

February 11, 2022

Uwe Lubjuhn
CEMEX, Inc.
P.O. Box 529
Lyons, CO 80540

RE: Lyons Quarry, Permit No. M-1977-208, Notice of Citizen Complaint

Mr. Lubjuhn:

On February 8, 2022, the Division of Reclamation, Mining and Safety (Division) received a citizen complaint describing a fugitive dust event that occurred at the Lyons Quarry on January 31, 2022. A copy of the complaint is enclosed for your records.

The Division is reviewing the permit and will contact you if it is determined that an inspection is warranted.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Encl: Complaint from Richard Cargill, received on February 8, 2022

Cc: Scott Harcus, CEMEX, Inc.
Cita Cisse, CEMEX, Inc.
Richard Cargill, complainant
Michael Cunningham, DRMS



STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Dust complaint, January 31, 2021

RCargill@aol.com <rcargill@aol.com>

Tue, Feb 8, 2022 at 3:13 PM

Reply-To: "RCargill@aol.com" <rcargill@aol.com>

To: "ghoefler@bouldercounty.org" <ghoefler@bouldercounty.org>, "David.huber@state.co.us" <David.huber@state.co.us>, "Amy.eschberger@state.co.us" <Amy.eschberger@state.co.us>

Cc: "jmalinowski@bouldercounty.org" <jmalinowski@bouldercounty.org>, "dcase@bouldercounty.org" <dcase@bouldercounty.org>

Dear Inspectors,

Community members are filing this **air pollution complaint** with you regarding a **January 31, 2021** dust event at Cemex-Lyons. Cemex was notified via phone at the time of the incident. Four residents photographed the incident; three of their photos are attached, and the remainder will be emailed under separate cover.

The dust on January 31 appeared to originate near the CKD disposal site, stock piled materials site, and vicinity of the A-Frame structure. Wind speed was approximately 15-20mph when swirls of dust were first noticed in an area south of the stocked piled materials. As the wind became blustery, the plume became horrific, and the plant's buildings were obscured by the plume.

Portland cement product contains **crystalline silica** and the product bears a disclaimer on the packaging that breathing the dust may cause lung disease or cancer. Is there a **public safety concern** associated with this January 31 incident?

Will Cemex-Lyons' Title V Operating Permit be up for review this year? Community members may be counted on to advocate for actions that increase the plant's housekeeping activities, decrease its CO2 emissions, and require air quality management programs for clean and healthy air.

Please share the results of your investigation with us.

Sincerely,

Richard Cargill

cc: community members.

3 attachments



20220131_145959.jpg
927K



20220131_150002.jpg
928K

cemex dust 1 31 22 1 final final final.jpg
53K











STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Fwd: Cemex violation 1/31/2022

RCargill@aol.com <rcargill@aol.com>

Tue, Feb 8, 2022 at 3:56 PM

Reply-To: "RCargill@aol.com" <rcargill@aol.com>

To: "ghoefler@bouldercounty.org" <ghoefler@bouldercounty.org>, "David.huber@state.co.us" <David.huber@state.co.us>, "Amy.eschberger@state.co.us" <Amy.eschberger@state.co.us>

fyi

-----Original Message-----

From: Mars Mcclung <marsredeemer@gmail.com>

To: RCargill@aol.com <rcargill@aol.com>

Sent: Mon, Jan 31, 2022 3:13 pm

Subject: Cemex violation 1/31/2022

3 attachments



20220131_150002.jpg
928K



20220131_145959.jpg
927K



20220131_145823.jpg
1286K









STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Fwd: Today Cemex plant

2 messages

RCargill@aol.com <rcargill@aol.com>

Tue, Feb 8, 2022 at 3:58 PM

Reply-To: "RCargill@aol.com" <rcargill@aol.com>

To: "ghoefler@co.boulder.co.us" <ghoefler@co.boulder.co.us>, "David.huber@state.co.us" <David.huber@state.co.us>, "Amy.eschberger@state.co.us" <Amy.eschberger@state.co.us>

fyi

-----Original Message-----

From: Lisa Rollo <lisarollomsp@gmail.com>

To: rcargill@aol.com

Sent: Mon, Jan 31, 2022 3:01 pm

Subject: Today Cemex plant

Hello Richard

I thought maybe a fire was happening-

But, I believe this is Cemex letting out dust!

I shot this photo for you-

Hoping you and Barbra are well

Lisa Rollo

Sent from Lisa's iPhone. Have a great day!



IMG_3255.jpg
2015K

Hoefler, Gabi <ghoefler@bouldercounty.org>

Tue, Feb 8, 2022 at 4:05 PM

To: "RCargill@aol.com" <rcargill@aol.com>, "David.huber@state.co.us" <David.huber@state.co.us>,

"Amy.eschberger@state.co.us" <Amy.eschberger@state.co.us>

Hi Richard,

What time was the picture taken today?

