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 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
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14 JEAN RATTO LARKIN, JEFFREY  
 15 RATTO, AND ROBERT RATTO

No. C-96 01575 MHP

DECLARATION OF EVA CHU

16 Plaintiffs,

17 vs.

18 ITT HARTFORD, a.k.a. THE ITT  
 19 HARTFORD INSURANCE GROUP, and  
 20 DOES ONE through FIFTY, inclusive,

21 Defendants

22 1. I, Eva Chu, declare as follows:

23 2. I am employed by the Alameda County Health Care Services Agency, Department  
 24 of Environmental Health ("County"), as a Hazardous Materials Specialist. Unless otherwise  
 25 noted, I have personal knowledge of the matters stated in this declaration and could competently  
 26 testify to them if called as a witness.

27 3. My responsibilities at the County include implementation of the local oversight  
 28 program for the abatement of unauthorized releases of hazardous substances from underground  
 storage tanks ("LOP") by authority delegated to the County by the State Water Resources  
 Control Board ("SWRCB") pursuant to Health and Safety Code Section 25297 1.

1           4.     The County has implemented the LOP under this authority since 1991.

2           5.     My responsibilities regarding implementation of the local oversight program  
3 include requesting that the owners of a contaminated site located in my assigned district (i.e., a  
4 site contaminated by the unauthorized release of hazardous substances from an underground  
5 storage tank), or other responsible parties ("Responsible Parties"), investigate and remediate the  
6 contamination (i.e., take corrective action"), according to work plans which are first reviewed  
7 and approved by the County. My responsibilities also include coordinating with the Alameda  
8 County District Attorneys' Office ("District Attorneys' Office"), to enforce implementation by  
9 the County of the local oversight program when the Responsible Parties fail to cooperate with  
10 the County or undertake the requested corrective action.

11           6.     I have been the case worker for the property located at 1628 Webster Street,  
12 Alameda, California.

13           7.     The process or procedure of the County for implementing the LOP is to request  
14 that the Responsible Parties, investigate and remediate the contamination (i.e., take "corrective  
15 action"), pursuant to work plans which may be prepared by the Responsible Parties and have  
16 first been approved by the County.

17           8.     If the Responsible Parties fail to cooperate and/or take the requested corrective  
18 action, the County may invite the Responsible Parties to a "pre-enforcement review" hearing  
19 before a pre-enforcement review panel (or "PERP"), which is generally comprised of the  
20 County case worker, a supervisor from the County, and a representative from the District  
21 Attorneys' Office.

22           9.     The Responsible Parties are permitted to explain their failure to comply with the  
23 corrective action requests at the pre-enforcement review hearing.

24           10.    Up to 12 to 15 pre-enforcement review hearings are held each month

25           11.    Following the pre-enforcement review hearing, the PERP meets and determines  
26 specific corrective action requirements and deadlines for the completion of such requirements.

27           12.    The Responsible Parties are then notified by the County of such requirements and


1 deadlines, and of the civil and criminal penalties they may face if they fail to comply as  
2 requested.

3 13. If the Responsible Parties fail to comply with the specified corrective action  
4 requirements specified by the County, the County may refer the matter to the District Attorney  
5 for enforcement action.

6 14. The District Attorney's Office has pursued numerous enforcement actions for  
7 failure to comply with such specified corrective action requirements which have resulted in the  
8 imposition of penalties, including the incarceration of Responsible Parties, and the payment of  
9 fines.

10 I declare under penalty of perjury under the laws of the United States of America and the  
11 State of California that the foregoing is true and correct

12 Executed on this 16th day of January, 1997, in Alameda, California

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15 Eva Chu  
16 Hazardous Materials Specialist  
17 Alameda County Health Care Services Agency  
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