



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-5, 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 provide the Division a Reclamation Cost Estimate pursuant to Rule 6.4.12 with sufficient detail for the Division to calculate the cost of reclamation of the site that would be incurred by the state. **The decision date for your response is set for March 13, 2023.** The Division is currently reviewing other aspects of the complaint along with a review of 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-5

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.



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

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.

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 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 checked="" type="checkbox"/> Reclamation Plan Compliance | <input checked="" type="checkbox"/> Other Inadequate Surety Bond; Process for Change to Reclamation Plan Not Followed |

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 regarding the Lyons Quarry Permit M1977208.

The current Reclamation Plan for Cemex Lyons includes a surety bond of approximately \$8.9MM, which is based on estimates from nearly 20 years ago. DRMS has previously indicated that this bond amount is likely inadequate in present day dollars and needs to be reassessed. Semi-related, the Reclamation Plan also now calls for the burial of concrete rubble and the onsite disposal of various materials, which is a significant modification to the Reclamation Plan and was approved via a Technical Revision in the 2001/2002 timeframe without an Amendment and the corresponding public notice process.

In light of the above, specifically the modification to the Reclamation Plan without public comment and notice and the inadequacy of the surety bond, I believe that an Amendment process for the Lyons Quarry Permit M1977208 that includes a public notice process is warranted. The surety bond amount must also be increased to cover the current cost of reclamation as a figure not updated over the past 20 years, is surely inadequate. Given Cemex's poor performance in the stock market, and a current liquidity ratio of only 0.87 based on the three months ending September 30, 2022, I have serious concerns about their ability to pay for proper reclamation of their Lyons property, as a ratio of less than 1 typically means that a company is facing negative working capital, and may be experiencing a liquidity crisis.

I am requesting an investigation and follow up from DRMS. Thank you 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

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

Select all that apply

☒ Phone ☒ E-mail ☒ US Mail