Gabi

[Quoted text hidden]





STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Fwd: cemex dust event pics 1 31 22

1 message

RCargill@aol.com <rcargill@aol.com>

Tue, Feb 8, 2022 at 3:49 PM

Reply-To: "RCargill@aol.com" <rcargill@aol.com>

To: "ghoefler@co.boulder.co.us" <ghoefler@co.boulder.co.us>, "David.huber@state.co.us" <David.huber@state.co.us>, "Amy.eschberger@state.co.us" <Amy.eschberger@state.co.us>

-----Original Message-----

From: M Dobbs <whitedovefarm@gmail.com>

To: richardcargill@aol.com; RCargill@aol.com <rcargill@aol.com>

Sent: Tue, Feb 1, 2022 12:50 pm

Subject: cemex dust event pics 1 31 22

Here are some of the pics

L

4 attachments



cemex dust 1 31 22 1 final final final.jpg
53K



cemex dust 1 31 22 1 final final.jpg
53K



cemex sust 1 31 22 3 copy 2.jpg
22K

cemex dust 1 31 22 4.jpg
86K







Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Fwd: 2:55 pm dust event

1 message

RCargill@aol.com <rcargill@aol.com>

Reply-To: "RCargill@aol.com" <rcargill@aol.com>

To: "ghoefler@bouldercounty.org" <ghoefler@bouldercounty.org>, "David.huber@state.co.us" <David.huber@state.co.us>, "Amy.eschberger@state.co.us" <Amy.eschberger@state.co.us>

-----Original Message-----

From: Kristin Powell <pioneerfamilyllc@gmail.com>

To: bhayes@bouldercounty.com; rcargill@aol.com

Sent: Mon, Jan 31, 2022 3:30 pm

Subject: Fwd: 2:55 pm dust event

Thank you for taking my call this afternoon. Here are the photos from the dust event at CEMEX at 2:55PM today. I took two photos from the east looking northwest and two from the west coming off of the piles which are uncovered, as well as from baghouse dust material in the plant itself. Thank you for the followup. You can reach me at 9870-218-4683.

Sincerely,
Kristin Powell

----- Forwarded message -----

From: **Kristin Powell** <kpowell@fcgov.com>

Date: Mon, Jan 31, 2022 at 3:16 PM

Subject: Fwd: 2:55 pm dust event

To: pioneerfamilyllc@gmail.com <pioneerfamilyllc@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: Kristin Powell <kpowell@fcgov.com>**Date:** January 31, 2022 at 3:15:29 PM MST**To:** Kristin Powell <kpowell@fcgov.com>**Subject:** 2:55 pm dust event

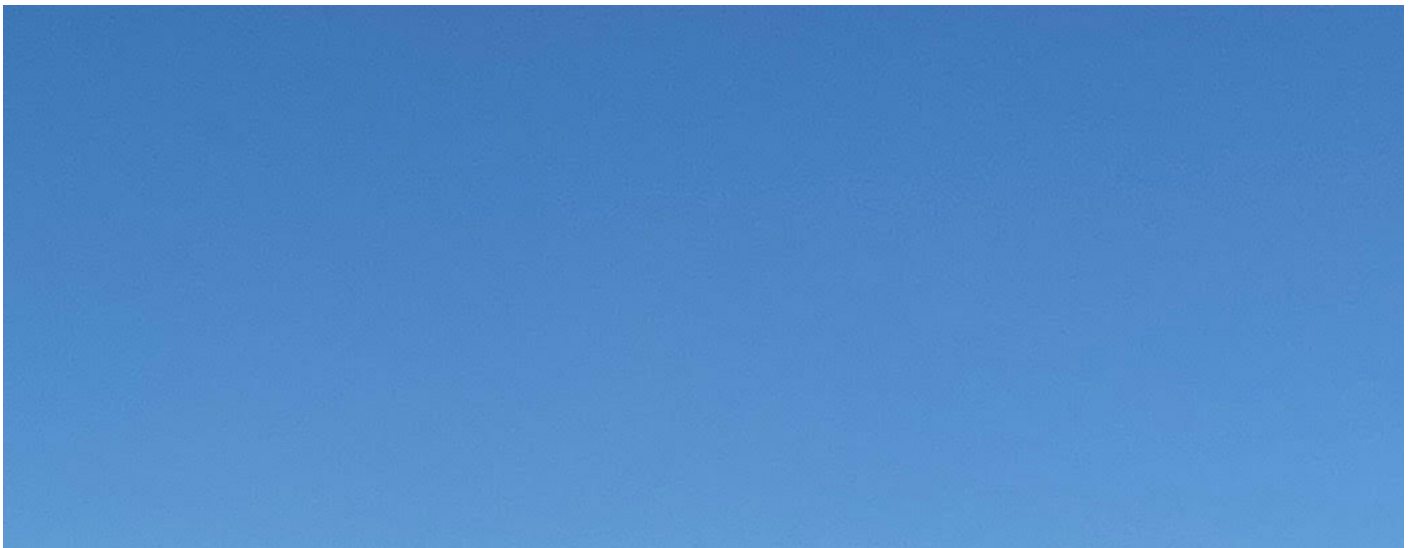
CEMEX













2/11/22, 4:04 PM

State.co.us Executive Branch Mail - Fwd: 2:55 pm dust event



Sent from my iPhone







