



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000933946N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CITYWIDE CONTAINER SERVICES Hearing Date: 12/18/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000933946N	Sustained	08/01/2024	135 WEST 52 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Respondent received a Department of Environmental Protection summons for a violation of Section 24-163 of the New York City Administrative Code. In the summons, the issuing officer (IO) stated that on August 1, 2024, Respondent caused or permitted the idling of a motor vehicle while parked, standing or stopped. As per DEP records, citizen observed truck with NY license plate #41657PF idling for longer than three minutes from 8/1/2024 10:16:25 PM to 8/1/2024 10:19:54 PM at 135 West 52nd Street.

In a phone in hearing, Ms. Ilma Babu, authorized representative for Respondent, testified. Petitioner DEP was notified but due to technical difficulties, waived their appearance and rested on the summons. Ms. Babu went forward with the hearing. She

stated that the cited truck is a heavy duty roll off truck that requires the engine to remain on for a short period of time to build up air pressure for the brakes. She also noted that there was a garbage tank in the back of the truck and that was another reason the engine was on. In support of her testimony, Ms. Babu submitted the DEP video, which was 3:31 minutes long and a screenshot of an email from Respondent, which is marked into evidence as Respondent Exhibit A.

Here, I credit the IO's statement. There is an audible engine sound for more than three minutes in the video. The compressor in the back of the truck is not in use and as such, there is no processing device in use. There is no loading or unloading into the truck. Using the engine to build air pressure for the brakes is not an idling exemption. As such, based on the foregoing, I find the respondent in violation with a civil penalty of \$350.



12/18/2025

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Lori Costello, Judicial Hearing Officer

Date