OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn,NY 11217	**Summons No: 000606033K et al. (1 Summons)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **CITYWIDE CONTAINER SERVICE** **Hearing Date: 09/29/2026** **Hearing Location: Remote** **Type of Hearing: By Telephone**

Total Penalty Amount:**$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000606033K	Dismissed	05/13/2025	107 W. 68th ST Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA31	24-146 (B)	Dismissed	$0.00

Findings of Fact & Conclusions of Law

Michael Sargo, Attorney for Respondent, CITYWIDE CONTAINER SERVICE and Dantney Parks, representative for Petitioner, Department of Environmental Protection. The parties appeared for a hearing by telephone on September 29, 2026.

Respondent is charged with a second violation of Section 24-146(b) of the Administrative Code for allowing dust to become airborne.

Petitioner presents photos and videos to show the violating condition. Respondent argues that they have an adequate dust mitigiation plan in place and it was in use at the time of occurrence . Petitioner's representative states the materials need to

be fully saturated, so that no dust at all becomes airborne.

§ 24-146 (b) No person shall cause or permit any material that may generate dust to be transported or stored without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent dust from becoming air-borne.

This section of law only requires that steps are taken to prevent the dust from becoming airborne. I credit Petitioner's video and Respondent's testimony that they are taking efforts to mitigate the airborne dust. Therefore, this violation is dismissed.



10/05/2026 **10/05/2026**

Amita Rodriguez, Judicial Hearing Officer **Date**