

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-93

June 2, 2009

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396 and Geotracker Global ID T0600102124, Former Service Station, 2547 East 27th Street, Oakland, CA 94601 – Notice to Comply

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and find that this site is out of compliance with ACEH directives. Trichloroethene (TCE) was detected in soil vapor sample SV-04 at a concentration of 5.7 micrograms per liter ($\mu\text{g/L}$), which exceeds the Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board November 2007) for TCE in soil vapor for residential land use of 1.2 $\mu\text{g/L}$. Based on the detection of TCE in soil vapor at a concentration exceeding the ESL in a location below a proposed living space, further evaluation is needed to confirm the detection and to define the extent of TCE in soil vapor. In correspondence dated April 10, 2008 (attached), ACEH requested that you submit a work plan to evaluate potential vapor intrusion by June 10, 2008. No work plan or other submittal to address potential vapor intrusion has been received.

Your site is currently out of compliance with ACEH directives. You are required to comply with ACEH directives regardless of funding availability with the State Water Resources Control Board Division of Financial Assistance. You are required to prepare a Work Plan to evaluate potential vapor intrusion for the site. **If we do not receive the requested Work Plan by July 17, 2009, a Notice of Violation will be issued.**

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **July 17, 2009** – Work Plan to Evaluate Potential Vapor Intrusion

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Mr. Ted Dang
Mr. John Thorpe
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ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

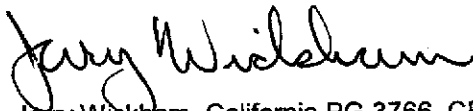
Mr. Ted Dang
Mr. John Thorpe
RO0000396
June 2, 2009
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AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at 510-567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachments: ACEH Correspondence dated December 7, 2007 and April 10, 2008

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

Nick Patz, Ceres Associates, 920 First Street, Suite 202, Benicia, CA 94510

Carmen Harms, State Water Resources Control Board, Division of Financial Assistance
P.O. Box 944212, Sacramento, CA 94244-2120

Judy Reid, State Water Resources Control Board, Division of Financial Assistance
P.O. Box 944212, Sacramento, CA 94244-2120

Margot Lederer Prado, City of Oakland Economic Development Division, Brownfields Management
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

April 10, 2008

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396 and Geotracker Global ID T0600102124, Former Service Station, 2547 East 27th Street, Oakland, CA 94601

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the recently submitted report entitled, "*Soil Vapor Sampling and Backfill Soil Sampling Report*," dated March 10, 2008 and prepared on your behalf by Ceres Associates. The report presents results from the collection of six soil vapor samples and two soil samples collected from backfill material. Based on results of the backfill soil sampling, the report concludes that the material used to backfill the excavations meets regulatory criteria for residential land use. We concur that the backfill is acceptable for use at the site and no further sampling or investigation of the backfill material is required at this time.

Trichloroethene (TCE) was detected in soil vapor sample SV-04 at a concentration of 5.7 micrograms per liter ($\mu\text{g/L}$). The Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board November 2007) for TCE in soil vapor for residential land use is 1.2 $\mu\text{g/L}$. Soil vapor sample SV-04 was collected within the footprint of a proposed residential unit. As discussed in the technical comment below, further investigation of the potential for vapor intrusion is required. Therefore, please submit a Work Plan to evaluate potential vapor intrusion to the proposed residential structure by **June 10, 2008**.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Detection of TCE in Soil Vapor.** TCE was detected in soil vapor sample SV-04 but was not detected in the other five soil vapor samples collected at the site. Although TCE was detected in only one soil vapor sample, we do not concur with the conclusion in the March 10, 2008 "*Soil Vapor Sampling and Backfill Soil Sampling Report*," that no further investigation is needed. The concentration of TCE detected in soil vapor sample SV-04 was 5.7 micrograms

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per liter ($\mu\text{g/L}$), which exceeds the Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board November 2007) for TCE in soil vapor for residential land use of $1.2 \mu\text{g/L}$. Given the detection of TCE in soil vapor at a concentration exceeding the ESL in a location below a proposed living space, further evaluation is needed to confirm the detection and to define the extent of TCE in soil vapor. We do not concur that the absence of TCE in soil and groundwater samples from adjacent sampling locations provides sufficient justification to not investigate the detection of TCE in soil vapor. TCE was not detected in soil samples collected at depths of 5 and 10 feet bgs from nearby confirmation soil boring CS-4. However, as previously discussed in our October 4, 2007 correspondence, the apparent highest PID reading in boring CS-4 was from a soil sample collected at 2.5 feet bgs. Although screening indicated potential VOCs in soil at 2.5 feet bgs, only soil samples from depths of 5 and 10 feet bgs were submitted for laboratory analyses. Therefore, the absence of VOCs in soil samples from 5 and 10 feet bgs in boring CS-4 cannot be relied upon to indicate that VOCs are not present in soil. TCE has not been detected in groundwater samples collected at the site to date. However, this does not preclude the presence of a source of VOCs above the water table that potentially could be a source for indoor vapor intrusion. We request that you present plans to further evaluate the detection of TCE in soil vapor at one location below the proposed residential structure.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- June 10, 2008 – Work Plan to Evaluate Potential Vapor Intrusion

