



The Environmental Control Board

A Division of the Office of Administrative Trials and Hearings

**Environmental Control Board
Appeals Unit**
66 John St., 10th Floor
New York, NY 10038
Telephone: (212) 436-0617
Fax: (212) 436-0714

ECB APPEAL APPLICATION

You may use this form for your appeal. Please read the instructions carefully. When you have completed the application, mail your form and documents to the address above. Please attach a copy of your Hearing Decision.

INFORMATION ABOUT YOU AND YOUR VIOLATION

DATE: _____

VIOLATION NUMBER(S) (use an extra page if needed): _____

NAME: _____ REPRESENTATIVE NAME: _____

MAILING ADDRESS: _____ MAILING ADDRESS: _____

TELEPHONE NUMBER: _____ TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

STEPS YOU HAVE TO TAKE TO HAVE ECB DECIDE YOUR APPEAL

- 1) Will the appeal be received within 30 days of the mailing date on the hearing decision?

Yes ☐ No ☐

Your appeal will be rejected unless it is received no more than 30 days after the mailing date of the decision. This date is below the ALJ's signature on the front of your hearing decision. You must send your appeal to both ECB and the agency responsible for the violation (see Section 4).

- 2) Have you paid?

Yes ☐ No ☐

Payment must be made within 20 days of the mailing date of the decision. Payment means you have either: paid the penalty, posted a bond or been granted a waiver.

- I have paid the penalty for my violation.

☐ ☐

- I have posted a bond for the amount of penalty.

☐ ☐

- I am requesting a waiver of payment of the penalty because it will be a hardship to pay while my appeal is being decided.

☐ ☐

If you are requesting a waiver, you must attach financial documentation to support your request. An example of financial documentation is a copy of the first two pages of your most recent income tax return.

Check here if you are attaching financial documentation.

☐

— PLEASE TURN OVER —

3) This is why the decision is wrong.

You may only rely on facts or evidence or arguments that were used at the hearing. ECB will not use new facts and arguments to decide your appeal. You have to show that the hearing decision was based either on facts that were incorrect or an error in applying the law, or both.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

(Attach additional pages if needed)

- 4) (a) Have you sent a copy of your completed appeal to the agency responsible for the violation?**

Yes **No**
☐ ☐

Your appeal will be rejected unless you send a copy of your completed appeal application to the agency responsible for the violation. The addresses of all the agencies are printed on the back of your hearing decision.

- (b) Have you sent ECB proof that you mailed the appeal to the agency at the same time that you sent it to ECB?**

□ □

You can prove you sent a copy to the agency by completing and signing the statement below and having your signature notarized.

I _____ swear or affirm that on _____ ,
(your name) (date)

I sent a copy of my appeal of violation number _____
(your violation number)

to: *(name and address of agency responsible for your violation)*

by placing it in a U.S. Postal Service mailbox.

(your signature)

Notary Public