



Department of Toxic Substances Control



Jared Blumenfeld
Secretary for
Environmental Protection

Meredith Williams, Ph.D.
Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

Gavin Newsom
Governor

September 27, 2019

Certified Mail No.: 7018-0680-0000-9828-0078

Mr. Larry Kay
P Kay Metal Inc.
2448 East 25th Street
Los Angeles, California 90058

NOTICE OF PROVISIONAL INSPECTION VIOLATION SCORES, 2019 FACILITY VIOLATION SCORING PROCEDURE SCORE, AND 2019 COMPLIANCE TIER ASSIGNMENT

Dear Mr. Larry Kay:

2019 Facility Violations Scoring Procedure (VSP) Score: 16.97
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide P Kay Metal Inc., CAL000024110, located at 2448 East 25th St., Los Angeles, CA 90058 (hereinafter, the "Facility") with a provisional inspection violation score for each compliance inspection that was conducted during the preceding ten (10) year period beginning January 1, 2009, through December 31, 2018, the Facility's 2019 VSP Score, and compliance tier assignment pursuant to California Code of Regulations (CCR), title 22, section 66271.53, subdivision (b)(2) and section 66271.54, subdivisions (c).¹

The provisional inspection violation scores for the Facility are provided in the enclosed Inspection Violation Scoring Matrix. A provisional inspection violation score is the sum of the initial score for each Class I violation that occurred during a compliance inspection, and any adjustment to the initial Class I violation score based on repeat violations.² (See 22 CCR § 66271.53, subd. (a).) The basis for the score for each Class I violation is also provided in the enclosed Inspection Violation Scoring Matrix.

¹ Pursuant to Senate Bill (SB) 673 (Stats. 2015, chapter 611), the Department of Toxic Substances Control (DTSC) adopted new hazardous waste permitting criteria regulations, which became effective on January 1, 2019. The full text of the hazardous waste permitting criteria regulations is available at https://www.dtsc.ca.gov/LawsRegsPolicies/Regs/upload/18-DTSC-SB-673-Reg-TEXT_OAL_20181023-revised.pdf. More information regarding SB 673 is available at https://www.dtsc.ca.gov/HazardousWaste/Permit_Roundtables.cfm.

² For purposes of calculating a facility's inspection violation score, DTSC may also consider Class II violations that meet the definition of a Class I violation as specified in CCR, title 22, section 66260.10. (See 22 CCR § 66271.50, subd. (d)(1).)

Based on the provisional inspection violation scores for the Facility for the ten (10) year period beginning January 1, 2009, through December 31, 2018, DTSC has calculated a Facility VSP Score for the Facility of "16.97". A Facility VSP Score is the sum of all provisional or final inspection violation scores for each compliance inspection conducted during the preceding ten (10) years, divided by the number of compliance inspections. (See 22 CCR § 66271.54, subd. (a).)

A facility may be assigned to one of three compliance tiers based on its Facility VSP Score:

- "Acceptable." A facility that receives a Facility VSP Score of less than 20 shall be designated as having a Facility VSP Score that is "acceptable". (See 22 CCR § 66271.54, subd. (b)(1).)
- "Conditionally Acceptable." A facility that receives a Facility VSP Score equal to or greater than 20 and less than 40 shall be designated as having a Facility VSP Score that is "conditionally acceptable." Facilities that receive a final compliance tier assignment of "conditionally acceptable" are required to comply with additional requirements outlined in the regulations. (See 22 CCR § 66271.54, subd. (b)(2); 22 CCR § 66271.56.)
- "Unacceptable." A facility that receives a Facility VSP Score equal to or greater than 40 shall be designated as having a Facility VSP Score that is "unacceptable." DTSC is required to initiate permit denial, suspension, or revocation proceedings for facilities that receive a final compliance tier assignment of "unacceptable." (See 22 CCR § 66271.54, subd. (b)(3); 22 CCR § 66271.57.)

