**Section 1100.212 Use of Painted CCDD as Fill Material**

a) For purposes of this Part, uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed or other asphalt pavement that has been painted (painted CCDD) may be used as fill material at a CCDD fill operation if it is evaluated analytically under the supervision of a PE or PG and if all requirements of this Section are satisfied. Acceptance or management of painted CCDD for any purpose other than use as fill material at a CCDD fill operation must be in accordance with applicable law and may require permits or beneficial use determinations from the Agency. Such other purposes include, but are not limited to, processing of painted CCDD for reuse.

1) The PE or PG must determine, on a site-specific basis, the number and location of paint samples that will provide a representative analysis of paint from the painted CCDD to be used as fill material.

2) The PE or PG must obtain paint samples consisting of representative paint chips or scrapings that include all layers of paint in the area sampled and that minimize the amount of substrate in the sample.

3) Paint samples must be analyzed for arsenic, cadmium, chromium (total), lead, mercury and zinc (contaminants of concern) using the TCLP or SPLP extraction test analytical procedures in accordance with Methods 1311 and 1312, respectively, in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in Section 1100.104.

A) Paint samples must not be composited for analysis, and analytical results from paint samples must not be averaged.

B) All quantitative analyses of paint samples must be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of the accreditation.

C) Documentation of any chemical analysis must include, but is not limited to:

i) Chain of custody control;

ii) A copy of the lab analysis;

iii) Accreditation status of the laboratory performing the analysis; and

iv) Certification by an authorized agent of the laboratory that the analysis has been performed in accordance with 35 Ill. Adm. Code 186, the Agency's rules for the accreditation of environmental laboratories and the scope of the accreditation.

4) For painted CCDD to be used as fill material, analytical results for each paint sample must not exceed the chemical-specific Class I groundwater quality standard at 35 Ill. Adm. Code 620.410 for any contaminant of concern identified in subsection (a)(3) of this Section.

b) Notwithstanding subsection (a) of this Section, broken concrete, asphalt pavement, and other roadway CCDD with pavement markings, including but not limited to striping, may be used as fill material at a CCDD fill operation provided that:

1) The pavement markings comply with IDOT specifications for pavement markings; and

2) The CCDD is accompanied by a PE or PG certification, on forms prescribed by the Agency, affirming that the pavement markings comply with IDOT specifications for pavement markings found at Section 1095 of IDOT's "Standard Specifications for Road and Bridge Construction".

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)