

AUG - 2 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

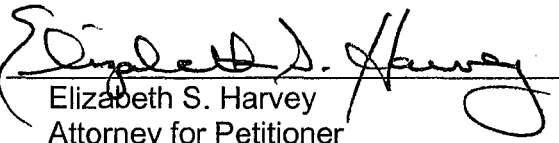
IN THE MATTER OF:)
)
 PETITION OF JO'LYN CORPORATION)
 and FALCON WASTE AND RECYCLING,) AS 04-02
 INC. for an ADJUSTED STANDARD from) (Adjusted Standard - Land)
 portions of 35 Ill.Adm.Code 807.103 and)
 35 Ill.Adm.Code 810.103, or in the)
 alternative, A FINDING OF)
 INAPPLICABILITY.)

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 2nd day of August 2004, the following was filed with the Illinois Pollution Control Board: **Proof of Amended Petition Notice Requirements**, which is attached and herewith served upon you.


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

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 August 2, 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.

6332-002

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

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IN THE MATTER OF:)
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 PETITION OF JO'LYN CORPORATION)
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 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.)

PROOF OF AMENDED PETITION NOTICE REQUIREMENTS

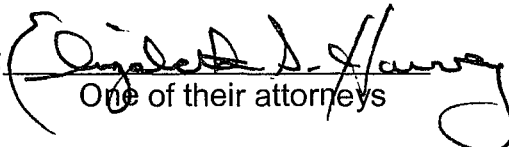
Petitioners JO'LYN CORPORATION and FALCON WASTE AND RECYCLING, INC. (collectively, "petitioners"), by their attorneys Swanson, Martin & Bell, hereby file proof of compliance with the petition notice requirements.

1. Petitioners filed their amended petition for adjusted standard with the Board on July 8, 2004, and a supplement to that amended petition on July 14, 2004.

2. Petitioners then caused publication, in the Northwest Herald, of the required notice of filing of an adjusted standard petition. The Northwest Herald is a newspaper of general circulation in McHenry County, Illinois. The notice was published on July 26, 2004, and was thus published within the 14-day period allowed by 415 ILCS 5/28.1 and 35 Ill.Adm.Code 104.408. The publisher's certificate of publication is attached as Exhibit A.

Respectfully submitted,

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

By: 
One of their attorneys

Michael J. Maher
Elizabeth S. Harvey
Swanson, Martin & Bell
One IBM Plaza, Suite 3300
330 North Wabash Avenue
Chicago, IL 60611
Telephone: (312) 321-9100
Facsimile: (312) 321-0990

PUBLISHER'S CERTIFICATE OF PUBLICATION

I, John Rung, do hereby
 certify that I am the publisher of the Northwest Herald,
 a daily secular newspaper of general circulation within the county(s) of McHenry
 and Kane, regularly published in the city of Crystal Lake
 in the county of McHenry and state of Illinois, and which has been so published
 for more than 12 months prior to the first publication of hereunto annexed notice or
 advertisement relating to the matter of
JO'LYN CORPORATION & FALCON WASTE AND RECYCLING
 was published in said newspaper 1 time being 1 day
 commencing July 26, 2004
 and ending July 26, 2004
 which were the dates of first and last insertions. I further certify that said newspaper
 is a newspaper as defined by the terms and conditions of Chapter 100, paragraph 1 et. Seq.,
 Illinois Revised Statutes 1981.

Given under my hand at Crystal Lake, Illinois

July 26, 2004

ACCNT 227050
AMNT \$159.30

EXHIBIT
 A

**PUBLIC NOTICE
 NOTICE OF
 PETITION BY JO'LYN
 CORPORATION AND
 FALCON WASTE AND
 RECYCLING FOR AN
 ADJUSTED STANDARD
 BEFORE THE
 POLLUTION
 CONTROL BOARD**

Pursuant to the provisions of 415 ILCS 5/28.1 and 35 Ill. Adm. Code 104.408, please take notice that on July 8, 2004, and July 14, 2004; petitioners Jo'Lyn Corporation and Falcon Waste and Recycling (collectively, "petitioners") filed an amended petition for adjusted standard and a supplement to that amended petition with the Illinois Pollution Control Board. The petition seeks an adjusted standard from the provisions of 35 Ill. Adm. Code Part 807.103 and 35 Ill. Adm. Code 810.103, or, in the alternative, a finding that is inapplicable to petitioners. Petitioners operate a facility at 1200 North Rose Farm Road, Woodstock, McHenry County, Illinois, which processes granulate bituminous shingle material (GBSM) into a useful paving product. GBSM is a clean and consistent post-production material generated at the end of the manufacturing of roofing shingles, such as "tabs" or punch outs, and miscolored or damaged shingles. GBSM is not post-consumer material or shingle "tear-offs." Petitioners seek a declaration that GBSM is not "waste," and that thus petitioners' process is not subject to the requirements of 35 Ill. Adm. Code 807.103 or 35 Ill. Adm. Code 810.103. In the alternative, petitioners seek the following adjusted standard:

Jo'Lyn Corporation and Falcon Waste and Recycling are hereby granted an adjusted standard from the following definitions of 35 Ill. Adm. Code 807.104: "facility," "solid waste," "solid waste management," "waste," and "unit." Jo'Lyn Corporation and Falcon Waste and Recycling are further granted an adjusted standard

from the following definitions of 35 Ill. Adm. Code 810.103: "facility," "landfill," and "solid waste." These enumerated definitions do not apply to operations conducted by Jo'Lyn and/or Falcon at the facility in McHenry County, Illinois, so long as:

1. Jo'Lyn and Falcon continue to use only clean granulate bituminous shingle material ("GBSM") acquired from a manufacturer of roofing products or other source of clean GBSM.
2. For purposes of this adjusted standard, GBSM is defined as "clean and consistent post-production material generated at the end of the manufacturing of roofing shingles, such as tabs or punchouts, and miscolored or damaged shingles. GBSM excludes post-consumer material or shingle tear-offs."
3. Jo'Lyn and Falcon continue to grind the GBSM into uniform pieces, either coarse ground or fine ground.
4. Jo'Lyn and Falcon use the GBSM chips to form paving surfaces.
5. Jo'Lyn and Falcon operate the facility in compliance with other provisions of the Environmental Protection Act.

The docket number of the petition is AS 94-002. Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the adjusted standard proceeding, as found in this notice, and must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. (Published in the Northwest Herald July 26, 2004)