As a result of the Facility's VSP Score, DTSC has assigned the Facility to a compliance tier of "**Acceptable**". Generally, as discussed further below, a facility's compliance tier assignment becomes final after all provisional inspection violation scores upon which the Facility VSP Score is based become final pursuant to CCR, title 22, section 66271.53, subdivision (d).

Provisional Inspection Violation Score Disputes and Compliance Tier Assignment Challenges

An owner or operator of a facility may dispute a provisional inspection score pursuant to CCR, title 22, section 66271.53, subdivision (c) by filing a Provisional Inspection Violation Score Dispute Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>) within sixty (60) calendar days of this notice. All of the following information must be enclosed with the Dispute Document cover letter:

- A statement that describes in detail the factual and legal basis of the dispute and the relief sought;
- Any claimed erroneous facts, assumptions, approaches, or conclusions of law made by DTSC;

- A statement describing in detail any efforts already made by the owner or operator to resolve the dispute with DTSC; and
- Any photographs, documents, or any other material that supports the owner's or operator's position regarding the disputed provisional inspection violation score.

The owner or operator of a facility may request a one-time extension of up to sixty (60) calendar days to submit a Provisional Inspection Violation Score Dispute Extension Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>).

DTSC will issue a written decision, granting or denying, in whole or in part, the relief sought by the owner or operator of a facility disputing a provisional inspection violation score. A provisional inspection violation score will become the final inspection violation score consistent with DTSC's written decision. A provisional inspection violation score will also become the final inspection violation score if the owner or operator of a facility does not file a Dispute Document within sixty (60) calendar days of this notice.

A facility's compliance tier assignment becomes final after all inspection violation scores upon which the Facility VSP Score is based become final pursuant to CCR, title 22, section 66271.53, subdivision (d). Final compliance tier assignments of "acceptable" or "conditionally acceptable" are not subject to additional administrative dispute resolution. (See 22 CCR § 66271.54, subds. (e), (f).) However, owners or operators of facilities assigned to a final compliance tier of "unacceptable" may further administratively challenge their final compliance tier assignment under California Code of Regulations, title 22, section 66271.57.

Issuance of this provisional inspection violation score, Facility 2019 VSP Score, and compliance tier assignment do not constitute an enforcement action. If you have any questions regarding this notice, please contact VSP_Info@dtsc.ca.gov. If you have any questions regarding the dispute process, please contact VSP_Dispute_Inbox@dtsc.ca.gov.

Sincerely,



Keith Kihara, Chief
Enforcement and Emergency Response Division

Enclosure(s)

