OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No: 001027426L et al. (1 Summons)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **DIAMOND CHEMICAL CO** **Hearing Date: 10/07/2026** **Hearing Location: Remote** **Type of Hearing: By Telephone**

Total Penalty Amount:**$350.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
001027426L	Sustained	05/13/2025	INTERSECTION OF RICHARDSON STREET AND MORGAN AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	$350.00

Findings of Fact & Conclusions of Law

Respondent, DIAMOND CHEMICAL CO, appeared by remote hearing. Respondent was represented by its authorized representative Tiffany Irizarry. Michael Grosso appeared for the Department of Environmental Protection.

The summons charges AC 24-163, idling of a motor vehicle engine for longer than three minutes. Mr. Grosso submitted a Redacted NYC Citizen Idling Complaint, two photographs, and a video from the place and time of occurrence in support of the charge.

Ms. Irizarry submitted an affidavit from the driver of the vehicle Julio Lopez. Mr. Lopez stated that he had to keep the engine

running in order to keep the lift gate batteries charged and operational. Mr. Lopez also had to keep the engine running to operate the refrigerating unit inside the truck. Ms. Irizarry provided an inventory of all the items that were inside the truck.

Mr. Grosso stated that the video did not show a lift gate in use or any other processing device. Mr. Grosso further stated that the he did not see any markings on the vehicle to believe that there was a refrigerating unit in the truck.

I find that Petitioner proved this violation by a preponderance of the evidence. I find that Respondent failed to provide sufficient evidence to show that a refrigerating unit was located inside the vehicle.

Accordingly, the Summons is sustained, and the Respondent is ordered to pay the $350.00 penalty

Erisa Cepa

10/14/2026 **10/14/2026**

Erisa Cepa, Judicial Hearing Officer **Date**