



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

January 10, 2023

Mr. Scott Harcus
CEMEX, Inc.
P.O. Box 529
Lyons, CO 80540

RE: **Notice of Citizen Complaint, CT-3, Lyons Quarry; Permit File No. M-1977-208;**

Dear Mr. Harcus,

The Division of Reclamation, Mining and Safety (Division/DRMS) received a complaint against the above referenced operation on January 9, 2023. A copy of the complaint letter and associated documentation has been enclosed for your records. Please respond to the items contained within the attached complaint no later than February 8, 2023. The Division is currently reviewing the complaint and the permit and will contact you if it is determined that an inspection is warranted.

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,

Patrick Lennberg
Environmental Protection Specialist

Enclosure: Complaint CT-3

cc: Jared Ebert, Division

ec: Scott Harcus, CEMEX, Inc., scotta.harcus@cemex.com



Enclosure

DRMS Complaint Intake Tool

By Submitting this form you are requesting an investigation of compliance with DRMS rules.



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DRMS Internal Information

Select Permit Type *

Minerals

Permit No List *

M1977208

Date of Complaint

01/09/2023

COMPLAINANT INFORMATION

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☐ Yes ☒ No

Connection to Incident *

Select all that apply

- ☐ Land Owner
☒ Nearby Resident
☐ Other

- ☐ Mineral Owner
☐ Observed Incident

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

CEMEX Lyons: 5134 Ute Hwy, Longmont, CO 80503

Lyons Quarry Permit M1977208

Incident County *

Boulder County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|---|--|
| <input checked="" type="checkbox"/> Illegal Mining | <input type="checkbox"/> Dust |
| <input type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input type="checkbox"/> Surface Water Impact / Stormwater Management | <input type="checkbox"/> Property Damage |
| <input type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input type="checkbox"/> Signs and Markers | <input type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input type="checkbox"/> Topsoil |
| <input type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input type="checkbox"/> Reclamation Plan Compliance | <input checked="" type="checkbox"/> Other New Activity Requires an Amendment |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

I am writing in regard to the Lyons Quarry Permit M1977208.

- With the closure of CEMEX's Dowe Flats mine on September 30, 2022, CEMEX has begun trucking in raw material from multiple distant locations, more than doubling their previous truck traffic. We have observed approximately 10 trucks per hour on US-36, and have reports of similar new truck traffic on Highway 66.
- In DRMS parlance, this is an alteration, as it changes the plant from a connected "Mining Operation" to a "Custom Mill".
- DRMS has previously indicated that the mining activities still occurring at the Lyons Quarry is the processing of material mined from the Dowe Flats Mine, and if mining at the Dowe Flats Mine were to cease (which it has), that would have implications on the Lyons Quarry permit. Any changes to the previously approved plan, such as changing the primary source location of their raw materials, would need to be reviewed by DRMS through the appropriate revision submission.
- DRMS also indicated that should CEMEX want to propose leaving the cement plant operations in place, this would need to be submitted to DRMS in the form of an Amendment application (to change the post-mining land use to industrial/commercial). Of course, CEMEX would need to demonstrate this proposal is compliant with local land use and zoning requirements.

I believe that the recent closure of the Dowe Flats mine, and CEMEX's decision to continue operating the plant by trucking in raw materials means that CEMEX must request an amendments to Lyons Quarry Permit M1977208, or at a minimum, file for a Technical Revision. To the best of my knowledge, neither of these have been done, and I am requesting an investigation and follow up from DRMS.

Thank you very much for your time and attention. I look forward to hearing from you soon.

Sincerely,
Sarah Lorang

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.

CEMEX Lyons

If known, please provide the Permit or NOI Number (ie M-1970-111 or P-1970-111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

M1977208

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☐ Yes ☒ No

ADDITIONAL INFORMATION



Are there supporting photos, maps, or documents you wish to upload? *

☒ Yes ☐ No

[View Attachments in WebLink](#)

Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☒ Phone ☒ E-mail ☒ US Mail

CEMEX Lyons:

Increased Trucking

Stopped Adjacent Mining at Dowe Flats on 9/30/22; CEMEX Is Now Trucking in 100% of Their Raw Materials

- Change occurred **Oct 2022**; **alteration/enlargement** from the **baseline use**.
- At least **2X increase** in large truck traffic on HWY 66 and HWY 36.
- **New truck routes** through City of Boulder (**10+ trucks per hour**)

Picking Up Materials at ARCOSA (South of Boulder)



Trucking through City of Boulder (28th St → US-36)



Trucks Dumping Shale at Site



Some Public Comments on New Truck Traffic



Lyons Happenings



Kevin Braly

January 5 at 3:14 PM · 🌐

Boulder County and some people of Lyons have sure out smarted themselves this time. Instead of letting CEMEX run material through the tube for 15 more years, And then tear down the plant and Leave Town for good. You denied their More than fair request. Now, we get upwards of 50 semis a day hauling into the plant, causing Dust, as you can see, and Dangerous traffic conditions, As you can see 3 trucks turning in and out of the plant in this picture. And CEMEX is allowed to operate like this Indefinatly, Forever.. Real Smart Thinking, You really put the screws to them..



Kevin Braly Author

I counted 14 of the Red JFW trucks on 66 between CEMEX and I-25, that doesn't count the ones that take hwy 36 through Boulder. You figure CEMEX needs 1500-2500 Tons per day to operate, thats roughly 50-85 trucks PER DAY added to Hwy 66 & 36..

John D Glenn

I've seen a lot of dusty trucks recently... a white cloud from cemex to Longmont.

Patty Ayala

I love it! We told them this would happen, but they wouldn't listen.

David Gouge

... all of this was predictable from the outset... not to mention the price increases in cement due to the added costs associated with this trucking operation.... something for the locals and others worried about the high cost of housing to ponder.

Jonathan Wilson

My guess is whoever made the decisions won't see any trucks

Tony Pfarr

Plus all the Air Pollution the Rigs are putting out, beyond stupid, made everything worse for everyone, can't wait for summer traffic!!!