



Notice of Formal Complaint, CT-4, Lyons Quarry, M1977-208

Scott A Harcus <scotta.harcus@cemex.com>

Thu, Feb 9, 2023 at 6:16 PM

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>

Cc: Maribel B Aguilos <maribelb.aguilos@cemex.com>, Cita Cisse <cita.cisse@cemex.com>, Erik Estrada <erik.estrada@cemex.com>, Lillian F Deprimo <lillianf.deprimo@cemex.com>, Sandra P Velasco <sandrap.velasco@cemex.com>

Hello Patrick,

Please find CEMEX's response to the Notice of Formal Complaint, CT-4 at Lyons Quarry.

A hard copy will not be mailed unless specifically requested.

Let me know if you have any questions.

Regards,

Scott



Scott A. Harcus

Lyons Cement Plant

Environmental Manager

Office : +1(303)823-2124

Mobile: +1(614)306-8838

Address: [5134 Ute Highway, Longmont, CO 80503](#)

From: Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

Sent: Thursday, January 12, 2023 3:27 PM

To: Scott A Harcus <scotta.harcus@cemex.com>; Maribel B Aguilos <maribelb.aguilos@cemex.com>; Cita Cisse <cita.cisse@cemex.com>; Erik Estrada <erik.estrada@cemex.com>

Subject: Notice of Formal Complaint, CT-4, Lyons Quarry, M1977-208

CAUTION: External Email | PRECAUCIÓN: Correo electrónico externo | VORSICHT: Externe E-Mail | ATTENTION: Courriel externe [Learn more](#)

[Quoted text hidden]

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DRMS - CX Response Letter - CT4 Filed 01-11-2023 - 02.09.23_signedSAH.pdf

386K



February 9, 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-4, Lyons Quarry; Permit File No. M-1977-208

Dear Patrick Lennberg:

We acknowledge receipt of your Notice of the referenced Citizen Complaint, CT-4, dated January 12, 2023, and would like to respond to the complainant's assertion that the Lyons Quarry "consistently omits [sic] large amounts of dust (potentially toxic CKD) which blows to the surrounding areas."

RESPONSE: The link that the complainant submitted evidencing the "consistent emissions of dust" contained four panoramic photos of four dusting events labeled January 8, 2022, December 19, 2022, and two events labeled December 21, 2022. CEMEX seeks to avoid and mitigate dusting events to the greatest extent possible, and is successful in preventing such events during the majority of its operations. CEMEX responded to the Colorado Department of Public Health & Environment, Air Pollution Control Division ("CDPHE"), and the Boulder County Public Health Department ("BCPHD") on January 31, 2023, as to the source and cause of the December events after the complainant also notified those departments of the events. A copy of the communication to CDPHE and BCPHD is attached to this letter. We are in the process of determining the causes and mitigation actions required for the January 8th event, which we assume should have been labeled "January 8, 2023." We will provide you with any follow up communication with CDPHE and BCPHD concerning those determinations.

In addition to CEMEX's own internal monitoring and root-cause analysis of any dusting events, DRMS inspected the CKD and materials stockpile areas at the Lyons Quarry on March 3, 2022, in response to a complaint filed with DRMS on February 8, 2022, for a dust event observed on January 31, 2022. After the inspection was completed, DRMS requested that CEMEX submit a Technical Revision with a revised CKD Handling Plan and Associated Dust Control Measures. CEMEX submitted Technical Revision #17 on June 30, 2022, which DRMS approved on November 3,

Patrick Lennberg
February 9, 2023
Page 2

2022. CEMEX continually refines and improves its material handling procedures, and ensures that all of its personnel are trained, and retrained as necessary, in their implementation.

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

Attachment



BoCo Health
Exchange.pdf

From: Scott A Harcus
Sent: Tuesday, January 31, 2023 3:44 PM
To: Gabi Hoefler (ghoefler@bouldercounty.org)
Cc: Dave Huber (david.huber@state.co.us); Michael Clausen; Erik Estrada
Subject: RE: [EXTERNAL] Multiple Fugitive Dust Events at CEMEX Lyons

Hi Gabi –

The amount of raw materials at the Lyons Plant has always varied over time. The plant constantly adjusts the position and shapes of the raw material piles to optimize logistical accessibility and traffic flow, and to keep the area safe.

Key components of Cemex's 2023 training campaign at Lyons, now underway, include material handling and dust prevention. The plant is constantly evaluating alternative control measures to improve our operation.

Regards,
Scott



Scott A. Harcus
Lyons Cement Plant
Environmental Manager
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Address: 5134 Ute Highway, Longmont, CO 80503

From: Hoefler, Gabi <ghoefler@bouldercounty.org>
Sent: Thursday, January 26, 2023 9:15 AM
To: Scott A Harcus <scotta.harcus@cemex.com>; Dave Huber (david.huber@state.co.us) <david.huber@state.co.us>
Cc: Michael Clausen <michael.clausen@cemex.com>; Erik Estrada <erik.estrada@cemex.com>
Subject: RE: [EXTERNAL] Multiple Fugitive Dust Events at CEMEX Lyons

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Scott,

Thank you for the response to the dust events witnesses. The last caller I spoke with indicated the stock pile area is much larger now and appears to be the source of many of the dust events. I'm guessing the plant is storing a larger amount of material on site now that Dowe Flats is no longer being mined? Has the plan considered additional control measure to address more activity on the plant side?

