§ 27-1319. State superfund management board.

1. a. There is hereby created within the department the "state superfund management board" hereinafter referred to as the board. Such board shall consist of fourteen members, including the commissioners of environmental conservation and health, or their designees, and twelve at large members appointed by the governor, two of whom shall be appointed upon recommendation of the temporary president of the senate and two of whom shall be appointed upon recommendation of the speaker of the assembly, one of whom shall be appointed upon recommendation of the minority leader of the senate and one of whom shall be appointed upon recommendation of the minority leader of the assembly, and, of the remaining six, two shall live within a municipality within which exists an inactive hazardous waste site, or sites, as listed pursuant to section 27-1305 of this title, and have been involved in a citizen's organization that has a purpose relating to the site or sites within that municipality, two shall be representatives of organizations whose prime function is the protection of natural resources and enhancement of the environmental quality of the state and two shall be representatives of industries that generate hazardous waste in the state. None of the members appointed by the governor shall be officers or employees of any state department or agency and each shall be, by professional training or experience and attainment, qualified to analyze and interpret matters pertaining to hazardous waste management and the remediation of inactive hazardous waste disposal sites.

b. No at large member of the board may appoint a designee to temporarily or permanently assume his place on the board.

2. a. The commissioner of environmental conservation shall serve as chairman of the board and the board shall elect a vice chairman from among the appointed members to preside in the absence of the chairman.

b. Of the twelve at large members appointed by the governor, each shall be reaffirmed or reappointed on January thirty-first, nineteen hundred ninety-one and every two years thereafter and each shall hold office until such time as the board shall cease to exist or until he

shall resign or be removed in the manner provided by law. Any vacancy on the board shall be filled by appointment pursuant to subdivision one of this section for the unexpired balance of the term.

3. The members of the board shall serve without compensation for their services as members of the board, except that each of them shall be allowed the necessary and actual expenses which he shall incur in the performance of his duties under this section.

4. The board shall have the power, duty and responsibility to:

a. Serve as a working forum for the exchange of views, concerns, ideas, information and recommendations relating to hazardous waste management and the remediation of inactive hazardous waste disposal sites.

b. Request and receive from the department at each meeting of the board any portions of the plan or any revisions, amendments or changes available for review, and any supporting documents or other pertinent data. All information requested by or provided to the board shall also be provided to the temporary president of the senate, the speaker of the assembly, and the chairman of the senate and assembly environmental conservation committees.

c. Compel the attendance at each meeting of the board of such personnel of the department, or of other appropriate state departments or agencies, as may reasonably be expected to supply any pertinent data the board may request.

d. Monitor and review the implementation of the inactive hazardous waste site remediation program and the policies, program objectives, methods, and strategies outlined in the plan, the annual implementation status report, any plan update, the registry, and the quarterly site status reports by the department, as well as information which the board may acquire from other sources.

e. Review the hazardous waste site remediation remaining to be

completed under the state inactive hazardous waste remedial plan as updated, the estimate of the costs which would be incurred in the completion of this remediation, the schedule under which the costs will be incurred, the revenues and resources expected to be available to meet these costs.

f. Review and evaluate the municipal cost sharing program established pursuant to paragraph g of subdivision five of section 27-1313 of this title and review the appropriate state and industry contribution to the inactive hazardous waste site remedial program.

g. Based upon its monitoring, reviewing and other information available to it, the board shall report to the governor and to the legislature on or before January first of each year its assessment of the implementation of the remediation program, together with its comments, suggestions, and recommendations regarding the program, its implementation, available funding and resources, and the need for steps to assure the future availability of funding.

5. a. The board shall:

1. Meet at least quarterly;

2. Keep a record of all its proceedings and provide such record to the public upon request; and

3. Determine the rules of its own procedures.

b. Seven members of the board shall constitute a quorum for the transaction of any business of the board.

6. Staff services, including recording of board proceedings, shall be performed by personnel of the department, or such state departments or other agencies as the chairman deems appropriate or desirable.

7. For the purposes of this section, the at large members of the board shall be considered officers or employees of public entities and shall

be afforded such defense and indemnification provided pursuant to section eighteen of the public officers law.

8. The board shall cease to exist on the thirty-first day of March, nineteen hundred ninety-nine.