



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592PACIFIC STREET
BROOKLYN,NY 11217

Summons# : 000880921K et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO LP

Hearing Date : 12/5/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 600.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000880921K	Sustained	05/31/2024	218 FRONT STREET, Brooklyn

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

Total Penalty for Summons: 600.00

Findings of Facts & Conclusions of Law

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Martin Joyce with Inspector Edward Sferrazza, as an observer. Respondent appeared by ILMA BABU, authorized representative.

This hearing was conducted via telephone on December 5, 2025.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

At the telephonic hearing, held on December 5, 2025, the representative for Petitioner relied on (1) the citizen's complaint and photos of the vehicle with the license plate, (2) and a video of the vehicle taken by the citizen complainant. See, Petitioner's Exhibits 1-2.

The citizen complaint states, "Prior(s) include 000781226P, 000804682H, 000810647N. The stated vehicle was observed idling in excess of 3 minutes. It was not engaged in the active operation of a loading or processing device. Note: Emissions are visible from primary exhaust stack."

Respondent's representative that the vehicle is a garbage truck and the company does garbage pick up and the engine was required after the video depicted the crushing.

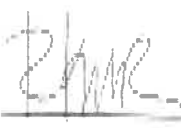
Respondent's representative did not challenge the repeat violation status.

DEP states that the video is very long, there is no exception for the idling to prepare for the next use of the equipment.

Having reviewed the video, I find that the respondent's vehicle was easily identifiable from the video and the sound was emanating from their vehicle, there was a continuous period from 4 minutes and 50 seconds to 8 minutes, where the vehicle idled and there was no activity or crushing seen or heard.

I disagree with Respondent's legal argument.

The violation is sustained with standard penalty for the 3rd offense.

 12/05/2025	12/05/2025
Rebecca Kramer, Judicial Hearing Officer	Date