



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000606064N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CITYWIDE CONTAINER SERVICE Hearing Date: 02/03/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$800.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000606064N	Sustained	05/21/2025	107 West 68th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BABL	24-146 (B)	Sustained	\$800.00

Findings of Fact & Conclusions of Law

ILMA BABU appeared as the authorized representative of the named respondent. Inspector Gibbs for the Department. The summons cites a violation of 24-146b as a second offense, and there was no challenge to the prior.

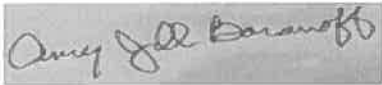
The Petitioner submitted photos and a video.

The respondent stated that the video cuts away at a point whereby it appears that a worker looked like he grabbed a hose, so it might be that they were doing a spraying operation.

The Petitioner contended that the efforts would still be inadequate.

The respondent contended that the company tried their best to mitigate the dust, but that some came through anyway. They did everything they could

I find the sworn account of the issuing officer and the petitioner's other evidence to be credible, and that it establishes the charge. The respondent failed to set forth a valid legal defense. There are dust particles seen at more than one point in the video, and on this record, there is insufficient evidence to determine the mitigation efforts were adequate. The summons is sustained as a second offense.



02/03/2026

02/03/2026

Amy Jill Baranoff, Judicial Hearing Officer

Date