



Mitchell E. Daniels, Jr.  
Governor

Gregory N. Larkin, M.D., F.A.A.F.P.  
State Health Commissioner

**IN RE THE MATTER OF:**

**Ervin O. Bontrager, Owner  
Lynd Creek Sugar Camp  
N. Lynd Road 700 E.  
Orleans, IN 47452**

**Re: Variance Request #30210 - Dated November 15, 2010 and 410 IAC 7-21-41; Plumbing and sewage systems**

**Order to Grant a Variance**

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), 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 issued to Mr. Ervin O. Bontrager, owner, Lynd Creek Sugar Camp, located at N. Lynd Road 700 E., Orleans, Indiana 47452.

This variance is based on the variance application submitted on November 15, 2010.

**Order**

This variance is subject to the following terms and conditions and is valid only for the time specified herein:

1. A variance is hereby issued to Mr. Ervin O. Bontrager, owner, Lynd Creek Sugar Camp, located at N. Lynd Road 700 E., Orleans, IN 47452 for the requirement of 410 IAC 7-21-41 which requires each facility to be equipped with effective plumbing and sewage facilities and adequate accommodations including, but not limited to the following: (1) The water supply shall be sufficient for the operations intended and shall be derived from an approved source. Drinking water and water used for food processing operations shall meet bacteriological and chemical quality standards specified in 327 IAC 8-2. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where required for the processing of food, for the cleaning of equipment, utensils, and food-packaging materials, or for employee sanitary facilities and (2) If a food processing plant obtains water from a water system not subject to 327 IAC 8-2 for its operations the operator shall sample the water at least annually for bacterial analysis by a certified laboratory, maintain records of analysis of sample results for three (3) years, and provide such records to the department upon request.

This variance is conditioned upon the following:

- A. Due to the inability of existing wells on the property of Lynd Creek Sugar Camp to produce bacteriologically safe water for use in the production of maple syrup, potable water may be transported to the facility by a water hauler through means of a sanitary transport vehicle and stored on premise within a food-grade tank. Specifically, H2O Hauling Services, Paoli, Indiana, or any other entity approved for such purposes, may serve in this capacity. A log book or similar record keeping system must be utilized to document receipt of each individual load including date, gallons, hauler and source. Affirmation should be received from the hauler that the truck water tank has been properly sanitized prior to filling and transporting to Lynd Creek Sugar Camp.
- B. Water delivered to Lynd Creek Sugar Camp must be from an approved municipal source meeting Indiana drinking water regulations and having approved bacteriological results on file with the Indiana Department of Environmental Management.
- C. Each load of potable water received at Lynd Creek Sugar Camp shall be sampled from the delivery vehicle in a sanitary manner at the time of receipt. Samples shall be collected in containers approved and supplied by the Indiana State Department of Health Water Laboratory or any other certified water testing laboratory.
- D. Potable water from the delivery vehicles will be pumped to an elevated food-grade holding tank that has been cleaned and sanitized prior to use. All water transfer and cleaning equipment, including the pump, transfer hoses, connections, buckets and brushes shall be of food-grade materials and shall have been cleaned and sanitized prior to use.
- E. All cleaning and sanitizing agents applied to food contact surfaces by Lynd Creek Sugar Camp, including equipment utilized by water haulers, shall meet food-grade usage requirements as specified in 40 CFR 180.940.
- F. Prior to use by Lynd Creek Sugar Camp, potable water stored in the elevated holding tank shall be sampled for bacteriological analysis utilizing containers approved and supplied by the Indiana State Department of Health Water Laboratory or any other certified water testing laboratory. Satisfactory results from both the delivery vehicle tanks and the elevated storage tank must have been received by Lynd Creek Sugar Camp prior to the production of maple syrup.
- G. Any remaining potable water in the holding tank shall be drained and/or utilized in the production operations at the conclusion of the operating season. At such time the tank and associated transfer lines and equipment shall be effectively cleaned and sanitized.

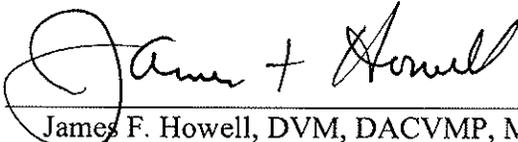
- H. Lynd Creek Sugar Camp agrees to use the services of an approved water hauler only during a time period when rural municipal water lines are not available for a permanent connection. It is anticipated that when an adequate number of customers become available, such lines will be installed to service Lynd Creek Sugar Camp. When municipal water lines are installed adjacent to the property of Lynd Creek Sugar Camp and are placed into service, a connection must be made and the practice of utilization of hauled water must cease.
  - I. Production and wholesale transaction records, including bacteriological water test results, shall be maintained by Lynd Creek Sugar Camp during the time that this variance remains in effect.
2. This variance does not extend to any other locations except for the one mentioned above. There shall be no other food establishments in Indiana conducting this process for Lynd Creek Sugar Camp unless explicitly approved by the Indiana State Department of Health. The establishment must request and receive approval from the ISDH Food Protection Program prior to adding new Indiana locations to this variance.
  3. Lynd Creek Sugar Camp shall comply with all aspects of 410 IAC 7-21, as determined by the Indiana State Department of Health Food Protection Program, except as stated above. Any change to the management or structure of the operation could invalidate this variance Order.
  4. This variance Order is limited to the current owner of Lynd Creek Sugar Camp, Mr. Ervin O. Bontrager, and the current scope of the existing operations. This variance Order is not transferable to a new owner.
  5. This variance Order is limited to being in compliance with all other applicable state and local regulations.
  6. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 25th DAY OF January 2011.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

Gregory N. Larkin, M.D., F.A.A.F.P.  
STATE HEALTH COMMISSIONER

By:



James F. Howell, DVM, DACVMP, MPH  
Assistant State Commissioner  
Public Health and Preparedness Commission