

To: City-County Board of Health for Lincoln County

From: Kathi Hooper, RS

Date: April 9, 2018

Re: Advisory Opinion for G's Ice Cream Variance Application

- Montana adopted the 2013 FDA Food Code in 2015.
- G's Ice Cream is licensed as a Retail Food Establishment. The owner/operator, Gregg Caley, makes ice cream from a pre-packaged, refrigerated mix, adding store-bought cookies, candy, canned fruit and/or nuts during the manufacturing process.
- G's Ice Cream operates in a fixed location and is connected to city sewer. It is not a mobile food establishment, which "serves or sells food from a motor vehicle, a nonmotorized cart, a boat, or other movable vehicle that periodically or continuously changes location and requires a servicing area to accommodate the unit for cleaning, inspection and maintenance" (ARM 37.110.261(15)).
- Water must be from an approved source (2013 FDA Food Code 5-101.11), under pressure (2013 FDA Food Code 5-103.12) and "of sufficient capacity to meet the peak water demands of the food establishment" (2013 FDA Food Code 5-104.11).
- Water demands at G's Ice Cream include hand washing, cleaning and sanitizing of utensils and food contact surfaces, cleaning of physical facilities, and toilet usage.
- The alternative water system currently installed at G's Ice Cream supplies 3.3 gallons/minute. Adequate handwashing requires a minimum of 20 seconds under warm water (2013 FDA Food Code 2-301.12) which would use at least 1.1 gallons of water from this system. Handwashing is required after engaging in "activities that contaminate the hands", before donning gloves, and before working with food (2013 FDA Food Code 2-301.14). Because the operator is both taking money and working with food, it is necessary for him to wash his hands for each sale.
- According to Town of Eureka records for G's Ice Cream, peak water usage was 7800 gallons/month in 2017 and 4500 gallons/month in 2016. However, Mr. Caley reported that much of that water usage was watering plants. Circular DEQ 4 calculates typical water usage for a store at 10 gallons/day per employee **plus** 3 gallons/day per customer.
- The alternative water system currently installed at G's Ice Cream can be approved for use if Mr. Caley can show that he is using water from an approved source of sufficient capacity and that the system is regularly sanitized. Therefore, conditions of approval for the alternative water system are keeping purchase receipts to show water source and volume and maintaining records of water usage and system sanitization (See 2nd Variance - attached).
- If Mr. Caley chooses not to follow the conditions of approval for the alternative water system, he can reconnect to Eureka's municipal water system or cease operations as a retail food establishment.



Waiver for G's Ice Cream, 501 Dewey Ave, Eureka, MT 59917

3/29/2018

This waiver allows G's Ice Cream to utilize the pressurized water system installed by licensed plumber Michael Stramer of Stramer and Son Plumbing in Eureka in February 2018.

The following stipulations apply:

- 40 gals of bottled water must be on hand during operations for cleaning and sanitation purposes.
- Water must come from a licensed water wholesaler with a label and expiration date on each bottle.
- Water bottles must have an intact, sealed cap until used.
- Receipts for bottled water purchases must be kept on site and made available to the health inspector.
- Operator must maintain records of water usage by date and make them available to the health inspector.
- Water system will be sanitized at a minimum of once every three (3) months using the attached recommended procedure for RV tank sanitization.
- Dates of system sanitation will be kept on site and made available to the health inspector.
- If the pressurized water system breaks down, G's Ice Cream will close until repairs are made.

If the above stipulations are not followed by the operator, if sanitation issues develop due to insufficient water supply, or water usage is unreasonably low, Lincoln County Environmental Health has the right and responsibility to revoke usage of the alternative system and require a water connection with the Town of Eureka water system.

Furthermore, this waiver only applies to operations under Gregg Caley and will become invalid upon the change of ownership or operations of G's Ice Cream.

Jennifer Nelson, R.S.
Lincoln County Environmental Health

cc: Town of Eureka