



Michael R. Pence  
Governor

William C. VanNess II, MD  
State Health Commissioner

CERTIFIED MAIL #7002-2410-0000-1701-6425

IN RE THE MATTER OF:

Craig Miller, Owner  
Miller Ice, LLC  
431 S. Lincoln Park Drive  
Evansville, IN 47714

Re: Variance Request Dated June 10, 2014 and 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 Craig Miller, Miller Ice, LLC, 431 S. Lincoln Park Drive, Evansville, IN 47714.

Order

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

- The following location:

401 S. Kentucky Ave., Evansville, IN (Vanderburgh County)

- The unit shall be constructed and placed at the site according to materials submitted to ISDH on 7/11/2014.
- A hand washing sink will be installed and maintained with hot and cold running water inside the ice making unit.
- 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



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To promote and provide  
essential public health services.

the peak load of the drainage so as not to allow ponding of the water and/or creating a nuisance.

- 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 into a removable container and/or pumped aboard a holding tank on a service vehicle. A suitable valve to prevent wastewater leakage into the French drain must also be installed to facilitate this operation.
- Waste water shall be removed from the unit immediately after cleaning and disposed of in a legal waste water handling system.
- 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 the above noted location. 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 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 July 30, 2014. If no request for review or stay of effectiveness is filed by July 30, 2014, this decision shall become final.**

DATED AT INDIANAPOLIS, INDIANA THIS 11<sup>th</sup> DAY OF JULY 2014.

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: \_\_\_\_\_



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  
Vanderburgh County Health Department