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground

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storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Ted Dang
John Thorpe
RO0000396
April 10, 2008
Page 4

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin
Oakland Fire Department
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

Will Kleiner
Ceres Associates
424 First Street
Benicia, CA 94510

Kimberly Brandt
Ceres Associates
424 First Street
Benicia, CA 94510

Pat Preslar
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

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ENVIRONMENTAL HEALTH SERVICES
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(510) 567-6700
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December 7, 2007

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396 and Geotracker Global ID T0600102124, Former Service Station, 2547 East 27th Street, Oakland, CA 94601

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the recently submitted report entitled, "Work Plan for Soil Vapor Sampling and Backfill Soil Sampling: Former Gas Station, 2547 East 27th Street, Oakland, California," dated November 7, 2007 (received by ACEH on November 13, 2007). The Work Plan proposes soil vapor sampling at six locations and soil sampling of imported fill at four locations. The proposed sampling may be implemented provided that the technical comments below are addressed during the proposed field investigation. Submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

- 1. Soil Vapor Sampling Locations.** We request that the proposed soil vapor sampling locations be revised as shown on the attached Revised Figure 5 to locate more of the soil vapor sampling locations outside the imported fill and within areas of potential residual contamination within the proposed living areas of the residences. The living areas of the residences were shown on a preliminary layout of the residences dated provided on June 20, 2007 by Mr. Ted Dang and included in appendices to your August 31, 2007 Revised Soil Excavation Report. As shown on Attachment 1 – Revised Figure 5, we also request that proposed soil vapor sampling location SV-01 be moved to the north end of the excavation along East 27th street where residual contamination was left in place. Please present the results in the Soil Vapor and Fill Material Sampling Report requested below.

2. **Sampling of Imported Fill.** The proposed scope of work for sampling imported fill appears excessive. As described in the Information Advisory on Clean Imported Fill Material from the California Department of Toxic Substances Control (DTSC), the recommended analyses for fill derived from a source near a quarry are heavy metals, asbestos, and pH. As previously discussed in our October 4, 2007 correspondence, no analyses are required for the lower three feet of backfill consisting of quarry fines supplied by Curtner Quarry. Therefore, we request that proposed borings BF-1 and BF-2 be advanced at the locations shown on Attachment 1 – Revised Figure 2 and analyzed for cadmium, chromium, lead, nickel, and zinc using EPA Method 6010, asbestos using PLM methods, and pH. Proposed borings BF-03 and BF-03 are not required. Please present the results in the Soil Vapor and Fill Material Sampling Report requested below.
3. **Groundwater Monitoring.** Groundwater monitoring is to be discontinued at the site pending the results of fourth quarter 2007 groundwater sampling. We note that previous groundwater sampling reports have only reported groundwater sampling results for the current sampling event. In the Quarterly Monitoring Report for Fourth Quarter 2007, please present a table that shows the historic analytical results for the chemicals of concern for each well.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **February 10, 2008** – Quarterly Monitoring Report for Fourth Quarter 2007
- **March 7, 2008** – Soil Vapor and Fill Material Sampling Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

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Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater

Ted Dang
John Thorpe
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Page 3

cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

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PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

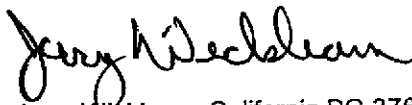
AGENCY OVERSIGHT

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Ted Dang
John Thorpe
RO0000396
December 7, 2007
Page 4

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Hazardous Materials Specialist

