



February 8, 2023

VIA E-MAIL

Patrick Lennberg
Environmental Protection Specialist
Colorado Department of Natural Resources
Division of Reclamation, Mining and Safety
patrick.lennberg@state.co.us

RE: Response to Citizen Complaint, CT-3, Lyons Quarry; Permit File No. M-1977-208

Dear Patrick Lennberg:

We acknowledge receipt of your Notice of the referenced Citizen Complaint, CT-3, dated January 10, 2023, and would like to respond to the complainant's assertions.

Complainant Issue 1: Increase of truck traffic at the Lyons Quarry constitutes an alteration, changing "the plant from a connected 'Mining Operation' to a 'Custom Mill.'"

RESPONSE: The term "Custom Mill" does not appear in DRMS regulations. Throughout the life of the Lyons Quarry, raw materials have been trucked to the cement plant to greater and lesser degrees, therefore no "alteration" has occurred to the plant operations that would implicate any change to DRMS Permit M-1977-208.

Complainant Issue 2: DRMS indicated that CEMEX would need to submit a permit amendment or revisions if Dowe Flats closed.

RESPONSE: Complainant is referring to DRMS' written response to questions submitted by the Boulder County Planning Commission Staff during the 2022 public hearings for the extension of the Dowe Flats Special Use Permit. In one of its responses (see screen shot below), DRMS stated that if only the source of the raw material for the cement plant changed after the closure of Dowe Flats, DRMS could address the change via a Technical Revision and would not require an amendment to DRMS Permit M-1977-208. DRMS did not require CEMEX to file a Technical Revision to DRMS Permit M-1977-208 when Dowe Flats was opened, which changed the source of the limestone and shale for the plant, and we do not see any requirement in DRMS regulations that would necessitate such a filing. CEMEX wants to ensure that DRMS has the information on Lyons Quarry operations that it requires, however, and would be willing to discuss with DRMS the sources of the raw materials that the cement plant is utilizing currently.

Please let us know if you require any additional information, documentation, or discussion for this response.

Sincerely,

CEMEX

By: _____
Scott Marcus
Environmental Manager
Lyons Cement Plant

From Boulder County Planning Commission Meeting Recording, September 1, 2022, 13:53:21

Correspondence from DRMS



1. If mining operations at the Dowe Flats Quarry (DRMS Permit M-1993-041) ceased, would the CEMEX cement plant (DRMS Permit M-1977-208) be required to shut down?

The Lyons Quarry DRMS permit (M-1977-208) would not need to be terminated if the mining operations at the Dowe Flats Mine (M-1993-041) ended.

2. If mining operations at the Dowe Flats Quarry (DRMS Permit M-1993-041) ceased, and CEMEX continued to operate the cement plant by sourcing materials from elsewhere by truck/rail, would CEMEX be required to amend the permit for the Lyons Quarry and the cement plant (DRMS Permit M-1977-208)?

The permit can be revised through submission of a Technical Revision or Amendment application, depending on what the Operator proposes. A proposed change in post-mining land use (e.g., from pasture to industrial/commercial - to leave the plant for final reclamation), a significant change to the reclamation plan, and/or any increase in affected land must be reviewed through the Amendment process which includes a public comment process.

A change in source material only for the plant without a change in the post mine land use, significant change in the reclamation plan, and/or an increase in affected land could be processed by DRMS as a Technical Revision which does not require a public comment process.