



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3877

Introduced 2/17/2023, by Rep. Joyce Mason

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/5.12 new

Amends the Child Care Act of 1969. Provides that after the effective date of the amendatory Act, a new child care facility shall not be located near a hazardous waste disposal site or a heavily polluted area. Provides that the Environmental Protection Agency, in conjunction with the Department of Children and Family Services and any other relevant departments or agencies, shall implement an environmental risk screening program to determine if a proposed child care facility is near or on a hazardous waste disposal site. Provides that the Department and the Agency shall conduct an environmental inspection for a child care facility to identify any concerns with the property, building, or adjacent businesses of the child care facility. Provides that the inspection may identify potentially dangerous sites and potential sources of contaminants. Provides that the Department and the Agency shall adopt rules to implement the environmental risk screening program.

LRB103 27197 AMQ 53567 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by adding  
5 Section 5.12 as follows:

6 (225 ILCS 10/5.12 new)

7 Sec. 5.12. Environmental risk screening program.

8 (a) As used in this Section:

9 "Agency" means the Environmental Protection Agency.

10 "Hazardous waste" has the meaning set forth in Section  
11 3.220 of the Environmental Protection Act.

12 "Hazardous waste disposal site" has the meaning set forth  
13 in Section 3.225 of the Environmental Protection Act.

14 (b) After the effective date of this amendatory Act of the  
15 103rd General Assembly, a new child care facility shall not be  
16 located near a hazardous waste disposal site or a heavily  
17 polluted area.

18 (c) The Agency, in conjunction with the Department and any  
19 other relevant departments or agencies, shall implement an  
20 environmental risk screening program to determine if a  
21 proposed child care facility is near or on a hazardous waste  
22 disposal site. The Department shall prohibit a child care  
23 facility from being established at or near a hazardous waste

1 disposal site.

2 (d) The Department and the Agency shall conduct an  
3 environmental inspection for a child care facility to identify  
4 any concerns with the property, building, or adjacent  
5 businesses of the child care facility in accordance with the  
6 following:

7 (1) The inspection may include cross-referencing the  
8 location of the child care facility with other  
9 environmental databases to identify potentially dangerous  
10 sites, including, but not limited to, (i) superfund sites,  
11 (ii) dry cleaner sites, (iii) sanitary landfills, as  
12 defined in Section 3.445 of the Environmental Protection  
13 Act, (iv) brownfields, as defined in Section 58.2 of the  
14 Environmental Protection Act, or land recycling sites, and  
15 (v) federal Department of Energy or federal Department of  
16 Defense sites.

17 (2) The inspection shall be reviewed for potential  
18 sources of contaminants that could impact the air, soil,  
19 or water on the site over time. These sources may include  
20 the following:

21 (A) major highways, rail yards, port facilities,  
22 truck traffic exceeding 100 trucks per day, and  
23 airports;

24 (B) factories, power plants, refineries, propane  
25 or other storage tank areas, and high pressure  
26 pipelines; and

1                   (C) auto body shops, dry cleaners, large gas  
2                   stations, large animal feeding operations, nail or  
3                   hair salons, and print shops.

4                   (e) The Department and the Agency shall adopt rules to  
5                   implement this Section.