proof of the approved disposal of the wastewater.
- Chemicals and soap required in the cleaning and sanitizing of the operation shall be properly stored in the ice units according to law.
- Gloves, ice bags, bag ties, and any other miscellaneous items needed in the operation of the units shall be properly stored in the units according to law.
- Potable municipal water is provided for all water needs of the units.
- The installation and operation of the units must be in compliance with ISDH Rule, 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.
- All other provisions provided in law shall be complied with at all times.
- The ISDH and/or local health department regulatory personnel may evaluate compliance with this order in the future at any or all of the listed locations. A copy of this order and application information must be maintained at each location.
- Any provisions not adhered to may result in the revocation of this order.

If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §40-21.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:

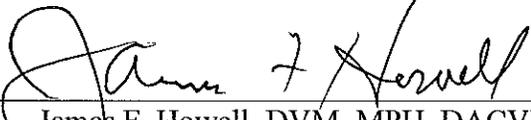
- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

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 August 9, 2013. If no request for review or stay of effectiveness is filed by August 9, 2013, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 22nd DAY OF JULY 2013.

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.

WILLIAM C. VAN NESS II, M.D.
STATE HEALTH COMMISSIONER

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

cc: ISDH Executive Board
ISDH Food Protection Staff
ISDH Office of Legal Affairs
Dubois County Health Department