Violation Scoring Matrix
Proof of Service

Violation Scoring Matrix

Facility Name:		P KAY METAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		10/31/2009		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		2448 E 25TH STREET, LOS ANGELES, CA 90058		Number of Inspections:		8		Permit Expiration Date:		10/31/2019			
EPA ID:		CAL000024110		Total Number of Violations Scored:		10		Date VSP Completed:		6/27/2019			
Inspection Date:	3/25/2009	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	FCI												
Class I Violations:	1	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW were destined for and delivered to an authorized HW facility.	22 CCR 66262.60	The facility imported 27 metal drums (55 gallons each) holding tin powder and flakes without complying with the State of California's requirements for importation of hazardous waste.	Major	Over 4 tons or 4,323.5 kilograms of HW tin flakes and powders (hazardous for silver, cadmium, lead, antimony, zinc, arsenic, and copper based on DTSC sampling results) were at issue in this violation. Lead is a neurotoxin and can cause developmental delays in children. The other metals involved are also toxic to human health and the environment.	Moderate	The containers at issue were incorrectly labeled as Excluded Recyclable Material, and should have been labeled as HW. As a result, only Customs Forms 3461 and 7533, an invoice, TSCA declaration, and a Material Safety Data Sheet for tin/lead metallic solder oxides were submitted during the time of importation of the HW. The requirement functioned to some extent, although not all of its important provisions were complied with, as no manifest was provided.	20	n/a	n/a	0	20.00
	2	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW were destined for and delivered to an authorized HW facility.	HSC 25160(b)(1) and 22 CCR 66262.20(a)	The facility imported 27 metal drums (55 gallons each) holding tin powder and flakes without preparation of a Uniform HW Manifest.	Major	Over 4 tons or 4,323.5 kilograms of HW tin flakes and powders (hazardous for silver, cadmium, lead, antimony, zinc, arsenic, and copper based on DTSC sampling results) were at issue in this violation. Lead is a neurotoxin and can cause developmental delays in children. The other metals involved are also toxic to human health and the environment.	Moderate	No Uniform HW Manifest was presented during the importation process. However, the waste was shipped accompanied by an invoice and Material Safety Data Sheet. Some of the information required to be provided in a manifest (shipment date(s), toxicity information, manufacturer, and other physical properties) was tracked on the provided information. Therefore, the requirement functioned to some extent.	20	n/a	n/a	0	20.00
	3	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW were destined for and delivered to an authorized HW facility.	22 CCR 66262.32	The facility imported 27 metal drums (55 gallons each) holding tin powder and flakes without proper HW labels.	Major	Over 4 tons or 4,323.5 kilograms of HW tin flakes and powders (hazardous for silver, cadmium, lead, antimony, zinc, arsenic, and copper based on DTSC sampling results) were cited in violation. Lead is a neurotoxin and can cause developmental delays in children. The other metals involved are also toxic to human health and the environment.	Moderate	All containers were labeled as "Excluded Recyclable Material" with accumulation start date, generator address and phone number, and identified on the label as "Tin/Lead Metallic Oxides." The requirement functioned to some extent as some provisions of the labeling requirement were met.	20	n/a	n/a	0	20.00
	4	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW were destined for and delivered to an authorized HW facility.	22 CCR 66262.11(a)	The facility imported 27 metal drums (55 gallons each) holding tin powder and flakes without first making a HW determination.	Major	Over 4 tons or 4,323.5 kilograms of HW tin flakes and powders (hazardous for silver, cadmium, lead, antimony, zinc, arsenic, and copper based on DTSC sampling results) were cited in violation. Lead is a neurotoxin and can cause developmental delays in children. The other metals involved are also toxic to human health and the environment.	Major	No waste profile or sample analysis was provided with the imported HW. The requirement was completely ignored and none of its provisions were complied with.	25	n/a	n/a	0	25.00
Provisional Inspection Violation Score:												85.00	

Violation Scoring Matrix

Facility Name:		P KAY METAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		10/31/2009		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		2448 E 25TH STREET, LOS ANGELES, CA 90058		Number of Inspections:		8		Permit Expiration Date:		10/31/2019			
EPA ID:		CAL000024110		Total Number of Violations Scored:		10		Date VSP Completed:		6/27/2019			
Inspection Date:	1/27/2010 CEI & 2/4/2010 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	1	The deviation from the requirement was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.171	The facility failed to transfer two damaged 55-gallon HW drums containing tin-lead solids to containers in good condition.	Moderate	Two 55-gallon containers of HW with lead is at issue in this violation. Lead is a neurotoxin that causes developmental delays in children. The toxicity associated with lead is a moderate potential for harm to human health.	Minimal	Numerous drums of HW were on site during the inspection and only two were cited as being in improper condition. The requirement functioned nearly as intended, but not as well as if all provisions had been met.	6	No	n/a	0	6.00
Provisional Inspection Violation Score:													6.00
Inspection Date:	3/30/2011 CEI & 7/8/2011 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00

