

EXHIBIT 3



Rohit T. Aggarwala
Commissioner

Elissa Stein Cushman
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Russell Pecunies
Senior Enforcement Counsel

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February 29, 2024

Andrew J. Carboy
1 Liberty Plaza 23 Flr
New York NY 10006

Re: Freedom of Information Law (FOIL) Appeal

Dear Mr. Carboy:

I am writing in response to your February 13, 2024 appeal (as supplemented on February 28, 2024) regarding your FOIL request #2023-826-03980.

Background

You submitted a request pursuant to FOIL, dated September 8, 2023, for records related to the response of the City of New York to the collapse of the World Trade Center towers on September 11, 2001. This request was assigned FOIL # 2023-826-03980.

DEP denied your appeal on January 31, 2024, on the grounds that DEP does not possess any responsive records. In your appeal dated February 13, 2024, you maintain that (1) DEP's denial did not include a certification that a diligent search was performed for the requested records, and (2) that the "public record demonstrates that DEP maintains the requested materials".

Determination

In response to your appeal, I hereby certify that a diligent search was performed in DEP's records in response to your FOIL request, and no responsive records were found.

In light of the above, your appeal is denied.

This letter is DEP's final determination with respect to your appeal. You have the right to seek review of this determination pursuant to Article 78 of the New York Civil Practice Law and Rules, and section 89(4)(b) of FOIL.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Pecunies".

Russell Pecunies
FOIL Appeals Officer

cc: D Dellaflora
M Ali
COOG

