



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 000605147Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- P CITYWIDE CONTAINER SERVICE COR Hearing Date: 07/21/2025 Hearing Location: Remote Type of Hearing: By Telephone
--	---

Total Penalty Amount: \$400.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000605147Y	Sustained	02/07/2025	107 West 68 Street Manhattan

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

Findings of Fact & Conclusions of Law

The hearing was held via telephone on 7/21/2025. The respondent appeared by authorized representative, Mr. Joshua Santis. Ms. Dantney Parks appeared for the petitioner.

The summons alleges a first offense violation of AC 24-146(b) for failing to take precautions to prevent construction materials to generate dust into the public right of way while transporting such materials in a garbage truck.

Ms. Parks relied on the sworn statements in the summons. In support of the violation, she submitted a video approximately two minutes and fifty-four seconds long. She argued the dust can be seen throughout the video and the workers are not seen

instituting any preventative measures. She recommended the standard penalty.

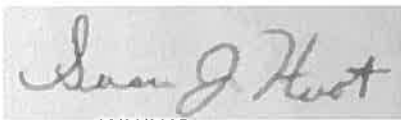
Mr. Santis denied the violation. He submitted the respondent's dust mitigation plan. He argued the plan was sufficient to warrant dismissal of the summons.

Ms. Parks responded that a plan is not enough. The workers must implement the plan.

AC 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 airborne.

I credit the sworn statements in the summons and find the petitioner has established a valid charge. I find the regulation requires implementation of the plan presented by the respondent. Here, petitioner's video does not show the workers taking any precautions to prevent the dust as ordered in the implementation plan. Nor did the respondent submit any evidence showing the implementation activities.

I sustain the summons and assess the \$400 mandated penalty.



08/06/2025

08/06/2025

Susan Huot, Hearing Officer

Date