



# Request For Variance

State Form 51184 (12/02)

Food Protection Program

# RECEIVED

APR 13 2012

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360

FAX: 317/233-7334

FOOD PROTECTION PROGRAM  
INDIANA STATE DEPT. OF HEALTH

**1. Individual Submitting Request:** Date: 4 / 11 / 2012

Name: Robert Bridge Telephone: (317) 691-2571 Fax: (317) 837-1169

Mailing Address: 5148 E. Co. Rd. 700 S. Email: bbridge41@gmail.com  
Number & Street

Mooresville, IN 46158  
P.O. Box City State Zip Code

---

**2. Person/Organization Seeking Variance:**

Name: LMOB Refreshments, LLC Email: \_\_\_\_\_

Mailing Address: 5148 E. C.R. 700 S.  
Number & Street

Mooresville, IN 46158  
P.O. Box City State Zip Code

---

**3. Food Establishment(s) for Which Variance is Sought**  
 Include the following information for each food establishment: (List here or attach additional pages if necessary)

- Physical Location (If different than mailing address): 1800 E. Main St.
- Mailing Address: Plainfield, IN 46168  
(Number, Street, City, State, & Zip Code)
- Telephone Number: (317) 409-2475 Fax Number: ( )
- Person at each retail food establishment most responsible for supervising: Rebecca Bridge

---

**4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:**  
 (Attach additional pages if necessary)

The sections I am seeking a variance on are:  
 410 IAC 7-24-376 Approved sewage disposal system  
 Sec. 376. (a) Sewage shall be disposed through an approved facility that is:  
 (1) a public sewage treatment plant; or  
 (2) an individual sewage disposal system that is:  
 (A) sized;  
 (B) constructed;  
 (C) maintained; and  
 (D) operated;  
 according to law.  
 (b) For purposes of this section, a violation of subsection (a) is a critical item.

I desire to operate from May 1 through October 31 (weather permitting). The above sections require I have access to a permant sewer hook up to dispose of the gray water generated from the operation of my business. There is no access to sewer in the parking lot where I intend to operate. I want to do the same thing currently done by the Tropical Sno location at the corner of S. Madison St. and E. High St. in Mooresville, IN. They have no access to permanent sewer so they have gotten permission from the Health Department to collect their gray water in a 200-300 gallon storage tank that is pumped out by a vacuum truck as needed. I have contacted a couple companies that are willing to perform this service at my location.

---

**5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence: (Attach additional pages, if necessary.)**

The "waste water" generated by this business is a very small amount of water with soap from hand washing and potentially small amounts of syrup. There is NO black water generated by the operation of this business. The storage tank will be sized so that it is 10x the volume of fresh water storage available in the fresh water system.

Fresh water will be used for hand washing, general cleaning of countertops and sterilization of syrup bottles when they are washed. This is a very low water use operation.

**6. List how the proposal demonstrates the following (if applicable to the request):**

A) How the proposal differs from what is common and usual in similar industry situations:

Because there is no way to tie into an existing sewer line, the waste water or gray water must be collected and eliminated by a vacuum truck weekly up to twice per week.

B) How the proposal is unique and not addressed in existing rules or law:

This proposed variance is currently being used with approval of the Board of Health in Morgan Co, Mooresville, IN.

C) How the proposal does not diminish the protection of public health:

The gray water will be taken away and disposed of according to state law by the vacuum truck company.

D) How the proposal is based on new scientific or technological principle(s):

This proposed variance is currently being used with approval of the Board of Health in Morgan Co, Mooresville, IN.

E) How the implementation of the variance would be practical:

I will purchase a 300 gallon storage tank and route the drain from the sinks in my structure into this waste container. We will monitor the level of the water in the tank and have the vacuum truck scheduled well before the tank needs to be emptied so as to not impact the operation of our business.

**7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:**

As the owner and operator of the single establishment, we take the safety & well being of our customers and our communities seriously. We have no desire to put at risk the safety of our community or impact the quality of the service we provide to our customers. As such will ensure that the water is disposed of properly in accordance with the requested variance.

**8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)**

LMOB Refreshments, LLC

**9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.**

**For Office Use Only**

**10. Signature of Individual Making Request:**



Printed Name, Title: Robert Bridge

Proposed Shaved Ice Structure:



Interior:



Picture of the sanitation and waste water collection system.



Gray water storage will be replaced by proposed external gray water tank.

15 gal Fresh Water (30 total)