Attachment 1 – Revised Figure 5

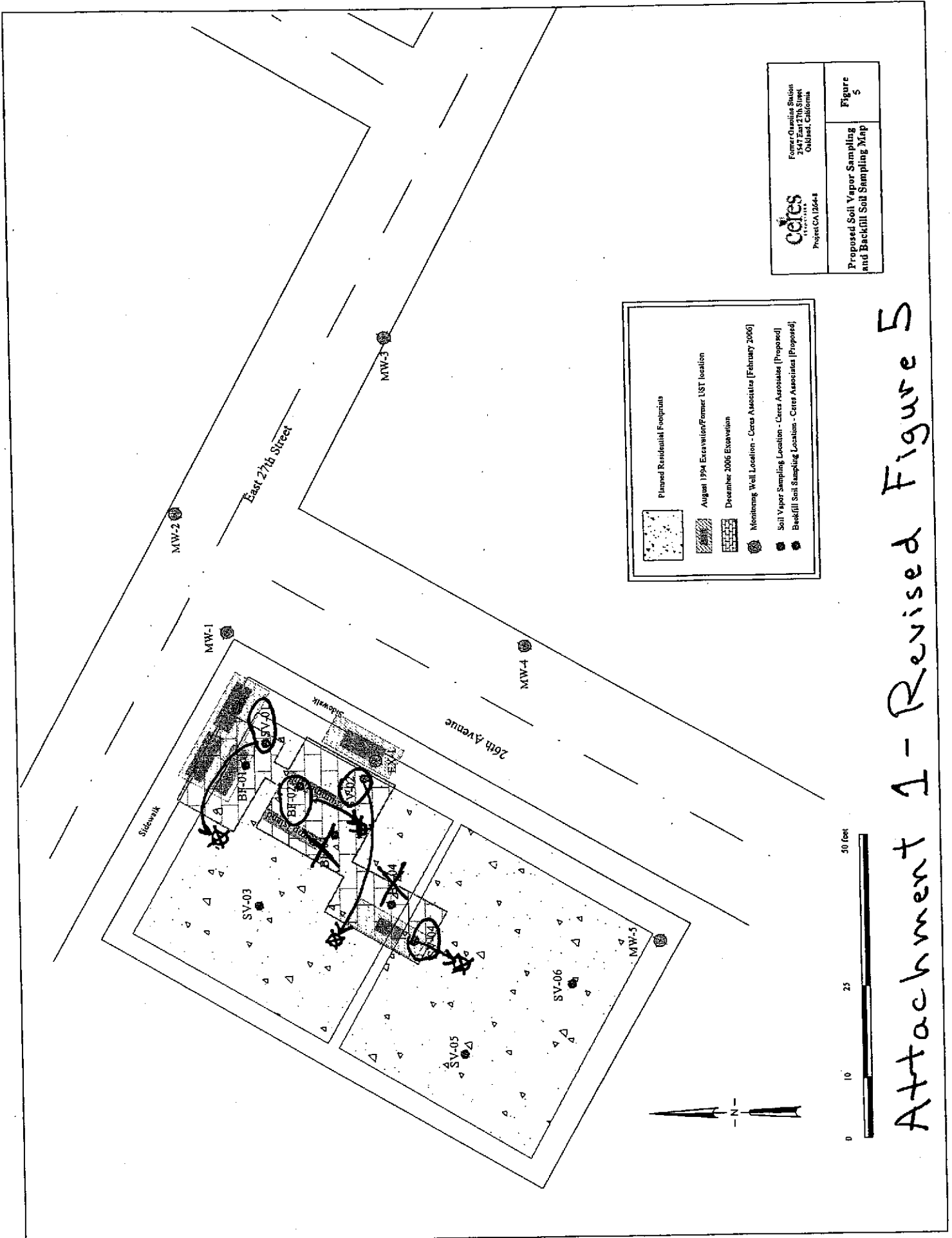
Enclosure: ACEH Electronic Report Upload (ftp) Instructions


cc: Ryan Meyer
Ceres Associates
424 First Street
Benicia, CA 94510

Kimberly Brandt
Ceres Associates
424 First Street
Benicia, CA 94510

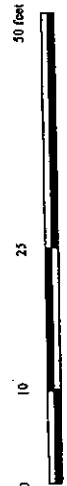
Pat Preslar
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

Donna Drogos, ACEH
Jerry Wickham, ACEH
File




 Ceres
 Environmental
 Project CA 1264-E
 Former On-site Station
 2547 East 27th Street
 Oakland, California
 Proposed Soil Vapor Sampling
 and Backfill Soil Sampling Map
 Figure
 5

Planned Residential Footprints
 August 1994 Excavation/Fomer LST location
 December 2006 Excavation
 Monitoring Well Location - Ceres Associates (February 2006)
 Soil Vapor Sampling Location - Ceres Associates (Proposed)
 Backfill Soil Sampling Location - Ceres Associates (Proposed)



Attachment 1 - Revised Figure 5

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO# use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.