

RECEIVED  
CLERK'S OFFICE

JUL 14 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

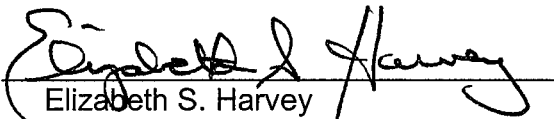
IN THE MATTER OF: )  
 )  
 PETITION OF JO'LYN CORPORATION )  
 and FALCON WASTE AND RECYCLING, ) AS 04-02  
 INC. for an ADJUSTED STANDARD from ) (Adjusted Standard – Land)  
 portions of 35 Ill.Adm.Code 807.103 and )  
 35 Ill.Adm.Code 810.103, or )  
 in the alternative, A FINDING OF )  
 INAPPLICABILITY. )

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 14<sup>th</sup> day of July 2004, the following was filed with the Illinois Pollution Control Board: **Supplement to Amended Petition for Adjusted Standard**, which is attached and herewith served upon you.

JO'LYN CORPORATION and  
FALCON WASTE AND RECYCLING

By:   
 Elizabeth S. Harvey  
 Attorney for Petitioner

Elizabeth S. Harvey  
 SWANSON, MARTIN & BELL  
 One IBM Plaza, Suite 3300  
 330 North Wabash Avenue  
 Chicago, Illinois 60611  
 Telephone: (312) 321-9100  
 Firm I.D. No. 29558

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the above-described document to counsel of record in the above-captioned matter via U.S. Mail at One IBM Plaza, Chicago, IL 60611 on or before 5:00 p.m. on July 14, 2004.

  
 Jeanette M. Podlin

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

**SERVICE LIST**

AS 04-02

(Adjusted Standard – Land)

Mr. John J. Kim  
Division of Legal Counsel, IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

JUN 14 2004

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PETITION OF JO'LYN CORPORATION )  
and FALCON WASTE AND RECYCLING, ) AS 04-02  
INC. for an ADJUSTED STANDARD from ) (Adjusted Standard – Land)  
portions of 35 Ill.Adm.Code 807.103 and )  
35 Ill.Adm.Code 810.103, or )  
in the alternative, A FINDING OF )  
INAPPLICABILITY. )

**SUPPLEMENT TO AMENDED PETITION FOR ADJUSTED STANDARD**

Petitioners Jo'Lyn Corporation ("Jo'Lyn") and Falcon Waste and Recycling, Inc. ("Falcon") (collectively, "petitioners") hereby submit this supplement to their amended petition for adjusted standard.

Background

On April 21, 2004, petitioners filed their petition for adjusted standard, or in the alternative, a finding of inapplicability. Petitioners seek a determination that the raw material used in their production process is not a "waste," and that therefore they do not need waste permits pursuant to the Board's regulations. In the alternative, if the Board disagrees that the material used is not a waste, petitioners seek an adjusted standard from portions of the Board's waste regulations. On July 8, 2004, in response to the Board's order, petitioners filed an amended petition. This supplement to that amended petition clarifies and expands upon statements regarding the composition of the granulated bituminous shingle material ("GBSM"), and provides an additional exhibit.

Supplemental Information

One sentence in petitioners' amended petition is misleading, and should be clarified. On page 12, the amended petition states that GBSM contains no fiberglass. This is incorrect. GBSM usually contains a very small amount (about 2%) of fiberglass.

That fiberglass is in the backing (or "mat") of the shingle. Occasionally the manufacturer will do a run of shingles which uses cardboard or felt as a backing, but ordinarily the backing is fiberglass. The composition of the GBSM is:

<b>Percentage of Ingredients in IKO Chicago GBSM, per ton, and Cash Values at Time of Manufacturing</b>			
<b>Shingle Analysis</b>		<b>Values</b>	
	<b>%</b>	<b>Lbs.</b>	<b>Dollars</b>
Asphalt	18	360	\$32.50
Filler	40	800	\$2.80
Granules	40	800	\$2.00
Mat	2	40	\$2.00
<b>Total Value</b>	<b>100</b>	<b>2,000</b>	<b>\$37.50</b>

Asphalt: The asphalt used in shingles is harder than the asphalt used in pavement, which contributes to slower oxidation / longer life.

