



Michael R. Pence  
Governor

Jerome M. Adams, MD, MPH  
State Health Commissioner

CERTIFIED MAIL # 7009 2820 0003 8638 0079

November 9, 2016

Therese Maloney, Director of Operations  
Levy Restaurants at Indianapolis Motor Speedway  
4790 W. 16th Street  
Indianapolis, IN 46222

RE: Variance Request # 952016

### **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 Therese Maloney, Director of Operations for Levy Restaurants at Indianapolis Motor Speedway.

On April 26, 2016, this office received a request from you representing Levy Restaurants at Indianapolis Motor Speedway to vary sections 332 and 375 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the use of water tanks and wastewater tanks only for hand washing by a food operation not considered to be mobile, temporary, and/or is not experiencing a temporary interruption of its permanent water supply. The submitted application was accompanied by a letter from Joseph E. Raper, AIA, CSO Architects Inc. and some architectural drawings for equipment to be used at the proposed new site(s).

After reviewing the application and submitted materials, there were some questions and additional information needed to fully understand and complete the review. A letter requesting this information was sent on June 10, 2016. On September 20, 2016, because there had been no response to the ISDH letter, the original variance request was denied. A new application was submitted on September 9, 2016, and after a series of email exchanges, sufficient information has been provided to support the request for a variance to be approved.

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

- The designated location for this variance is:  
Indianapolis Motor Speedway, Hulman Club  
4790 W. 16th Street  
Indianapolis, IN 46222



2 North Meridian Street • Indianapolis, IN 46204  
317.233.1325 tdd 317.233.5577  
[www.statehealth.in.gov](http://www.statehealth.in.gov)

To promote and provide  
essential public health services.

- It is noted that the handsinks using water and waste tanks will be operated seasonally with a varying interval of off-season storage.
- It is noted that the handsinks operating on water and wastewater tanks are located indoors and are not approved for outdoor use. ISDH Food Protection Program shall be notified of any substantive changes in the Hulman Club food operations that may affect the conditions and criteria in this variance.
- The controls for meeting the conditions of this approval shall be assessed by Marion County Health Department and/or by ISDH periodically. In addition, Marion County Health Department and/or ISDH may collect water samples to ensure that water used at the hand sinks continues to meet quality standards that are at least equal to that which is specified in 327 IAC 8-2.
- Levy Restaurants at Indianapolis Motor Speedway will store, operate and maintain the water tanks and waste tanks as specified in the attached materials.
- Waste water tanks may not be interchanged with water tanks.
- Labeling for each set of tanks must be maintained as legible.
- Levy Restaurants at Indianapolis Motor Speedway will service potable water tanks and waste tanks on a continuous-enough basis that food employees do not run out of water or waste tank capacity for handwashing at any time while performing food handling activities during events.
- Water produced from the water tanks will be subject to laboratory testing on a basis deemed necessary to protect public health by Marion County Health Department and/or ISDH. Laboratory tests indicating water with the presence of Coliforms will be considered non-potable and substandard to water described in 327 IAC 8-2. Such water may not be used.
- Water produced from the water tanks having residual concentrations of cleaning or sanitizing chemicals in excess of incidental levels shall be considered adulterated and may not be used.
- The wastewater tank deodorizing chemical may not be used in the water tanks.
- Handsinks which fail to provide potable water for handwashing will result in the revocation of this variance.
- A copy of this approval letter and the submitted application must be kept onsite in the above named establishment at all times and readily available for review by state and/or local health department personnel.
- This variance does not extend to locations not listed above. There shall be no other food establishments in Indiana conducting this process by this company unless explicitly approved by the ISDH Food Protection Program. The company must request and receive approval from ISDH Food Protection Program at least thirty (30) days prior to adding new Indiana locations to this variance.
- This Variance Order is limited to Levy Restaurants at Indianapolis Motor Speedway and the current scope of the existing operations as indicated in submitted materials.
- This Variance Order is not transferable to a new owner.

- This Variance Order is limited to being in compliance with all other applicable state and local regulations.
- Any provisions not adhered to may result in the revocation of this order.
- Some of the submitted materials may be considered confidential or proprietary for Levy Restaurants at Indianapolis Motor Speedway, and/or CSO Architects. It is a condition of this approval that Levy Restaurants at Indianapolis Motor Speedway, and/or CSO Architects agrees to allow copying and transmittal of submitted materials to Indiana food regulatory authorities for regulatory purposes. It is the responsibility of the variance requestor to obtain all necessary copyright permissions from third parties.

**If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §4-21.5-3-7(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 and addressed to:**

**Indiana State Department of Health  
Attn: Court Administrator  
Office of Legal Affairs  
2 North Meridian Street, Section 3H  
Indianapolis, Indiana 46204**

**on or before December 9, 2016. If no request for review or stay of effectiveness is filed by December 9, 2016, this decision shall become final.**

DATED AT INDIANAPOLIS, INDIANA THIS 9<sup>th</sup> DAY OF NOVEMBER 2016.

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.

