

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., <a href="mailto:scotta.harcus@cemex.com">scotta.harcus@cemex.com</a>





### DRMS Complaint Intake Tool



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

DRMS Internal Information		
Select Permit Type * Minerals		
<b>Permit No List *</b> M1977208		
Date of Complaint 01/09/2023		
COMPLAINANT INFORMATION	<u>^</u>	
*Indicates a Required Field		
Do you wish to remain anonymous? *		
○ Yes ● No		
Connection to Incident * Select all that apply		
☐ Land Owner	☐ Mineral Owner	
✓ Nearby Resident	☐ Observed Incident	
Other		
<b>DESCRIPTION OF COMPLAINT</b> (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	
✓ Illegal Mining	□ Dust
Ground Water / Water Well Impact	☐ Acid or Toxic Materials/Spills
Surface Water Impact / Stormwater Management	☐ Property Damage
☐ Mine Plan Compliance	☐ Waste Management / Dumping
Signs and Markers	Overburden / Development Waste
☐ Financial Warranty	Backfilling and Grading
Processing Waste / Tailings	☐ Processing Facilities
Fish / Wildlife	☐ Erosion / Sedimentation
Off-Site Damage	Roads
Explosives / Blasting	☐ Topsoil
Revegetation	Weeds
Reclamation Plan Compliance	<ul> <li>✓ Other New Activity Requires an Amendment</li> </ul>
- Residination Flam Compilation	Town Notivity Requires an American
Detailed description of the issue(s) $*$ $(?)$	
Please provide as much detail as possible. It is important to na	rrow down the issue(s).
I am writing in regard to the Lyons Quarry Permit M19772	08.
- With the closure of CEMEX's Dowe Flats mine on Septematerial from multiple distant locations, more than doublin approximately 10 trucks per hour on US-36, and have republic line DRMS parlance, this is an alteration, as it changes the "Custom Mill".  - DRMS has previously indicated that the mining activities of material mined from the Dowe Flats Mine, and if mining that would have implications on the Lyons Quarry permit. A changing the primary source location of their raw materials appropriate revision submission.  - DRMS also indicated that should CEMEX want to propose would need to be submitted to DRMS in the form of an Amuse to industrial/commercial). Of course, CEMEX would need to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS in the form of an Amuse to industrial propose would need to be submitted to DRMS i	g their previous truck traffic. We have observed orts of similar new truck traffic on Highway 66. e plant from a connected "Mining Operation" to a still occurring at the Lyons Quarry is the processing at the Dowe Flats Mine were to cease (which it has), Any changes to the previously approved plan, such as so, would need to be reviewed by DRMS through the see leaving the cement plant operations in place, this mendment application (to change the post-mining land eed to demonstrate this proposal is compliant with and CEMEX's decision to continue operating the plant usest an amendments to Lyons Quarry Permit. To the best of my knowledge, neither of these have we up from DRMS.
Sincerely, Sarah Lorang	
Have you contacted the operator or party conduc	ting the operation? If yes, please provide details. $^{f *}$
○ Yes ● No	
If known, please provide the name of the operate CEMEX Lyons	or or party conducting the operation.
If known, please provide the Permit or NOI Num	ber (ie M-1970-111 or P-1970-111).
Must be entered in the following format: M1970111 or P19701:	
M1977208	( 222.100 0.101100)
Have you contacted any other agencies or local g please provide details. *	overnments related to this issue or issues? If so,
○ 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

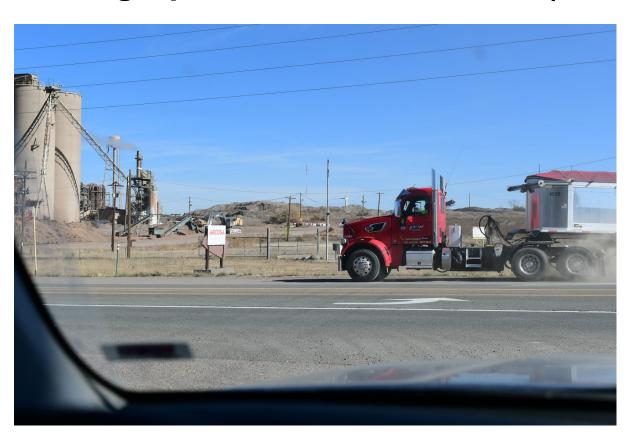
# **CEMEX Lyons:**

**Increased Trucking** 

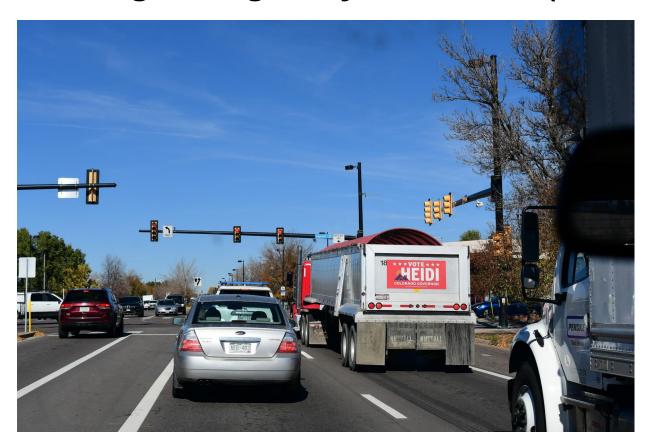
# Stopped Adjacent Mining at Dowe Flats on 9/30/22; CEMEX Is Now Trucking in 100% of Their Raw Materials

- 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!!!