Filler: Crushed aggregate, predominantly limestone.

Granules: Igneous rock or trap rock (a small cubical rock, top coat on shingles).

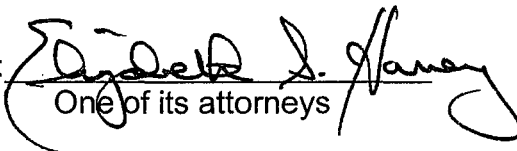
Mat: Fiberglass or organic (cardboard).

This further explanation of the contents of the GBSM demonstrates the point already made by petitioners: that GBSM is a clean, consistent material without contaminants. Additionally, the cash values information demonstrates that the material has monetary value. These figures represent the cost to an asphalt plant to purchase the materials, so the figures are not directly applicable to petitioners' process. However, the figures do show that the GBSM has a monetary value.

In addition to providing this additional information, petitioners hereby provide Exhibit K. This exhibit consists of nine color photos, demonstrating the appearance and durability of Eclipse Dust Control.

Respectfully submitted,

JO'LYN CORPORATION and  
FALCON WASTE AND RECYCLING, INC.

By:   
One of its attorneys

Michael J. Maher  
Elizabeth S. Harvey  
Swanson, Martin & Bell  
One IBM Plaza, Suite 3300  
330 North Wabash Avenue  
Chicago, IL 60611  
312.321.9100  
312.321.0990 (facsimile)

## EXHIBIT K

### Photos of Eclipse Dust Control

Photo #1. Petitioners' first test section, August 2001. This is what the tab material looked like right after it was spread, but before compaction. There are many air voids which need to be compressed.



Photos #2 and #3: These two pictures are current (2004) pictures of petitioners' first test section (applied in 2001). This application is over 3 years old, it has weathered through heavy truck traffic and 3 winters of plowing. The pavement does need to be swept. Please note on the bottom picture the bonding of the material and the lack of cracking.

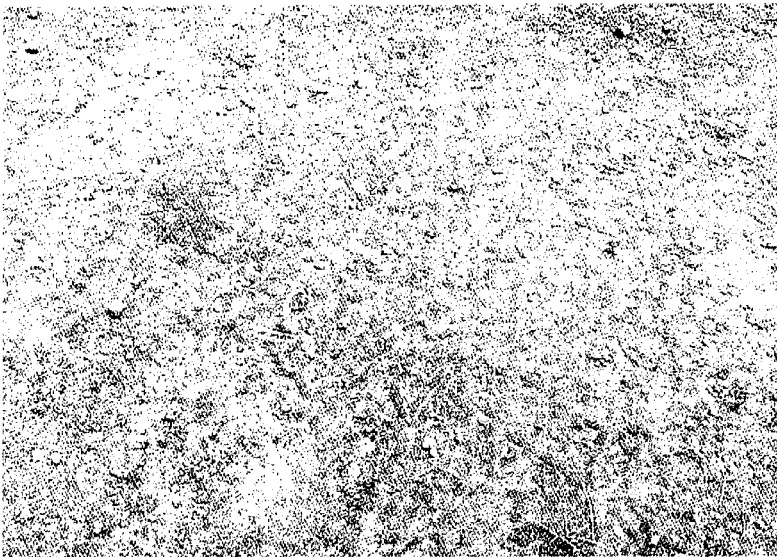
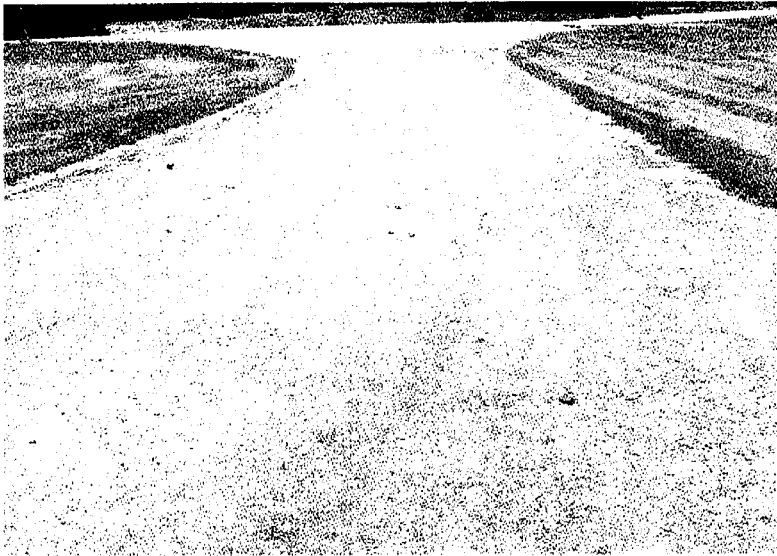


