



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000606707H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CITYWIDE CONTAINER SERVICE Hearing Date: 04/06/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,200.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000606707H	Sustained	08/05/2025	107 WEST 68 ST Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BABM	24-146 (B)	Sustained	\$1,200.00

Findings of Fact & Conclusions of Law

Ilma Babu appeared on behalf of Respondent for a phone hearing on April 6, 2026 in response to the above-issued summons. Senior Insp. Monica Dorson appeared on behalf of Petitioner Department of Environmental Protection.

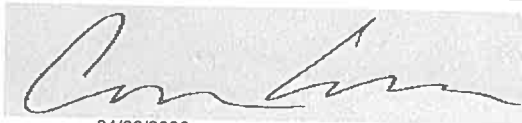
Petitioner relied on the sworn statements contained in the summons. Petitioner claimed that Respondent did not take proper precautions to prevent dust from becoming airborne. Petitioner submitted video evidence and photos in support.

Respondent claimed that the dust mitigation plan states the measures that they take; they hose down materials to minimize dust; they wet down bins prior to loading onto truck; the video shows water residue (at the 1:47 mark), showing that they took

precautions; and the level of dust would not affect pedestrians. Respondent submitted a dust mitigation plan in support.

Petitioner claimed that the citizen walked away from the vehicle at the 1:47 mark, so it does not show water coming from the truck; large dust clouds are shown in the video; and Respondent did not take sufficient precautions to prevent dust from becoming airborne.

I credit the observations contained in the summons, and the evidence submitted, and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's defense and find that Respondent has not established a valid basis for dismissal. I find that a substantial amount of dust was airborne. Therefore, the summons is sustained and a third offense penalty is imposed.



04/06/2026

04/06/2026

Corey Lederman, Judicial Hearing Officer

Date