Violation Scoring Matrix

Facility Name:		P KAY METAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		10/31/2009		Link to EnviroStor	
Address:		2448 E 25TH STREET, LOS ANGELES, CA 90058		Number of Inspections:		8		Permit Expiration Date:		10/31/2019		(Inspection Reports, SOVs,	
EPA ID:		CAL000024110		Total Number of Violations Scored:		10		Date VSP Completed:		6/27/2019		etc.)	
Inspection Date:	1/17/2012 CEI & 6/11/2012 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Class II Violations:	1	The deviation from the requirement was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25201(a), 22 CCR 66270.30, and HWFP, Attachment "A," Part IV	The facility failed to comply with the container storage requirement in its HWFP by stacking a container with the capacity of more than 55 gallons on top of another container, as a steel bin with 4,000 pound capacity was stacked on top of another steel bin in the HW storage unit.	Minimal	The two steel bins found in violation each contained SB-5 (metals containing 95% tin and 5% antimony) and both had an approximate 200 gallon capacity. The volume and characteristics of the contained HW involved presented a minimal threat.	Minimal	Only two bins (with a capacity of up to 200 gallons each) were cited in violation out of all of the HW buckets, drums, and bins that were stored onsite. The requirement functioned nearly as intended, but not as well as if all provisions had been met.	2	No	n/a	0	2.00
	2	The deviation from the requirement was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25201(a), 22 CCR 66270.30, and HWFP, Attachment "A," Part V	The facility failed to measure, sample, and analyze the exhaust emissions of the stack that serves as the air pollution control system as no analytical results were submitted to DTSC for two years.	Moderate	Failure to measure the exhaust emissions as required could result to an increased potential for harm due to a lack of verification that the air pollution control system was operating effectively and efficiently.	Major	Page 14 of the HWFP states that the permittee shall measure, sample and analyze the exhaust emissions "initially within one year of effective date of this permit at least once every two years thereafter." The facility did not provide any report documenting the required stack emission testing. The function of the requirement was rendered ineffective.	20	No	n/a	0	20.00
Provisional Inspection Violation Score:													22.00

Violation Scoring Matrix

Facility Name:		P KAY METAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		10/31/2009		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		2448 E 25TH STREET, LOS ANGELES, CA 90058		Number of Inspections:		8		Permit Expiration Date:		10/31/2019			
EPA ID:		CAL000024110		Total Number of Violations Scored:		10		Date VSP Completed:		6/27/2019			
Inspection Date:	4/30/2013 CEI & 5/28/2013 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Class II Violations:	1	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility and/or a failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a), 22 CCR 66270.30(a), and HWFP, Series B, Part V -Special Conditions #2 and #5	The facility stored HW in an unauthorized location when it stored two 55 gallon containers of HW range lead powder inside a trailer, which was not authorized for storage by DTSC.	Minimal	Two 55-gallon drums of range lead powder/debris were stored in closed containers in a box trailer, an unauthorized HW storage area. Minimal potential for harm assigned due to the volume and characteristics of the wastestream (lead range powder in closed containers).	Minimal	No other buckets, drums, or containers of HW stored onsite were cited in violation. The requirement functioned nearly as intended, but not as well as if all provisions had been met.	2	No	n/a	0	2.00
	2	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	22 CCR 66264.76	The facility accepted two 55 gallon containers of HW range lead powder from an offsite source without a manifest.	Minimal	Two 55-gallon drums of range lead powder with debris were accepted by the facility without a manifest. Minimal potential for harm assigned due to the volume and characteristics of the wastestream (lead range powder in closed containers).	Minimal	The requirement functioned nearly as intended as no other HW were cited for not being accompanied by a HW manifest.	2	No	n/a	0	2.00
Provisional Inspection Violation Score:												4.00	
Inspection Date:	10/16/2014	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:												0.00	

