

June 22, 2001

MEMORANDUM

PIM #01-01

TO: District Directors
Environmental Health Managers
Division of Food and Environmental Services Staff

FROM: Gary L. Hagy, Director
Division of Food and Environmental Services

SUBJECT: Drive Through Coffee Kiosks

This PIM addresses drive through coffee kiosks that serve only gourmet coffees, frozen coffee or fruit slushes, and commercially prepared prewrapped non-potentially hazardous foods.

Please insert this document in your PIM manual and distribute copies to all persons in your district working in your foodservice protection program. Please note that the PIM was effective July 1, 2001.

If you have any questions, please contact the food consultants or me.

Program: Foodservice Protection

Subject: Drive Through Coffee Kiosks

Objective: Establish criteria for approval of drive through coffee kiosks that substantially comply with the regulations.

Authority: The authority for issuing this PIM is as follows:

Code of Virginia

1. §35.1-11 Regulations
2. §35.1-14 Regulations governing restaurants; advisory standards for exempt entities.

Regulations Governing Restaurants

1. 12 VAC 5-420-110 Permits.
2. 12 VAC 5-420-140 Issuance of permit.
3. 12 VAC 5-420-1230 Water Supply, General.
4. 12 VAC 5-420-1240 Water Supply, Transportation.
5. 12 VAC 4-420-1290 Sewage, General.
6. 12 VAC 4-420-1360 Toilet Installations.

Other

1. PIM #98-02 Approved Water Supplies

Background: The Rixeyville Brewing Company, Inc. (hereafter referred to as “Rixeyville Brewing”) has requested a review and approval of plans for coffee kiosks to be placed in Virginia. This approval will apply to any other vendor who meets the same criteria set forth in this PIM.

Rixeyville Brewing is proposing to place Mountain Mudd Espresso drive through coffee kiosks in Virginia. These kiosks are approximately eight feet by eight feet.

The kiosk includes an espresso machine, a "granita" machine with three barrels (two are used at a time for making frozen coffee or fruit slushes), a three compartment sink, a hand sink, a water heater, a refrigerator, a 32 gallon polyethylene fresh water tank, a 38 gallon polyethylene gray water tank.

The kiosks will serve gourmet coffees (espresso, cappuccino, caffe latte, etc.), granitas (frozen coffee or fruit flavored slushes), coffee beans or ground coffee, 25-ounce bottles of gourmet syrup, and commercially prepared prepackaged non-potentially hazardous items.

Rixeyville Brewing will operate an enclosed service vehicle that will transport fresh water to the kiosk and also pump out the gray water tank. The connections are such that one cannot connect the vehicle's gray water pump tank to the kiosk's fresh water tank and vice versa (unless one engages in a premeditated act of sabotage). The vehicle's fresh water tank pumps fresh water into the kiosk's fresh water tank and its gray water pump tank pumps gray water out of the kiosk's gray water tank. The kiosk's fresh water tank is under lock and key.

The water supply is a well in Rixeyville, Virginia and has been evaluated by the local health department and deemed an approved water supply based on construction and sampling.

Rixeyville Brewing will provide three letters for each kiosk, as needed. One letter will be from the property owner stating that Rixeyville Brewing has leased a portion of their property to operate a kiosk. A second letter will be from a dumpster owner granting Rixeyville Brewing permission to use their dumpster for trash and refuse removal. The third is a letter granting Rixeyville Brewing access to restrooms owned by someone else (most likely the property owner).

Discussion: Rixeyville Brewing is proposing to operate a facility that serves primarily non-potentially hazardous foods that require no direct hand contact. The only potentially hazardous food proposed is milk or cream for coffee and steamed milk. The operation, as proposed, presents a low potential for problems. However, employees are not relieved of their duty to maintain proper cleanliness of their hands. The only sewage generated will be gray water and they propose an effective method of collection, transportation and disposal. Therefore, if operated under certain conditions, there should be little threat to public health.

Procedures: Any drive through coffee kiosk operation as described above shall be deemed to substantially comply with the *Regulations Governing Restaurants* if they comply with the following requirements:

1. Only gourmet coffees (espresso, cappuccino, caffe latte, etc.), granitas (frozen coffee or fruit flavored slushes), coffee beans or ground coffee, 25-ounce bottles of gourmet syrup, and commercially prepared prepackaged items shall be served. Except for making coffee, tap water shall not be served. The serving of any additional food items without the expressed written approval of the Division of Food and Environmental Services shall be grounds for immediate suspension of the permit to operate.
2. Water shall be obtained only from a public water supply or a water supply approved by the appropriate local health department having jurisdiction over the subject water supply.
3. If water is not obtained from a public water supply that is already being sampled, quarterly water samples shall be taken and the results submitted to all local health departments in localities where the kiosks are located. The responsibility to take the water samples and report the results to the local health departments shall be the responsibility of the kiosk owner. If any sample indicate contamination, the same procedure used for transient non-community water supplies shall be used.
4. A daily log of the amount of water used and the amount of gray water produced shall be kept by each kiosk operator. This log shall be made available to the local health department upon request.
5. Quarterly samples of the water from the kiosk holding tank shall also be collected, analyzed and the reports forwarded to the appropriate local health department.
6. The gray water shall be disposed of in an approved sewage disposal system. The location of gray water disposal will be designated by the kiosk owner. The tank connections shall be designed to prevent one from connecting the vehicle's gray water pump tank to the kiosk's fresh water tank and vice versa.
7. If the owner of the kiosk owns and operates the service vehicle, a sewage handling permit will not be required.
8. A pump and haul permit is not required if all the other conditions are complied with.
9. Nothing in this PIM relieves the kiosk owner from his responsibility to comply with all local building and zoning requirements.

10. This PIM only addresses the Board of Health's *Regulations Governing Restaurants*. Nothing in this PIM relieves the kiosk owner from his responsibility to comply with any local ordinances governing restaurants.

Responsibility: The District Environmental Health Manager is responsible for the implementation of this PIM by the district foodservice protection staff.

Effective Date: July 1, 2001

Approved by: _____

Director
Division of Food and Environmental Services

Endorsed by: _____

Director
Office of Environmental Health Services

Endorsed by: _____

Acting Deputy Commissioner
For Public Health

- Attachments:**
1. Lease letter.
 2. Dumpster letter.
 3. Restroom letter.
 4. Kiosk Drawings