



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

January 12, 2023

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

**RE: Notice of Citizen Complaint, CT-4, 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 11, 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 10, 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](mailto:patrick.lennberg@state.co.us).

Sincerely,

Patrick Lennberg  
Environmental Protection Specialist

Enclosure: Complaint CT-4

cc: Jared Ebert, Division

ec: Scott Harcus, CEMEX, Inc., [scotta.harcus@cemex.com](mailto:scotta.harcus@cemex.com)



## 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**

01/11/2023

### 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.

5134 Ute Hwy, Longmont, CO 80503

40.20121528409591, -105.2364380592121

**Incident County \***

Boulder County

**Is this an ongoing issue(s)?**

☒ Yes ☐ No

**Nature of Complaint \***

Select all that apply

- |   |  |
|---|--|
| <input type="checkbox"/> Illegal Mining                               | <input checked="" 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 checked="" type="checkbox"/> Property Damage                |
| <input type="checkbox"/> Mine Plan Compliance                         | <input type="checkbox"/> Waste Management / Dumping                |
| <input type="checkbox"/> Signs and Markers                            | <input checked="" type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty                           | <input type="checkbox"/> Backfilling and Grading                   |
| <input checked="" type="checkbox"/> Processing Waste / Tailings       | <input type="checkbox"/> Processing Facilities                     |
| <input type="checkbox"/> Fish / Wildlife                              | <input type="checkbox"/> Erosion / Sedimentation                   |
| <input checked="" 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 type="checkbox"/> Other <input type="text"/>                |

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

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

The CEMEX Lyons facility located at 5134 Ute Hwy, Longmont, CO 80503 consistently omits large amounts of dust (potentially toxic CKD) which blows to the surrounding areas. I have personally documented well over a dozen very large events in the past year by happenstance, who knows how much worse it actually is as there is no 24/7 surveillance. This is an extremely egregious public health violation and CEMEX needs to be held accountable for their negligence.

Beginning in December of last year, I began documenting on the SOSVV website here:  
<https://www.sosvv.org/cemex-fugitive-dust-events>

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

☒ Yes ☐ No

**Details**

I have filed many complaints with CDPHE and their investigation is ongoing.

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

**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

**Details**

CDPHE, Boulder County Planning, Boulder County Commissioners

**ADDITIONAL INFORMATION**

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

☐ Yes ☒ No

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

Select all that apply

☒ Phone ☒ E-mail ☐ US Mail