THE CITY OF NEW YORK

ECB

Environmental Control Board

A Division of the Office of Administrative Trials and Hearings OATH

Environmental Control Board
Appeals Unit
66 John St., 10th Floor
New York, NY 10038
Tel: (212) 361-1400
Fax: (212) 361-3654

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: _____

MAILING ADDRESS:

_____

_____

_____

_____

TELEPHONE NUMBER: _____

REPRESENTATIVE NAME: _____

MAILING ADDRESS:

_____

_____

_____

_____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

STEPS YOU HAVE TO TAKE TO HAVE ECB DECIDE YOUR APPEAL

		Yes	No
1)	**Will the appeal be received within 30 days of the mailing date on the hearing decision?**	☐	☐

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).

		Yes	No
2)	**Have you paid?**	☐	☐

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.

(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