

CITIZEN'S AIR COMPLAINT GUIDELINES

Prior to filing a Citizen's Air Complaint with the Department of Environmental Protection (DEP), please refer to these guidelines to ensure that your submission has the information necessary for proper review.

All documentation should be submitted with the Citizen's Air Complaint Form and a signed and notarized affidavit (except where noted below). Please note that submitting this evidence does not guarantee that your complaint is sufficient for the DEP to issue a summons. If the DEP does not issue a summons pursuant to your complaint, you have the right to commence your own proceedings at your own expense pursuant to the New York City Administrative Code, Title 24, Section 24-182.

A. All complaints must include the following documentation:

A complete Citizen's Complaint Form

- Section Contact Information must include name, address and a telephone number and/or e-mail address;
- Section Complaint Information – all information requested. When describing the complaint, please explain what you observed, including the vehicle's plate number.
- Section related to 24-142 – Skip if the violation is not for 24-142.
- Signature, printed name and date are required as you are confirming your understanding of the limitations of this process. See Bottom of the form.

B. Idling Complaints must be consistent with the requirements listed in Section 24-163 :

1. Trucks are defined to include any vehicle that is designed, used or maintained primarily for the transportation of property. This would include a van that transports property.
2. Buses are defined as any motor vehicles having a seating capacity of fifteen or more passengers in addition to the driver and used for the transportation of persons.
3. Trucks that use the motor vehicle engine or a secondary motor to run a piece of equipment such as the refrigeration unit on a delivery truck, an ice cream truck ,a truck using a lift gate to load and unload product, etc. are allowed to keep that engine running.
4. Submissions must include the documentation listed in section A as well as the following:
 - Time and date stamped photographs of the license plate of the bus, truck or van that you are complaining about at the start and finish of observation period. (When limit is "no longer than 3 minutes, observation must be for 4 or more minutes. When limit is "no longer than one minute, observation must be for 2 or more minutes.)
 - Additional evidence could include a video of the duration of the observation or a time and date stamped short video, capturing engine sound and license plate at beginning of observation and again at end of observation period.
 - A photo that shows the vehicle and if possible the company name and address.

C. Smoke Complaints must include the documentation listed in section A as well as the following:

- Time and date stamped photographs of the building where the smoke was observed.
- Description of the method used to determine a violation of Section 24-142 of the Air Code.
- Evidence including, but not limited to, video showing the duration that the smoke was observed from the building you are complaining about.

Ways to submit your complaint:

1. BY MAIL:

Mail your completed complaint signed and dated, affidavit signed and notarized and all supporting documentation together in one package to:

NYC Department of Environmental Protection
Attn: Citizens' Complaint Review
59-17 Junction Boulevard, 9th Floor
Flushing, New York 11373

2. BY E-MAIL with Signatures and Notary

Print out your completed complaint and affidavit and sign, date and notarize as required.
Scan all documents and supporting evidence and e-mail to citizencom@dep.nyc.gov.

3. BY E- MAIL without Notarized Affidavit

E-mail completed complaint and all supporting evidence to citizencom@dep.nyc.gov. **PLEASE NOTE that you will be required to appear in person at OATH to testify to the facts if a summons is issued.**



CITIZEN'S AIR COMPLAINT FORM

If you are aware of any activities or conditions which may violate the New York City Air Code, you may submit this form and the attached affidavit along with all necessary documentation listed on the Citizen's Air Complaint Guidelines to the Department of Environmental Protection (DEP). The information that you submit in this complaint form and all documents included with your submission will be investigated by the DEP and, if sufficient information is provided to support the complaint, may become the basis for a summons issued by the DEP pursuant to the New York City Administrative Code, Title 24, Section 24-182. If a summons is issued based on the information that you have provided, you may be required to appear in court. If your complaint does not result in a summons issued by DEP, you have the right to commence your own proceeding at your own expense pursuant to the New York City Administrative Code, Title 24, Section 24-182

Idling Complaints: Idling complaints may only be filed in relation to trucks and/or buses that have been idling for longer than the allowed period of time. For details please refer to the New York City Administrative Code, Title 24, Section 24-163.

YOUR CONTACT INFORMATION

Name	Email	Telephone	
Address	City	State	Zip

COMPLAINT INFORMATION

TELL US ABOUT THE PERSON OR COMPANY ASSOCIATED WITH YOUR COMPLAINT				TELL US ABOUT THE OCCURRENCE PROMPTING YOUR COMPLAINT			
Name of person or company				Date	Time range From _____ To _____		
Address				Section of the NYC Administrative Code: 24- _____		Location <input type="checkbox"/> At <input type="checkbox"/> In front of	
City			State	Zip	Address (required)		LICENSE PLATE #:
City			State	Zip	City		STATE:

Please describe the complaint in the space below:

This section is to be completed ONLY for violations of Section 24-142 of the New York City Administrative Code (Emission of Air Contaminant Standard Smoke Chart)			
Are you a certified smoke watcher? <input type="checkbox"/> YES <input type="checkbox"/> NO		Date of Certification	Date of recertification <i>(applicable only if the first course was taken over 3 years ago)</i>
Certified by (check one) <input type="checkbox"/> New York State Department of Environmental Conservation <input type="checkbox"/> U.S. Environmental Protection Agency		Density of smoke observed (during period described above):	
Describe procedure used for measurements taken:			

In filing this complaint, I understand that the DEP is not my private attorney, but represents the public and has specific powers by law to address certain violations of environmental laws. I also understand that this complaint form is not a lawsuit. I agree that the DEP may use its discretion to determine whether an investigation is warranted, and may need to contact the person/entity I am complaining about. If I have any questions concerning my legal rights or responsibilities, I should contact a private attorney.

Signature (required)	Date	OFFICIAL USE ONLY
Print Name		
		Assigned Complaint Number:



CITIZEN'S AIR COMPLAINT AFFIDAVIT

State of New York) §
County of _____)

I, _____, being duly sworn and over the age of 18, affirm to the following:
PRINT FULL NAME

1. I am competent to state the matters set forth in the attached complaint.
2. I have first-hand knowledge of the facts stated in the attached complaint and all evidence submitted herewith.
3. All the facts stated in the attached complaint and evidence submitted with the attached complaint are true, correct, and certain, admissible as evidence, and if I am called upon to appear in a court proceeding, I will testify to their truthfulness.
4. I understand that if a legal procedure is commenced against the entity named in the complaint, it will likely be necessary for me to testify as a witness in such a proceeding, and I agree to appear or be available by phone to provide testimony as requested by a representative of the Department of Environmental Protection.
5. I understand that this affidavit along with the Citizen's Complaint form and any other evidence that I have provided is being furnished to the Department of Environmental Protection to take whatever enforcement action (if any) is deemed appropriate by the Department.

SIGNATURE

DATE

PRINT NAME

I, the undersigned Notary Public, do hereby affirm that _____ personally appeared before me on the _____ day of the month of _____ in the year _____, and signed the above Affidavit as his free and voluntary act and deed.

NOTARY PUBLIC