Environmental Protection

CITIZEN'S AIR COMPLAINT GUIDELINES

Rev 05/2016

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. 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:

- The complete Citizen's Complaint Form.
- Your signed and notarized affidavit.
- Time and date stamped photographs documenting the condition that you observed and the location where you observed the condition.

B. Idling complaints must be consistent with the requirements listed in Section 24-163 and include the documentation listed in section A as well as the following:

- Time and date stamped photographs of the license plate of the bus or truck that you are complaining about.
- Evidence including, but not limited to, video of the duration of time that the entity that you are complaining about was observed idling for.

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.

Please submit your complaint along with all documentation together in one package to:

NYC Department of Environmental Protection
Attn: Citizen's Complaint Review
59-17 Junction Blvd., 9th floor
Flushing, New York 11373

Email this Form to the DEP

Rev 06/2016

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 _____	
			Section of the NYC Administrative Code: 24-_____	Location ☐ At ☐ In front of	
Address *(optional)*			Address *(required)*		
City	State	Zip	City	State	Zip

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? ☐ YES ☐ NO	Date of Certification	Date of recertification *(applicable only if the first course was taken over 3 years ago)*
Certified by *(check one)* ☐ New York State Department of Environmental Conservation ☐ 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	Date	**OFFICIAL USE ONLY**
Print Name		*Assigned Complaint Number:*

Rev 05/2016

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 appear as a witness in such a proceeding, and I agree to appear if 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

_____
NAME

_____
DATE

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