



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592PACIFIC STREET
NEW YORK, NY 11217

Summons# : 000606800M et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

NORTHEAST INTERIOR DEMOLITION

Hearing Date : 12/22/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,200.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000606800M	Sustained	04/24/2025	44 Beaver Street, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BABM	24-146 (B)	Sustained	1,200.00

Total Penalty for Summons: 1,200.00

Findings of Facts & Conclusions of Law

This telephone hearing was held on December 22, 2025. Petitioner, NYCDEP, appeared by Antwan Gibbs, Representative. Respondent, Northeast Interior Demolition, appeared by Ilma Babu, Authorized Representative. She waived translation services, counsel and the appearance of the Issuing Officer (IO).

This summons alleges third violation of NYC Administrative Code §24-146(b) (Dust allowed to become air-borne) The summons states that as per citizen's complaint, Respondent allowed or permitted dust to become airborne without taking precautions, causing construction materials to generate dust into the public right of way while transporting such materials into a garbage truck (LIC. NY #961213MD, in violation of 24-146(b) of the NYC air code; source of particulate emissions (dust) from workers dumping construction materials without any mitigation allowing dust to become airborne, causing an annoyance and discomfort to pedestrians in the public right of way.

Mr. Gibbs relied on the sworn statements of the IO in the summons and he submitted 3 photos taken by the citizen when the violation was issued (P-1, 2 & 3) The photos depict the license plate and the front and side of the truck which was receiving the construction materials. He also submitted a video depicting airborne dust caused by the failure of Respondent to take precautions when loading construction materials on to the truck.

Ms. Babu did not challenge the two prior violations. She moved to dismiss this summons, arguing that Respondent started spraying water on the construction material 37 seconds into the video. She did not submit any documents from Respondent regarding their mitigation procedures.

NYC Administrative Code § 24-146(b) states that" 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"

I credit Petitioner's evidence and the IO's affirmed statements in the summons regarding Respondent's failure to take precautions to prevent dust/particulate matter from becoming airborne. I find that Ms. Babu's testimony was insufficient to establish a defense, and I further find that Respondent is in violation of NYC Administrative Code §24-146 (b). This third violation is sustained and a penalty of \$1,200 is imposed.

Barbara Halper

12/22/2025

12/22/2025

Barbara Halper, Judicial Hearing Officer

Date