Gabi Hoefler
BCPH
303-441-1147

From: Scott A Harcus <scotta.harcus@cemex.com>
Sent: Wednesday, January 25, 2023 5:10 PM
To: Hoefler, Gabi <ghoefler@bouldercounty.org>; Dave Huber (david.huber@state.co.us) <david.huber@state.co.us>
Cc: Michael Clausen <michael.clausen@cemex.com>; Erik Estrada <erik.estrada@cemex.com>
Subject: RE: [EXTERNAL] Multiple Fugitive Dust Events at CEMEX Lyons

Hello Dave and Gabi –

Below are the details for the events of 12/19 and 12/21/2022:

12/19/2022

- At approximately 13:34 MST, a load of material was hauled to C-pit without a Water Truck escort. Personnel was retrained on the procedure. Operations is to dump only in designed dumping area(s).

12/21/2022

- From approximately 08:36 MST to 08:40 MST, fugitive dusting appears to have occurred for 4 minutes during routine resurfacing and stockpile management activities at the Raw Material Stockpile area at the south end of the plant. Water truck was utilized to wet down material and area before and during the activity. Personnel has been retrained on the procedures for such activities. High winds were increasing steadily in the region during this time.
- At approximately 10:58 MST, fugitive dusting appears to have coincided with front loader activity as the Limestone stockpile was being reshaped and pushed up into a smaller footprint. Water truck was utilized across the plant and specifically enlisted to wet down material/area before and during the activity. Personnel has been retrained on the procedures for such activities. Major wind event with gusts around 40 mph occurred during this time including sustained winds of 15-25 mph throughout the region from 10am-5pm.

These events have been documented in the Lyons Fugitive Dust Log.

Regards,
Scott



Scott A. Harcus
Lyons Cement Plant
Environmental Manager
Office : +1(303)823-2124
Mobile: +1(614)306-8838
Address: 5134 Ute Highway, Longmont, CO 80503

From: Huber - CDPHE, David <david.huber@state.co.us>
Sent: Monday, January 23, 2023 11:07 AM
To: Hoefler, Gabi <ghoefler@bouldercounty.org>
Cc: Scott A Harcus <scotta.harcus@cemex.com>; Michael Clausen <michael.clausen@cemex.com>; Erik Estrada <erik.estrada@cemex.com>
Subject: Re: [EXTERNAL] Multiple Fugitive Dust Events at CEMEX Lyons

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Scott,

Can you please respond to this inquiry.

Thanks,

Dave Huber

Environmental Protection Specialist

Compliance and Enforcement Program
Air Pollution Control Division
Colorado Department of Public Health & Environment



COLORADO
Air Pollution Control Division
Department of Public Health & Environment

P [303.692.3154](tel:303.692.3154) | C [720.584.0804](tel:720.584.0804) | F [303.782.0278](tel:303.782.0278)
4300 Cherry Creek Drive South, Denver, CO 80246
david.huber@state.co.us | www.colorado.gov/cdphe/apcd

On Mon, Jan 9, 2023 at 9:54 AM Hoefler, Gabi <ghoefler@bouldercounty.org> wrote:

Hi Scott,

I never received a response to the dust events detailed below. Please provide a response for the events that occurred from December 19-21st.

Thanks,

Gabi Hoefler

From: Hoefler, Gabi
Sent: Wednesday, December 21, 2022 12:09 PM
To: Scott A Harcus <scotta.harcus@cemex.com>; Michael Clausen <michael.clausen@cemex.com>; Erasmo Estrada Tovar <erik.estrada@cemex.com>
Cc: David Huber - CDPHE <david.huber@state.co.us>
Subject: FW: [EXTERNAL] Multiple Fugitive Dust Events at CEMEX Lyons
Importance: High

Scott,

We received the complaint below documenting multiple dust event in the last two days. While wind speeds have been high off and on, Cemex should be taking preventative measures to reduce these kind of events. Please provide a response documenting the reason for the 3 events and corrective action, as well as preventable measure that will be employed.

Gabi Hoefler

Boulder County Public Health

From: Wylie Hobbs <wylie@wyliehobbs.com>

Sent: Wednesday, December 21, 2022 11:47 AM

To: Hoefler, Gabi <ghoefler@bouldercounty.org>; david.huber@state.co.us; Case, Dale <dcase@bouldercounty.org>; cdphe.APCD@state.co.us; Boulder County Board of Commissioners <commissioners@bouldercounty.org>

Hello Inspectors Huber and Hoefler,

Just in time for Christmas, we've had a wild amount of large dust events at CEMEX Lyons. I am positive I did not capture the full extent of what has been happening, these events are certainly ramping up in frequency and damage.

I am documenting them starting on 12/19 on the SOSVV website and will work on backdating events as I can. You can now see a birds-eye view of the events here:

<https://www.sosvv.org/cemex-fugitive-dust-events>

There have been 3 major events I have captured since 12/19 but in general, the area has been emitting large amounts of dust quite consistently over the past several weeks (not always easy to capture from my location though):

[December 19th at 13:34 MT](#)

[December 21 at 08:36 MT](#)

[December 21 at 10:58 MT](#)

Please let me know if this is an acceptable method of reporting. Hope you have safe, happy and dust free holidays!

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