



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000936674M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO L P Hearing Date: 03/16/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000936674M	Dismissed	02/14/2025	INTERSECTION OF 1ST AVE AND E 4TH ST Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent PENSKE TRUCK LEASING CO L P appeared by Auth. Rep. Ilma Babu
DEP Rep. M. Grosso waived appearance via email for Petitioner.

On 2/14/25, at INTERSECTION OF 1ST AVE AND E 4TH ST, Manhattan, the I/O issued this summons alleging a violation of 24-163.

Ms. Babu submitted into the record a copy of the time/date-stamped video (4 min, 22 seconds) of the alleged idling, which was reviewed by the Court.

Ms. Babu argued the video shows a refrigeration unit that requires the engine to be running. Ms. Babu argued the unit is at the top, front of the truck.

Here, upon review of the video, Respondent presented a meritorious defense in that processing equipment was actively being used, which is an exception to the idling of the cited vehicle's engine. Accordingly, the summons is DISMISSED.



03/17/2026

03/17/2026

Joseph Fan, Judicial Hearing Officer

Date