



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000973765K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CITYWIDE CONTAINER SERVICE CORP Hearing Date: 05/04/2026 Hearing Location: Remote Type of Hearing: By Telephone
--	--

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000973765K	Sustained	12/06/2024	39 WEST 31 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Petitioner, NYC Department of Environmental Protection (DEP) appeared and was represented by Monica Dorson Respondent, CITYWIDE CONTAINER SERVICE appeared and was represented by Ilma Babu.

The summons alleges a violation of Administrative Code section 24-163 for IDLING OF MOTOR VEHICLE ENGINE MORE THAN THREE MINUTES 1ST OFF

Ms. Dorson submitted photos, redacted NYC Citizen Idling Complaint with acknowledgement, and a video. She said the video shows the vehicle idling with audible engine noise, and no loading or unloading, or processing device. In response, Ms. Babu

said the video confirms that they were lining up the garbage containers for crushing. Her client completed an affidavit, which she could not upload, that stated that the engine needs to run so the debris does not get stuck. Ms. Dorson replied that there are only narrow exceptions to the law, and this reason is not a valid exemption.

Pursuant to Administrative Code section 24-163, "no person shall cause or permit" the engine of a motor vehicle to idle for longer than three minutes, unless the engine is used to operate a loading, unloading or processing device.

I find Petitioner established a prima facie case. I credit the summons and Petitioner's evidence and find it establishes a violation. I reject Respondent's argument and find Respondent did not establish a valid defense under the cited code.

Accordingly, the summons is sustained.

Rachel L. Berger

05/04/2026

05/04/2026

Rachel Berger, Judicial Hearing Officer

Date