



sanitation

1824 Shore Parkway
Brooklyn, New York
11214

ILLEGAL DUMPING AWARD PROGRAM

IT'S THE LAW

Section 16-119 of the Administrative Code of the City of New York says:

It shall be unlawful for any person, their agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place or other area whether publicly or privately owned.

Both owner and driver of the vehicle are liable for the dumping. Fines for the owner of the vehicle range from \$1,500 to \$20,000. In instances where the owner and the operator are different, the maximum fine can go up to \$40,000. In citizen complaint cases, a summons is generally issued to the registered owner of the reported vehicle.

Where information furnished by an individual to the Sanitation Department has resulted in a fine or civil penalty for unlawful dumping, at the discretion of the Sanitation Commissioner, 50% of the amount collected shall be offered as a reward to said individual.

I. EARNING YOUR REWARD

- Observe the vehicle: **DO NOT MAKE YOUR PRESENCE KNOWN; REPORT THE VEHICLES, NOT THE INDIVIDUALS;**
- Record vital information (license plate number, vehicle description, type of material removed, time, date and location of the occurrence);
- File a citizen complaint form with the Sanitation Police;
- Peace Officers, employees of the Department of Sanitation or the Environmental Control Board, employees of any company under contract with the Department of Sanitation, or employees of any governmental entity that, in conjunction with the Department of Sanitation, conducts enforcement activity relating to illegal dumping, are ***not*** eligible for a reward.

II. REQUESTING ILLEGAL DUMPING CITIZEN COMPLAINT FORMS

You may get Citizen Complaint Forms by calling the **NYC Citizen's Service Center at 311** or by visiting the **Department of Sanitation's website** at: <http://www.nyc.gov/dsny>

III. COMPLETING A CITIZEN COMPLAINT FORM:

Top Section

Print or type your full name and complete address, telephone numbers, particularly the one where you can be reached during the day, e-mail address, and all relevant information as requested on the complaint form.

Mid-Section

Fill in information as requested on the complaint form regarding the type of material dumped, location and borough

where such material was removed indicating whether such location is residential or commercial (if known), license plate number and state, vehicle description (include make, model, color, type and size), and other information as required.

Bottom Section

Illegal dumping cases are heard at Environmental Control Board (ECB) offices in the borough where the violation occurs. ECB Hearing locations:

Manhattan

66 John Street
10th Floor
NY, NY 10038
(212) 560-6270

Brooklyn

9 Bond Street
7th Floor
Brooklyn, NY 11201
(718) 923-6100

Queens

144-06 94th Avenue
Main Floor
Jamaica, NY 11435
(718) 298-7300

Bronx

3030 3rd Avenue
Room 250
Bronx, NY 10455
(718) 993-6110

Staten Island

350 St. Mark Place
Main Floor
Staten Island, NY 10301
(718) 815-8385

You may request a hearing location and time by filling out Item #8. If action can be taken, you will receive a letter notifying you of the date and time for your appearance in ECB court. If you are readily available by telephone and can guarantee your appearance in court within 2 hours of being called, you can request telephone standby status by checking and signing Item #9. This is only available for 8:30 a.m., 10:30 a.m. and 1:00 p.m. appearance times. The ECB allows a 2-hour- grace period from the scheduled appearance time. Therefore, you will need to stand by for the call for up to 2 hours after the noted time. If the respondent arrives after this or at a different time, you will still receive a call. If you can still appear, the case will go forward. If you cannot, the case will be rescheduled.

Sign form in front of Notary Public.

** Please review the form for accuracy and completeness, sign the form and mail it to:

Director of Enforcement
NYC Department of Sanitation
1824 Shore Parkway
Brooklyn, NY 11214

IV. STATUS OF THE COMPLAINT PROCESS

In a few weeks, you will be notified by mail of the status of the complaint. If no action was taken, you'll receive a letter stating the reasons why not. If action was taken, the owner of the vehicle observed (the respondent) will be served with a Notice of Violation. If the respondent appears and pleads guilty and pays the fine, you will receive your reward. If the respondent defaults, the case goes for collection and any reward would then be paid only after the fine is collected. If the respondent pleads not guilty, you, as the complainant, will be required to testify at the Environmental Control Board hearing.

Please note: You cannot receive your reward until the alleged respondent is found guilty or defaults and the fine is paid, which may take several months.

