



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET NEW YORK,NY 11217	Summons No: 000897583H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CITY WIDE CONTAINER SERVICE Hearing Date: 11/25/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000897583H	Sustained	08/23/2024	32 FULTON STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	\$600.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone conference on November 25, 2025.

Respondent appeared by its employee Ilma Babu. Petitioner DEP was represented by Michael Grosso.

The summons was issued based upon a consumer complaint alleging a violation of Section 24 -163 of the Administrative Code. Petitioner's representative offered into evidence a side view of a roll off container truck (Exhibit P-1), a photo of the front

of the vehicle (P-2); screen shots of 2 record of a prior violation (P-3 and P-4), a redacted consumer complaint (P-5), a copy of the summons (P-6) and a video recording (P-7).

Respondent's representative appeared and offered into evidence a package including the summons, an invoice for the job being performed and an affidavit of the driver (Exhibit R-A). She argued that the affidavit establishes that the driver had the engine running because the hydraulic lift for the container was a process requiring the motor and that the driver was using it because he need to position and align the vehicle to pick up and drop off containers.

I credit the Petitioner's documents. I note that the video (P-7) clearly indicates that the engine is idling, and that the vehicle idles for three minutes and then drives away, without any attempt to position a container as the form affidavit asserts. I find that respondent violated Section 24-163. I find that this is a third or higher violation. The summons is sustained.

Robert N. Napoles

12/09/2025

12/09/2025

Robert Napoles, Judicial Hearing Officer

Date