JEROME M. ADAMS, MD, MPH  
STATE HEALTH COMMISSIONER

By:   
Judith Lovchik, PhD, D(ABMM)  
Assistant Commissioner  
Public Health Protection and Laboratory Services Commission

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



**PORTABLE CARTS - EQUIPMENT SCHEDULE**

ITEM	DESCRIPTION	QUANTITY	UNIT	MANUFACTURER	REMARKS
001	PORTABLE CART	10	EA	AMERICAN	
002	PORTABLE CART	10	EA	AMERICAN	
003	PORTABLE CART	10	EA	AMERICAN	
004	PORTABLE CART	10	EA	AMERICAN	
005	PORTABLE CART	10	EA	AMERICAN	
006	PORTABLE CART	10	EA	AMERICAN	
007	PORTABLE CART	10	EA	AMERICAN	
008	PORTABLE CART	10	EA	AMERICAN	
009	PORTABLE CART	10	EA	AMERICAN	
010	PORTABLE CART	10	EA	AMERICAN	
011	PORTABLE CART	10	EA	AMERICAN	
012	PORTABLE CART	10	EA	AMERICAN	
013	PORTABLE CART	10	EA	AMERICAN	
014	PORTABLE CART	10	EA	AMERICAN	
015	PORTABLE CART	10	EA	AMERICAN	
016	PORTABLE CART	10	EA	AMERICAN	
017	PORTABLE CART	10	EA	AMERICAN	
018	PORTABLE CART	10	EA	AMERICAN	
019	PORTABLE CART	10	EA	AMERICAN	
020	PORTABLE CART	10	EA	AMERICAN	

**State of Ohio**  
Department of Public Safety

**EVENT LEVEL FOODSERVICE EQUIPMENT PORTABLE CARTS PLAN**

PROJECT NO. **PS5,04**

DATE **11/10/08**

**Levy Standard Operation Procedure (SOP)**  
CLEANING AND SANITIZING FOR FRESH WATER TANKS, LOCATIONS: HULMAN  
CLUB (as of 9/27/16)

Objective

This procedure is to ensure the fresh and grey water tanks are cleaned thoroughly sanitized at the end of each event.

Responsibilities and Authorities

General Manager of Clubs /Facilities is responsible for ensuring the SOP is in place and delegated as follows:

- All staff, NFP's and subcontractors are aware of this procedure.
- Appropriate supplies, chemicals, equipment, MSDS sheets, and instructions are supplied to each location.
- All safety protocol is exercised at all times including slip resistant shoes, gloves and proper chemical handling.

Equipment

- BOH Three compartment sink
- Designated Fresh Water detergent and sanitizer
- MSDS Binder
- Gloves

Procedure

The assigned Club Supervisor is responsible for ensuring the following procedure is followed:

- Fill the fresh/grey water tank half way with fresh water.
- Pour 4oz. of Fresh Water detergent or sanitizer in to tank.
- Complete filling of tank with fresh water.
- Turn on fresh water pump.
- Pump water through each faucet so that the feed lines are filled with water and cleaning or sanitizer solution.
- Run a quart of water out of each faucet. You should be able to smell the solution.
- Allow solution to sit the lines for 15 mins.
- Drain off entire system of remaining solution and purge lines of solution.
- Flush the system with fresh potable water.
- Rest the system for use.

During Shift Spills

- The Drain tanks may need to be drained off or the potable water replaced.

Training requirements

This procedure shall be included in orientations for new staff and for subcontractors who will be responsible for the daily cleaning of the stand location that they are assigned to.



## Portable Hand Wash Sink Quick Start Instructions

**Do not connect water heater to electricity unless it is full of water.**

### Start-up:

Fill the fresh water tank with cold potable water and connect the pump hose to the tank making sure that the quick connect is completely locked on. Plug the pump into the power outlet. Turn on the sink power switch. Open the cold water faucet and the pump will run; turn off after water starts to flow freely. Turn on hot water faucet until water starts to flow freely – this may take a couple of minutes if the water heater is empty. Next, plug the water heater in to the power outlet.

### Operation:

When the faucet is turned off, the pump will automatically shut off and turn back on when the faucets are opened.

NOTE: if the fresh water tank is empty, the pump will keep running and cause air bubbles in the water lines. Turn off the power and refill the fresh water tank and run pump to fill the lines.

- Do not let pump run dry for more than 2 minutes; damage to the pump may result (this will void any warranty)
- Do not let the waste water tank overflow. Dispose of waste water in a sanitary drain only
- Drain hose must be connected securely to waste at all times
- If no power is running, check the reset button on the CFCI electrical outlet, and check to ensure that the power switch is in the on position

**Winterization:**Outdoor Storage

**Fresh water tank:** drain all contents from tank and rinse tank with cleansing product (recommended: *Thetford Fresh Water Tank Cleaner and Sanitizer* – key ingredients include benzyl ammonium chloride and ethylbenzyl ammonium chloride). After cleaning and sanitizing tank, fill the tank with potable antifreeze to prevent freezing damage. The antifreeze should be flushed through the system before future use.

**Waste water tank:** drain all contents from tank and use a holding tank cleansing product (recommended: *Aqua-Kem Liquid Deodorizer*– key ingredients include formaldehyde and methanol). Thoroughly cleanse tank with cleaning agent and rinse with fresh water. Empty tank of all contents and fill with potable antifreeze. The antifreeze should be flushed through the system before future use.

Indoor Storage

**Fresh water tank:** drain all contents from tank and rinse tank with cleansing product (recommended: *Thetford Fresh Water Tank Cleaner and Sanitizer* – key ingredients include benzyl ammonium chloride and ethylbenzyl ammonium chloride). After cleaning and sanitizing tank, store in a dry area.

**Waste water tank:** drain all contents from tank and use a holding tank cleansing product (recommended: *Aqua-Kem Liquid Deodorizer* – key ingredients include formaldehyde and methanol). Thoroughly cleanse tank with cleaning agent and rinse with fresh water. After cleaning tank, store in a dry area.

