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REQUEST FOR VARIANCE MAY 09 2014
 State Form 51184 (R / 5-13)
 Food Protection Program

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: <u>05 / 08 / 2014</u>	
Name: <u>Russell Winkler</u>		Telephone: <u>(812) 686-2600</u> Fax: <u>(812) 937-7025</u>	
Mailing Address: <u>PO Box 302</u>		Email: <u>winklers@pscl.net</u>	
<small>Number and Street</small>		<small>State</small>	
<u>Santa Claus</u>	<u>IN</u>	<u>47579</u>	
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
2. Person/Organization Seeking Variance:			
Name: <u>WWLW, LLC</u>		Email: <u>winklers@pscl.net</u>	
Mailing Address: _____			
<small>Number and Street</small>			
<u>PO Box 302</u>	<u>Santa Claus</u>	<u>IN</u>	<u>47579</u>
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
3. Food Establishment(s) for Which Variance is Sought			
Include the following information for each food establishment: <i>(List here or attach additional pages if necessary.)</i>			
• Physical Location <i>(if different than mailing address):</i> <u>16 North Kringle Place</u>			
• Mailing Address: <u>PO Box 302</u>			
<small>(Number, Street, City, State, and ZIP Code)</small>			
• Telephone Number: <u>(812) 686-2600</u> Fax Number: <u>(812) 937-7025</u>			
• Person at each retail food establishment most responsible for supervising: <u>Russell Winkler</u>			
4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:			
<i>(Attach additional pages if necessary.)</i>			
WWLW, LLC is locating an ice vending machine at the named location. The ice maker produces condensation. We are proposing the condensation be discharged through a "French Drain System". Any gray water which is produced through the process of sanitizing the machine and from the hand washing sink would be captured in a holding tank and discarded in an off-site sewer system. A valve will be used to separate the two.			
Section 4101AC-7-24-375 states that all permanent structures in Indiana must have sewers attached for disposal of wastewater. I am requesting a variance that an Ice House America's Ice Bending Machine should not be deemed a permanent structure since it is secured to the ground using cables and does not have a concrete slab or sub structure.			
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: <i>(Attach additional pages, if necessary.)</i>			
It is standard that gray water is disposed of through a sanitary sewage system. We are disposing of the gray water by capturing it in a holding tank for future disposal. This method is identical to past variances granted by the Indiana State Department of Health for identical operations. Please refer to the following Variances; Ice Monster, LLC granted December 16, 2011, Ice for Less granted May 23, 2011 and Hoosier Iceman, LLC granted March 2009.			

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:**

It is standard that gray water be disposed of through a sanitary sewage system. We are disposing of the gray water by capturing it in a holding tank for future disposal in a sanitary sewer.

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

The process is unique in that the state code does not identify or handle Ice Manufacturing structures.

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

The water being disposed of on site is condensation collected from the humidity collecting on the refrigeration coils and the holding tank is used temporarily to gather the gray water that will be immediately disposed of without any chance to contaminate any surroundings ground. The public and environment are not exposed to any pollutants.

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

The water collected through the ice making process already exists in the environment as vapor. The French Drain is disposing of it as liquid.

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

The implementation of the variance would be practical because a very small amount of waste produced per month. Under the proposed option all waste would be disposed of without having a sewer.

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:

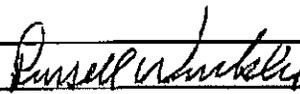
Each Ice House is an unoccupied structure. To ensure proper handling of the variance requested and the food protection code in general, will be the owner's responsibility. At the time of cleaning, care will be taken to collect the sanitation solution in proper holding tank and disposed in a sanitary sewer.

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

Kim Stallings- Spencer County Health Dept.
George Jones-Indiana State Department of Health

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

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10. Signature of Individual Making Request: Printed Name, Title: Russell Winkler, Partner