

RECEIVED
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 05 2004

IN THE MATTER OF:)
)
PETITION OF JO'LYN CORPORATION)
and FALCON WASTE AND RECYCLING) AS 04-02
for an ADJUSTED STANDARD from) (Adjusted Standard - Land)
35 ILL.ADM.CODE PART 807 or,)
in the alternative, A FINDING OF)
INAPPLICABILITY.)


STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 5th day of May 2004, the following was filed with the Illinois Pollution Control Board: **Proof of Petition Notice Requirements**, which is attached and herewith served upon you.

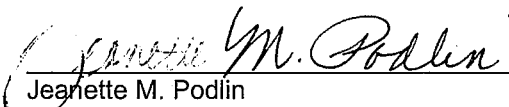
JO'LYN CORPORATION and
FALCON WASTE AND RECYCLING

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 May 5, 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

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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STATE OF ILLINOIS
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PROOF OF PETITION NOTICE REQUIREMENTS

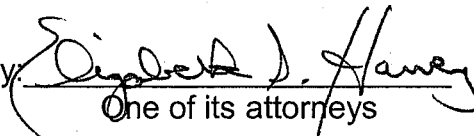
Petitioners JO'LYN CORPORATION and FALCON WASTE AND RECYCLING (collectively, "petitioners"), by their attorneys, Swanson, Martin & Bell, hereby file proof of compliance with the petition notice requirements.

1. Petitioners filed their petition for adjusted standard with the Board on April 21, 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 April 30, 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

By: 
One of its attorneys

Michael J. Maher
Elizabeth S. Harvey
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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/FALCON DOC. AS 94-002

was published in said newspaper 1 time being 1 day

commencing April 30, 2004

and ending April 30, 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

April 30, 2004

ACCT 227050
AMT \$125.10



PUBLIC NOTICE NOTICE OF PETITION

**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 April 21, 2004, petitioners Jo'Lyn Corporation and Falcon Waste and Recycling (collectively, "petitioners") filed a petition for adjusted standard with the Illinois Pollution Control Board. The petition seeks an adjusted standard from the provisions of 35 Ill. Adm. Code Part 807, or, in the alternative, a finding that Part 807 is inapplicable to petitioners. Petitioners operate a facility at 1200 Rose Farm Woodstock, McHenry County, Illinois, which processes granulate bituminous shingle material into a useful paving product. GBSM is a clean and consistent production material generated at the end of the manufacturing of roofing shingles, such as "tabs" or punch outs, and miscroled or damaged shingles. GBSM is not post-consumer material or shingle "lean-offs." Petitioners seek a declaration that GBSM is not "waste", and that its petitioners' process is not subject to the requirements of 35 Ill. Adm. Code Part 807 (entitled "Solid Waste"). In the alternative, petitioners seek the following adjusted standard:

1. Jo'Lyn and Falcon continue to use only clean GBSM, acquired from a manufacturer of roofing products or other source of clean GBSM.
2. Jo'Lyn and Falcon continue to grind the GBSM into uniform pieces, either coarse ground or fine ground.
3. Jo'Lyn and Falcon use the GBSM to form paving surfaces.
4. 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 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 Northwest Herald April 30, 2004.

EXHIBIT

A

5/19/04