



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET 935 CRANFORD AVE Brooklyn, NY 11217	Summons No: 000604788J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CITYWIDE CONTAINER SERVICE CORP Hearing Date: 05/12/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$400.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000604788J	Sustained	11/27/2024	435 10 AVENUE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA31	24-146 (B)	Sustained	\$400.00

Findings of Fact & Conclusions of Law

Ilma Babu appeared for the Respondent. The Petitioner was represented by Michael Grosso.

The Respondent was charged with allowing dust to become airborne at 435 10th Avenue in Manhattan on November 27, 2024. The summons was issued as a 1st Offense.

The Petitioner submitted evidence to support the summons (see PET EXH 1; images and video). The Respondent's Representative denied the charge and provided evidence (SEE RESP EXH A; dust mitigation plan) to support the claim that the contractor "hosed down" the cited materials before placing them in the truck in order to reduce residual dust. The

Petitioner moved to maintain the charge .

I find that the Petitioner's presentation is not persuasive evidence that the Respondent was in violation on the date of issuance.

The summons is hereby sustained.

C. Charles

05/14/2026

05/14/2026

Claude Charles, Judicial Hearing Officer

Date