

**Translation of Testimony Given by Pedro Alvarez
At the SAN-1 Judicial Inspection, April 26, 2006**

My visit is part of a recently initiated independent assessment of the sampling and analysis program that Chevron's appointed experts are conducting for the ongoing judicial inspections, to determine if these methodologies are appropriate to meet the intended goals. I understand that the goals of this sampling and analysis effort are to

- (1) determine whether Texpet complied with its remedial obligations, including pit closure, as specified in the remedial action plan (RAP), and
- (2) determine whether residents living in the vicinity of these sites are being exposed to harmful concentrations of contaminants associated with Texpet oilfield operations, as claimed by the plaintiff.

My preliminary opinion, based on a cursory review of the sampling plan and procedures and its implementation in the field, is that this assessment program is appropriate to address the above goals (i.e., assess remediation compliance and current risks to human health) and it is consistent with common practice and standards.

Specifically,

- The methods to determine if Texpet complied with the stipulated remedial obligation requirements is appropriate because, I understand that: (a) Chevron's appointed experts are taking composite samples within all pits included in the RAP to determine if residual hydrocarbon concentrations meet the criteria established in the RAP by the Government of Ecuador, Petroecuador and Texpet; and (b) composite samples from the soil covering the pit are taken separately (without mixing with samples from the remediated material) to determine if the pit cover poses health risks to people who might come in contact with it (e.g., through dermal contact or soil ingestion)
- The methods to assess residual risk to residents living in the vicinity of these sites is also appropriate because, we understand that a series of analysis for potentially toxic compounds associated with petroleum (e.g., BTEX, PAHs and heavy metals) are being conducted in water and soil samples taken at potential receptor locations (e.g., groundwater wells, surface water bodies, and surface soils near platforms, pits, etc.)

The serious allegations by Maest et al. in their report dated 8 March 2006, that the sampling program that Chevron's appointed experts are conducting deliberately hides or minimizes the existing contamination and associated risks, is not supported by factual information contained in their report or by any published information I have been able to review to date, or any facts that I have witnessed during a sampling effort during the judicial inspection of the Shushufindi SW production station, which I attended as an independent observer in October 2004.

My initial review suggests that the opinion of Maest et al., expressed in their report titled "How Chevron's Sampling and Analysis Methods Minimizes Evidence of Contamination", may be precipitous. To my knowledge, they did not attend judicial inspections or observed the sampling efforts prior to submitting their report. Furthermore, it is possible that they:

- (a) may have understood that the scope of the judicial inspection sampling efforts was different than stated above,
- (b) may have not have completed a systematic evaluation of the enormous compilation of documents the describe the sampling and analysis agreements, procedures and results (the vast majority of which were written in Spanish),
- (c) may have been misinformed about the sampling procedures used and oversight provided during the judicial inspections , and and/or
- (d) may be unaware of the existence of areas that do not fall under the responsibility of Texpet (e.g., sites and pits that are not part of the RAP, pits still in use by Petroecuador, oil spills that occurred after 1990, etc.).

We believe that to form a well-founded and unbiased opinion, considerable time and effort are required to adequately review the compiled documents, pertinent agreements, sample selection and collection procedures, and analytical results. The independent team of experts that I am collaborating with has just begun to do this.

We plan to conduct an independent and systematic review of the sampling and analysis approach that that Chevron's appointed experts are using to determine if these methodologies are appropriate to assess RAP compliance and current risks to human health.

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