Photo #4: This is a current (2004) photo of our first application. This demonstrates that the material bonds to black top and shows the darker color of Eclipse, over the blacktop pavement.

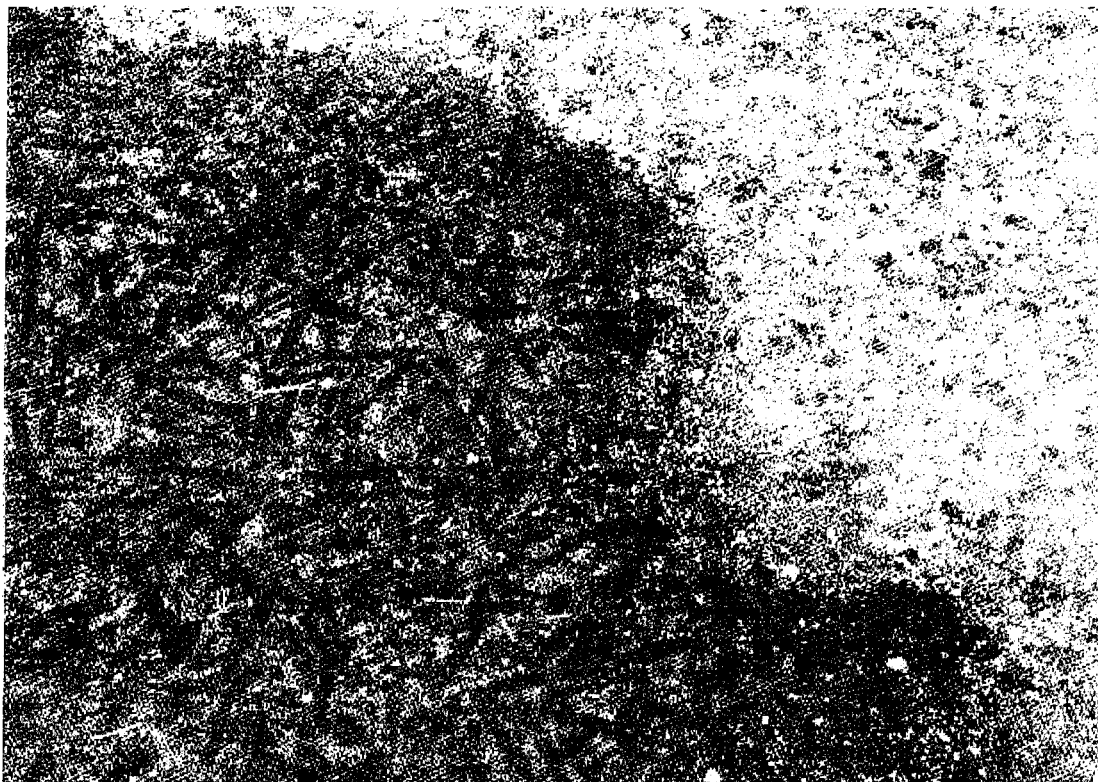




Photo #5: This photo is of a road (not using Eclipse Dust Control) done at the same time as our first application (2001). Please note the cracking.