Violation Scoring Matrix

Facility Name:		P KAY METAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		10/31/2009		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		2448 E 25TH STREET, LOS ANGELES, CA 90058		Number of Inspections:		8		Permit Expiration Date:		10/31/2019			
EPA ID:		CAL000024110		Total Number of Violations Scored:		10		Date VSP Completed:		6/27/2019			
Inspection Date:	10/28/2016 CEI & 3/7/2017 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Class II Violations:	1	The deviation from the requirement was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation and/or to assure that HW are destined for and delivered to an authorized HW facility.	HSC 25201	The facility stored HW in an unauthorized location by storing six 330 gallon totes in the parking lot near HW Storage Area HWS-C, which was not authorized for storage by DTSC.	Moderate	Up to 1,980 gallons of "lead dross, water from fire" HW was cited in violation. Lead is a neurotoxin and causes developmental delays in children. Moderate potential for harm was assigned due to the volume and wastestream in violation.	Moderate	The facility stored six 330 gallon totes in the parking lot near HW Storage Area HWS-C, and this area was not authorized by the HWFP for storage of HW. No other buckets, drums, or containers of HW stored onsite were cited in violation. The requirement functioned to some extent, although not all of its important provisions were complied with.	15	Yes	4/30/2014	25	18.75
Provisional Inspection Violation Score:													18.75
Inspection Date:	11/26/2018 CEI & 12/5/2018 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00

Violation Scoring Matrix

Facility Name: P KAY METAL INC	10 Year Date Range: 2009-2018	Permit Effective Date: 10/31/2009	Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address: 2448 E 25TH STREET, LOS ANGELES, CA 90058	Number of Inspections: 8	Permit Expiration Date: 10/31/2019	
EPA ID: CAL000024110	Total Number of Violations Scored: 10	Date VSP Completed: 6/27/2019	

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	4	FCI	3/25/2009	85.00
2	1	CEI & FRR	1/27/2010 CEI & 2/4/2010 FRR	6.00
3	0	CEI & FRR	3/30/2011 CEI & 7/8/2011 FRR	0.00
4	2	CEI & FRR	1/17/2012 CEI & 6/11/2012 FRR	22.00
5	2	CEI & FRR	4/30/2013 CEI & 5/28/2013 FRR	4.00
6	0	CEI	10/16/2014	0.00
7	1	CEI & FRR	10/28/2016 CEI & 3/7/2017 FRR	18.75
8	0	CEI & FRR	11/26/2018 CEI & 12/5/2018 FRR	0.00
Sum of Provisional Inspection Violation Scores				135.75
*FACILITY VSP SCORE				16.97

*FACILITY VSP SCORE = Sum of Provisional Inspection Violation Scores/Total Number of Inspections conducted in 10 year (calendar) timeframe

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| CCR = California Code of Regulations
CDI = Case Development Inspection
CEI = Compliance Evaluation Inspection
CI = Complaint Investigation
DTSC = Department of Toxic Substances Control
EPA ID = Environmental Protection Agency Identification
FCI = Focused Compliance Inspection
FRR = Financial Records Review
FSD = Facility Self Disclosure
FUJ = Follow-Up Inspection
GAR = Groundwater Audit Report | GME = Groundwater Monitoring Evaluation
HSC = Health and Safety Code
HW = Hazardous Waste
HWFP = Hazardous Waste Facility Permit
n/a = Not Applicable
NFRR = Non-Financial Record Review
RCRA = Resource Conservation and Recovery Act
SOV = Summary of Violations
VSP = Violations Scoring Procedure |
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PROOF OF SERVICE

1. I served the NOTICE OF PROVISIONAL INSPECTION VIOLATION SCORES, 2019 FACILITY VIOLATION SCORING PROCEDURE SCORE, AND 2019 COMPLIANCE TIER ASSIGNMENT on Larry Kay, P Kay Metal Inc., EPA ID Number CAL000024110.
2. I served Larry Kay, P Kay Metal Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9828-0078, return receipt requested, in a sealed envelope addressed to:

Mr. Larry Kay
P Kay Metal Inc.
2448 East 25th Street
Los Angeles, California 90058

3. My name, business address, and telephone number are:

Alan Korematsu
Department of Toxic Substances Control
HWMP, 11th Floor
1001 I Street
Sacramento, California 95812-0806
(916) 323-3706

I declare under penalty of perjury that the foregoing is true and correct and that this declaration of Proof of Service is executed on October 4, 2019 at Sacramento, California.



(Signature)