

**REQUEST FOR VARIANCE**State Form 51184 (R / 5-13)
Food Protection Program**RECEIVED****MAY 17 2013****INDIANA STATE DEPARTMENT OF HEALTH**
Telephone: 317/234-8569 FAX: 317/233-9200**FOOD PROTECTION PROGRAM**
INDIANA STATE DEPT. OF HEALTH**1. Individual Submitting Request:**Date: 05 / 15 / 2013

Name: Sam Noble Telephone: (765) 7488556 Fax: ()

Mailing Address: 1215 N Forest Ave Email: samnoble83@gmail.com
Number and Street

Muncie IN 47304
P.O. Box City State ZIP Code

2. Person/Organization Seeking Variance:

Name: Sam Noble/Aloha Sno Email: samnoble83@gmail.com

Mailing Address: 1215 N Forest Ave
Number and Street

Muncie IN 47304
P.O. Box City State ZIP Code

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

- Physical Location *(if different than mailing address):* _____
- Mailing Address: 1215 N Forest Ave, Muncie, IN, 47304
(Number, Street, City, State, and ZIP Code)
- Telephone Number: 765 7488556 Fax Number: ()
- Person at each retail food establishment most responsible for supervising: Sam Noble

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

410 IAC 7-24-375 states that all permanent structures in Indiana must have sewers attached for disposal of wastewater. I am requesting a variance that Aloha Sno should not be deemed a permanent structure as the unit will remain in its location only throughout the summer season. As a seasonal business, similar to a mobile or temporary retail food establishment, a holding tank will be utilized as a means of daily wastewater disposal.

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.)*

Similar to the guidelines for a mobile retail food establishment, waste water will be stored in a retention tank that is at least fifteen percent (15%) larger capacity than the water supply tank as specified in section 372. Liquid waste will be discharged after close of business each day according to approved procedures.

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:
The business will operate in a semi-permanent building. It is a mobile unit with detachable wheels, but given its nature as a seasonal business, it will remain in location throughout the summer months. Because it will not remain permanently in its location, it will not have sewers attached.
- B) How the proposal is unique and not addressed in existing rules or law:
The current rules facilitate permanent structures that remain year-round and temporary structures that operate a maximum of 14 days at a time. The business model for Aloha Sno is seasonal-permanent.
- C) How the proposal does not diminish the protection of public health:
The waste water holding tank is used to gather waste water throughout the day. After close of business, it will be immediately and safely disposed of without any chance of contamination.
- D) How the proposal is based on new scientific or technological principle(s):
Not based on new standards, just proper use of practices commonly accepted in other states with similar seasonal businesses.
- E) How the implementation of the variance would be practical:
A limited amount of waste water will be produced each day, and that amount will be properly disposed of each evening without needing a sewer tap.

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:

To ensure proper variations will be enacted, the owner or a trained manager will be present each evening at closing and responsible for proper disposal of waste water. Care will be taken to follow disposal and tank-cleaning guidelines.

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

Sharon Pattee- Environmental Health Specialist, Delaware County Health Department

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:

Samuel W. Noble
SAMUEL W. NOBLE