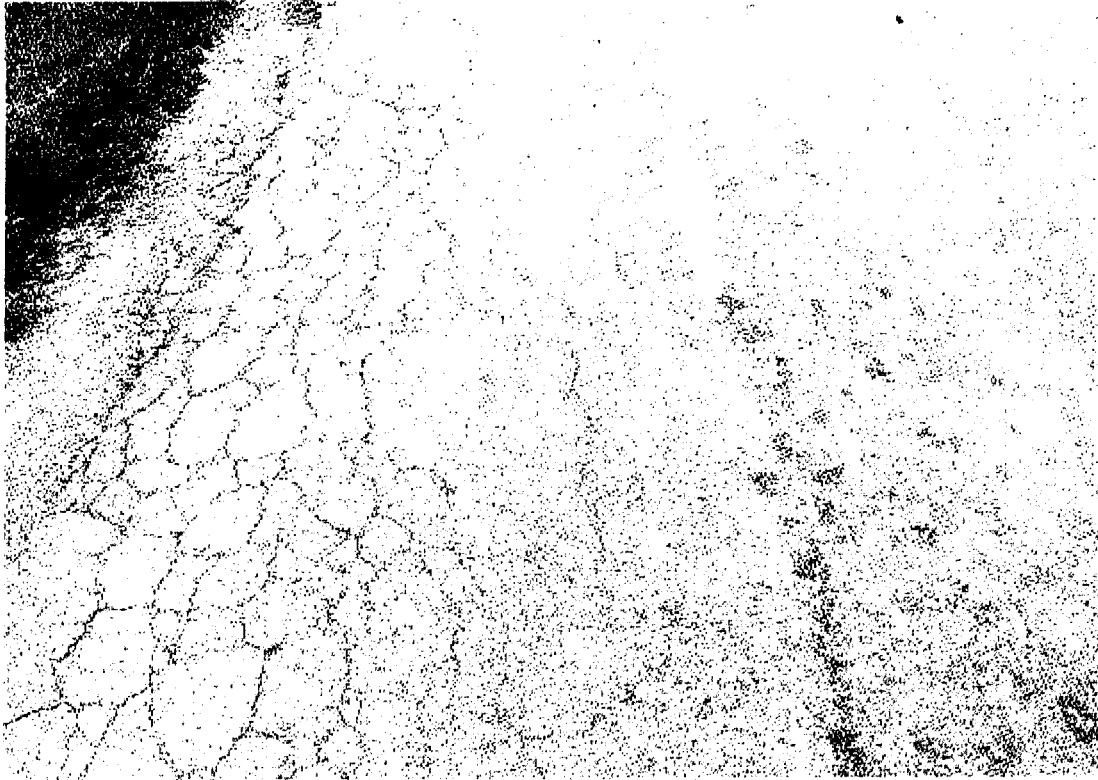


Photo #6: This is a current (2004) photo of the second application (applied in 2002). It has bonded next to the concrete pad. This application has made it through 2 winters with plowing.



Photo #7: This is also a current (2004) photo of the second application. In this photo you can notice the hair line cracking. This may be acceptable for blacktop but petitioners have learned, from their first test section, that Eclipse Dust Control, when applied in larger pieces, has greater cross bonding which resists cracking. Also note the durability by the skid mark!



Photos #8 and #9: These are current photos of mud on the pavement, which could cause a hazardous condition and causes dust once it has dried. This could have been prevented if the farm lane (the source of the mud) was applied with Eclipse Dust Control.