Citizen Complaint Process for Illegal Dumping Award Program

What is the Environmental Control Board?

The Environmental Control Board is a court that holds hearings on violations of the City's Administrative Code, City rules, the Health Code, the Vehicle and Traffic Law relating to abandoned vehicles, the Environmental Conservation Law relating to lead-acid batteries and several other laws. As a court, ECB is independent of those agencies which enforce the various sections of law and issue notices of violation. As a result, ECB does not employ inspectors or issuing agents, does not issue notices of violation, and does not establish the enforcement policy for those agencies which issue the notices.

What happens when I fill out a citizen complaint affidavit?

The citizen complaint affidavit for illegal dumping represents the eyewitness account of a private citizen who sees an illegal activity taking place. Once such a complaint is made, the Department of Sanitation issues a notice of violation to the vehicle owner based on the complaint. Normally, a notice of violation issued by an agent of the Department of Sanitation is considered evidence that a violation has been committed, throwing the burden of disproving the violation on the person to whom the ticket is issued (also called the "respondent"). For tickets issued in response to a citizen complaint affidavit, however, the burden rests on the citizen complainant to "make the case" for the department. In other words, the citizen must appear at a hearing and testify under oath as to what he or she saw to establish that the activity the respondent engaged in violated the Code.

What should I expect when I come in for a hearing before the Environmental Control Board?

The citizen complainant should go to the reception window and sign in. The case will not be presented to a hearing officer, however, until the respondent appears. If you have opted for telephone standby status, ECB will call you when the respondent appears. If the respondent fails to appear for the hearing, the case goes into defaults and the respondent is hit with significant default civil penalties.

As in other U.S. Courts, the ECB default order does not become final for a period of time, in ECB's case, 30 days. If such a request is made, the case is rescheduled and the citizen complainant will be notified to the time and place of the rescheduled hearing. The burden then rests on the citizen complainant to appear and establish the case for the Department of Sanitation. While this process seems to unnecessarily burden a citizen complainant, the U.S. Constitution mandates that a party being charged with a violation receive due process of law. It can be no other way.

When a respondent is found in violation or default, when can I expect payment?

Under the Administrative Code, a bounty is paid only on monies collected from the respondent. ECB engages in numerous collection activities to ensure that payment is made, including dunning letters, docketing the case in New York City Civil Court, using the City Sheriff, and other collection techniques. You should expect to see your payment six to eight weeks after the penalty is collected.



THE CITY OF NEW YORK Department of Sanitation

DS 699a(8-95)

125 WORTH STREET
NEW YORK, NY 10013

COMPLAINT FORM/AFFIDAVIT

State of New York

} SS:

County of _____

_____, being duly sworn, deposes and says:
(Print full name)

1. I reside at _____
(Street Address) (City) (State) (Zip)

2. I am employed with _____
(Name and Address)

3. Phone: Work () _____ Home () _____

4. (Fill out if under 18 years of age). I am _____ years old. My birthdate is _____, 19____.

5. At approximately _____ a.m./p.m. on _____ 19____, I personally observed a dump truck or other vehicle dump, or dispose of certain offensive matter, such as:

(Amount) (Describe Material)

(Address/Location) (Borough)

The truck or vehicle bore _____ license plate no. _____ This truck or vehicle was a(n) _____
(State) (Make, model, color, type, size, etc.)

6. This affidavit is being furnished to the Department of Sanitation to enable the Department to take whatever enforcement action is appropriate after Department investigation as to ownership of the above described vehicle and any other matters believed to be relevant with respect to the statements made by me.

7. I understand that if a legal procedure is commenced against the owner of the above described vehicle, 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 Sanitation.

8. I request this case be assigned for adjudication in _____ Manhattan _____ Brooklyn _____ Queens at
_____ 8:30 a.m. _____ 10:30 a.m. _____ 1:00 p.m. _____ 2:30 p.m.

9. I am readily available at the above telephone number(s) and if called agree to appear in ECB court within 2 hours of being notified. Therefore, I request call standby status _____
(Check) (Sign)

(Note: Only available for 8:30 a.m., 10:30 a.m. and 1:00 p.m. appearance times)

Sworn to before me

this _____ day of _____, 19____.

(Print Name of Complainant)

(Signature of Notary Public)

(Signature of Complainant)